# TOWN OF CHEEKTOWAGA MEETING NO. 1 JANUARY 5, 2004

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5th of January 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 James J. Jankowiak Councilmember Thomas J. Mazur Councilmember Alice Magierski

ABSENT: C

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector and Christine Ziemba, Chief of Police.

## I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the Proposed Amendments to Chapter (Vehicle and Traffic) of the Town Code: Schedule X- Rossler Avenue in the Town of Cheektowaga. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said notice was as follows:



## NOTICE OF PUBLIC HEARING

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 January 5, 2004 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:

§235-46 SCHEDULE X: PARKING PROHIBITED IN DESINATED LOCATIONS, shall be amended thereto the following:

ROSSLER AVENUE: - West Side; from the south curb line of William Street to a point 120 feet southerly therefrom

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

Dated: December 15, 2003

MARY F. HOLTZ Town Clerk



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

Item No. 3 This being the time and place advertised for a public hearing to consider and discuss the Local Law Intro No. 2004-1: A Local Law Authorizing the Issuance of Appearance Tickets by Public Servants in the Town of Cheektowaga. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said notice was as follows:



NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 5<sup>th</sup> day of January, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss, and, if need be, act upon the following proposed Local Law:

Local Law Intro. No. 2004-1

A Local Law Authorizing the Issuance of Appearance Tickets
By Public Servants of the Town of Cheektowaga

This local law would authorize certain public servants of the Town of Cheektowaga to issue and serve appearance tickets with respect to violations of a state statute, a local law, ordinance, rule or regulation of the Town of Cheektowaga that such public servants are respectively required or authorized to enforce.

A complete copy of such local law is on file in the Town Clerk's Office at the Cheektowaga Town Hall, where same may be inspected during regular business hours.

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

Dated: December 15, 2003

MARY F. HOLTZ Town Clerk

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

# **II. RESOLUTIONS**

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

BE IT RESOLVED, that the following Vouchers and Warrants Submitted to the Town of Cheektowaga prior to January 2, 2004 are hereby approved and made a part hereof;

GENERAL FUND	\$	82,251.80
HUD HOUSING REHABILITATION	*	1,864.00
SPECIAL DISTRICTS FUND		14,947.82
HIGHWAY FUND		27,885.95
TRUST & AGENCY		649.35
HUD CDBG FUND		19,189.00
PART TOWN FUND		2,869.89
CAPITAL FUND		3,709.34
CALITALI GIVE	\$	153 367 15

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

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

2003

**GENERAL FUND** 

FROM: 100-7110-4162 Gas and Oil \$ 4,700.00

TO: 100-7110-4431 Equipment Repairs & Maint \$ 2,000.00 100-7110-4022 Park Supplies 300.00 100-7110-4451 Bldg. & Grounds Maint & Repair 2,400.00

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 6</u> Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

WHEREAS, on November 27, 2002, William R. Conway retired from the Town Assessor's Office after thirty-fours years of service, twelve of which were as Sole Assessor for the Town of Cheektowaga, AND

WHEREAS, by resolution dated January 6, 2003, this Town Board retain William R. Conway on a contract basis to perform duties of Sole Assessor for the Town of Cheektowaga for 2003, AND

WHEREAS, the Town desires to continue the retention of William R. Conway on a contract basis to perform duties as Sole Assessor of the Town, for the 2004 calendar year on a month-to-month basis until such time as the Town can appoint a Sole Assessor, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains the services of William R. Conway, New York on a contract basis to perform the duties of Sole Assessor in accordance with an agreement substantially the same as for 2003 with early termination language to be prepared by the Town Attorney.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 7a</u> Councilmember Mazur; Seconded by Councilmember Magierski

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2004 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, October, November and

December

January 20<sup>th</sup>

February 2nd and 23rd

July 19<sup>th</sup> August 16th

September 7th and 20th

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.

## Item No. 7a Cont'd.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 7b</u> Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2004 at 6:00 P.M. on:

February 18, 2004

Tuesdays preceding every other 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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 8a Motion by Councilmember Swiatek; Seconded by Councilmember Johnson

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2004:

New Year's Day	January 1, 2004	Thursday
Martin Luther King, Jr. Day	January 19, 2004	Monday
President's Day	February 16, 2004	Monday
Good Friday	April 9, 2004	Friday
Memorial Day	May 31, 2004	Monday
Independence Day	July 5, 2004	Monday
Labor Day	September 6, 2004	Monday
Columbus Day	October 11, 2004	Monday
Election Day	November 2, 2004	Tuesday
Veterans Day	November 11, 2004	Thursday
Thanksgiving Day	November 25, 2004	Thursday
Day After Thanksgiving	November 26, 2004	Friday
Christmas Eve	December 24, 2004	Friday
Christmas Day	December 25, 2004	Saturday

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

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

## Item No. 8b cont'd.

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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

BE IT 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), Evans National Bank 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), Evans National Bank 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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 10</u> Motion by Councilmember Jaworowicz; Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2004:

HSBC Bank (Cheektowaga Office)

Manufacturers and Traders Trust Company (Airport Plaza)
Key Bank (Appletree Business Park and Union Road)

Fleet Bank (Harlem Road Office)) Chase Bank, N.A. (Depew Office) Citibank (Cheektowaga Office)

Charter One Bank (Cheektowaga Office)

**Evans National Bank** 

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 11a</u> Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak Councilmember Johnson

BE IT RESOLVED, that William R. Pugh, proceedings of the process o

## Item No. 11a Cont'd.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 11b Motion by Supervisor Gabryszak; Seconded by Councilmember Swiatek

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January, 2004 to December 31, 2004:

Katherine Ferdinand,
Ruth A. Cassacci,
John Abraham,
Dennis Smith,
Thaddeus I. Marciniak,

New York 14227

, Cheektowaga, New York 14225

, Cheektowaga, New York 14225

, Cheektowaga, New York 14227

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is reappointed Bingo Inspector Chairman, effective January 1, 2004 for a term of one year:

Kenneth J. Jeffords, New York 14043

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the terms of Cheektowaga Traffic Safety Commission members Richard Zynda, Brendan Simon, Robert W. Boye, Sam Fassari and James Makowski expired on December 31, 2003, AND

WHEREAS, Richard Zynda, Brendan Simon, Robert W. Boye, Sam Fassari and James Makowski 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 as members of the Traffic Safety Commission, effective immediately and terminating on December 31, 2006:

Richard Zynda, , NY 14043
Brendan Simon, , NY 14043
Robert W. Boye, , Cheektowaga, NY 14225
Sam Fassari, , Cheektowaga, NY 14225

## Item No. 11d Cont'd.

James Makowski, Cheektowaga, NY 14227

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 11e</u> Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz 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 their terms expired on December 31, 2003, 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, 2004 and expiring on December 31, 2004:

Alexander Burke, . NY 14206 Victor Carlucci, NY 14043 Robert DelRoy, <u>, NY 140</u>43 Wesley Fuqua, Cheektowaga, NY 14225 J. Donald Griffin, ., Cheektowaga, NY 14225 Clair E. Johnson, , NY 14227 Donald LeBarron, Cheektowaga, NY 14225 Joseph Lipowski, , NY 14043 Sylvia Lipowski, , NY 14043 Joseph Porempski, NY 14227 Karen Porempski, , NY 14227 Earle Rosenthal, , Cheektowaga, NY 14225 Elaine Rosenthal, , Cheektowaga, NY 14425 George Ross, , NY 14212 Raymond Wolniewicz, Cheektowaga, NY 14225

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the term of Robert Brandon as Member of the Zoning Board of Appeals expired on December 31, 2003, AND

WHEREAS, Robert Brandon has submitted a letter to this Town Board requesting reappointment to this position, AND

WHEREAS, Robert Brandon has satisfactorily served on the Zoning Board of Appeals and merits reappointment to such position, NOW, THEREFORE, BE IT

RESOLVED, that Robert Brandon, and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2004 and terminating on December 31, 2008.

## Item No. 11f Cont'd.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 11g Motion by Councilmember Magierski; Seconded by Supervisor Gabryszak

WHEREAS, the term of Emil Lennert as Member of the Planning Board expired as of December 31, 2003, AND

WHEREAS, Emil Lennert has requested reappointment to such position, AND

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

RESOLVED, that Emil Lennert be and hereby is reappointed to the position of Member of the Planning Board, effective January 1, 2004 and terminating on December 31, 2010.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 11h Motion by Councilmember Jaworowicz; Seconded by Councilmember Magierski

WHEREAS, the term of Judith Mietlicki as Member of the Cheektowaga Public Library Board expired on December 31, 2003, AND

WHEREAS, Judith Mietlicki has requested reappointment to such position, AND

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

RESOLVED, that Judith Mietlicki be and hereby is reappointed to the position of Member of the Cheektowaga Public Library Board, effective January 1, 2004 and terminating on December 31, 2008.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the term of office of Registrar of Vital Statistics for the Town of Cheektowaga expired on December 31, 2003, AND

WHEREAS, pursuant to Section 4121 of the Public Health Law of the Sate of New York, a Town Clerk is eligible for appointment as a Registrar of her town, AND

WHEREAS, the Town Clerk of the Town of Cheektowaga has traditionally acted as the Registrar of Vital Statistics for the Town of Cheektowaga, and all such records are maintained in her office, NOW, THEREFORE, BE IT

RESOLVED, that Town Clerk Mary F. Holtz be and hereby is reappointed as the Registrar of Vital Statistics for the Town of Cheektowaga for a term expiring on December 31, 2007.

## Item No. 11i Cont'd.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 11i</u> Motion by Councilmember Jaworowicz; Seconded by Councilmember Johnson

WHEREAS, Section 11-c of the Domestic Relations Law of the State of New York authorizes town boards to appoint marriage officers who shall have the authority to solemnize marriages, AND

WHEREAS, the Cheektowaga Town Board appointed marriage officers pursuant to such law, AND

WHEREAS, there are times when the Town Judges are unable or unavailable to perform marriages, AND

WHEREAS, the terms of such marriage officers expired on December 31, 2003, and this Town Board wishes to continue the availability of the services of such marriage officers for the benefit of Town taxpayers, NOW, THEREFORE, BE IT

RESOLVED, that the following named individuals be and hereby are appointed marriage officers authorized to solemnize marriages within the territory of the Town of Cheektowaga when our Town Justices are unavailable:

Dennis H. Gabryszak Vickie L. Dankowski

effective immediately for a term expiring on December 31, 2007.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 12a</u> Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

WHEREAS, Ernest A. Holfoth and Holfoth Risk Management, Division of Aldrich & Cox, Inc., have provided risk management and general insurance consulting services to the Town of Cheektowaga since 1978, AND

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management and the Town expired on December 31, 2003, AND

WHEREAS, Holfoth Risk Management has submitted a proposed three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$33,600.00 for 2004 and 2005, and \$36,000 for 2006, AND

WHEREAS, such proposal has been reviewed and found to be acceptable to this Board, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid proposal from Holfoth Risk Management is hereby accepted and approved by this Town Board, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby s authorized and directed to execute an agreement with Holfoth Risk Management for risk management and general insurance consulting services for years 2004-2006 in accordance with the above.

## Item No. 12a Cont'd.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

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

- A. <u>Annual Audit</u> 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, 2003.
  - 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. <u>Consultative Services</u> 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. <u>Benefit Basis Budget Preparation</u> 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 2005 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.
- E. <u>Ad Valorem Budget Consultation</u> Will read the tentative 2005 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 100 hours).
- F. <u>Audit of Town Clerk, Tax Receiver and Town Justice Budgets</u>. Will compile financial statements for these departments on the cash basis of accounting.
- G. 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.
- H. Compilation of Detailed Budget Presentation Document.

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:

\$25,200.00	General Fund
\$22,865.00	Sanitary Sewer Dist.
\$34,825.00	Special Districts
\$10,585.00	Capital Projects fund
\$ 9.545.00	Various Federal Programs

#### Item No. 12b Cont'd.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 12c Motion by Councilmember Magierski; Seconded by Councilmember Mazur

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 2004 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, \$33,500.00, shall be appropriated from budget line item number 0100-1220-4957.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 13</u> 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, 2004 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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 14 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

WHEREAS, by resolution dated May 3, 1993, the Cheektowaga Town Board adopted an Investment Policy as the comprehensive investment policy of the Town of Cheektowaga, AND

WHEREAS, by subsequent resolutions, the Cheektowaga Town Board adopted amendments to such Investment Policy, AND

WHEREAS, periodically, this Town Board must readopt and reaffirm such Investment Policy as the Investment Policy of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the attached Investment Policy as the comprehensive investment policy of the Town of Cheektowaga, effective immediately.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

# <u>Item No. 15</u> Motion by Councilmember Swiatek; Seconded by Councilmember Magierski

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

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 William P. Rogowski, 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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

## Item No. 16 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

BE IT RESOLVED, 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, 2004:

\$17,000
\$ 6,402
\$ 6,114
\$ 5.019
\$ 3.397
\$ 4.300
\$ 5,425
\$ 4,005
\$16.955/hr.
\$ 1,896
\$ 1,526
\$13,250
\$14.00/hr.
\$16,000
\$7.107/hr.
\$ 2,000
\$ 4,300

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 17</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, the Town desires to retain Paul Leone as a Consultant to provide economic developmental counsel services to the Town; AND

WHEREAS, Mr. Leone has the requisite experience and knowledge necessary to assist the Town in its efforts to define projects eligible for economic development funding through various public and Industrial Developmental Agency sources and to assist the Town in obtaining said funding; NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby retains the services of Paul Leone, Cheektowaga, New York, 14227, to act as Consultant to provide economic developmental counsel services to 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 review and approval of same by the Town Attorney's Office.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 18</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, the Town wants to promote savings opportunities to its employees, AND

WHEREAS, National Bond & Trust Company offers the ability to purchase U.S. Savings Bonds through payroll deduction at no cost to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the application and agreement with National Bond & Trust Company for the payroll deduction program.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 19 Motion by Councilmember Swiatek; Seconded by Councilmember Magierski

WHEREAS, the Town is self insured for workers compensation risk, AND

WHEREAS, the Town is required to purchase excess workers' compensation and employers liability insurance, AND

WHEREAS, THE Town's insurance and risk managers from Holfoth Risk Management has solicited various quotes and alternatives for such policy for 2004, NOW, THEREFORE, BE IT

RESOLVED, that the Town follow the recommendation of Holfoth Risk Management to increase our retention limit to \$450,000 from our current retention of \$400,000 and accept the premium price from Safety National Company for our 2004 excess workers' compensation and employers liability insurance policy.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 20a Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz

WHEREAS, this Town Board held a public hearing on January 5, 2004 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:

§235-46. SCHEDULE X: PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

ROSSLER AVENUE - West side: from the south curb line of William Street to a point 120 feet southerly therefrom

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.

## Item No. 20a Cont'd.

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

Section 3. Territorial Application

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

Section 4. Publication

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

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

Item No. 20b Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz

WHEREAS, under various Town ordinances and local laws, appearance tickets must be served with respect to violations of same; presently, police officers of the Town are tasked with serving these appearance tickets, which takes time away from their other duties, AND

WHEREAS, because of other duties of the police officers, prompt service of these appearance tickets is not always possible; therefore, violations are allowed to continue for longer periods of time, AND

WHEREAS, State law authorizes town boards to enact local laws to authorize the service of appearance tickets by public servants of the Town other than police officers; AND

WHEREAS, this Town Board held a public hearing on January 5, 2004 to consider the advisability of enacting a local law to authorize public servants other than police officers of the Town to issue appearance tickets with respect to violations of various Town ordinances and local laws, AND

WHEREAS, at such public hearing, the public was given an opportunity to be heard and comment on such proposed local law, AND

WHEREAS, this Board feels it is in the public interest to adopt such local law,

NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 1 of the Year 2004, entitled "A Local Law Authorizing the Issuance of Appearance Tickets by Public Servants 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 2004 shall take effect immediately upon filing with the Secretary of State.



# A LOCAL LAW AUTHORIZING THE ISSUANCE OF APPEARANCE TICKETS BY PUBLIC SERVANTS OF THE TOWN OF CHEEKTOWAGA

Be it enacted by the Town Board of the Town of Cheektowaga

Section 1. Purpose.

The purpose of this chapter is to authorize public servants of the Town of Cheektowaga to issue and serve appearance tickets in connection with violations of state statutes, local laws, ordinances, or rules and regulations of said Town which the public servants are authorized or required to enforce.

Section 2. Applicability

This chapter shall be applicable in the Town of Cheektowaga, exclusive of the Villages of Sloan and Depew.

Section 3. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

APPEARANCE TICKET - A written notice issued and subscribed to by public servants of the Town Of Cheektowaga directing a designated person to appear in a designated local Criminal Court at a designated future time in connection with his alleged commission of a designated offense. A notice conforming to such definition constitutes an appearance ticket regardless of whether it is referred to in some other provision of law as a summons or by any other name or title.

PUBLIC SERVANT - includes the following representatives of the Town Of Cheektowaga: Building Inspector, Assistant Building Inspector, Fire Inspector, Assistant Plumbing Inspector, Zoning Inspector, Housing Inspector, Police Officer and Dog Control Officer.

Item No. 20b Cont'd.

B. Words used in the singular include the plural, and the plural includes the singular. Words used in the masculine gender include the feminine and neuter genders.

# Section 4. Authorization

The following public servants of the Town of Cheektowaga are hereby authorized to issue and serve an appearance ticket with respect to violations of a state statute, a local law, ordinance, rule or regulation of the Town of Cheektowaga that such public servants are, respectively, required or authorized to enforce:

- a. Building Inspector, Assistant Building Inspector, Fire Inspector, Assistant Plumbing Inspector, Zoning Inspector, Housing Inspector Building, zoning, property maintenance, fire prevention, planning matters.
- b. Police Officer All local laws and ordinances of the Town of Cheektowaga.
- c. Dog Control Officer Article 7 of the Agriculture and Markets Law of the State of New York and Chapter 21 of the Code of the Town of Cheektowaga ("Dogs").

## Section 5. Serving of ticket

An appearance ticket other than for a parking violation shall be served personally.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 21a Issue Negative Declaration For Property Located At 550 Cayuga Rd

This item was withdrawn.

<u>Item No. 21b</u> Issue Negative Declaration for Property Located at 30 Alpine Place

This item was withdrawn.

<u>Item No. 22</u> Decision on Rezoning for the Property Located at 30 Alpine Place

This item was withdrawn.

Item No. 23 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS the Town is eligible to receive approximately \$1,114,000 in Community Development Block Grant funds and approximately \$404,569 in Home Investment Partnership program funds for the 2004 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 2004 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 20, 2004 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

# Item No. 23 Cont'd.

FURTHER RESOLVED, that the attached public notice of such public hearing be published in the Cheektowaga Times on Thursday, January 8, 2004.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0



# Notice of Public Hearing Town of Cheektowaga FY 2004 Annual Plan Community Development Block Grant/HOME Programs

A public hearing will be held on January 20, 2004 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14225 for the Town's Fiscal Year 2004 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 outlines housing and community development projects to be funded with FY 2004 CDBG and HOME Program funds. For the 2004 Program Year, the Town is eligible to receive approximately \$1,114,000 in Community Development Block Grant funds and approximately \$404,569 in HOME funds. The Town also estimates it will receive approximately \$260,000 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, New York 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.

Item No. 24a Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the title of Motor Equipment Operator – B in the Sanitation Department; AND

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

WHEREAS, Christopher Bukowski, currently employed as a temporary Motor Equipment Operator - B in the Sanitation Department, bid on said vacancy, and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Christopher Bukowski of , New York , be and hereby is appointed to the position of Motor Equipment Operator 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 December 30, 2003.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 24b Appointment to Fill Vacancy in the Position of: MEO-B in Sanitation (Permanent)

This item was withdrawn.

Item No. 24c Appointment to Fill Vacancy in the Position of MEO-B in Sanitation (Temporary)

This item was withdrawn.



# IV. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 25.</u> Building Permits – December 2003

Received and Filed.



A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER MAZUR TO SUSPEND THE RULES IN ORDER TO INCLUDE THE FOLLOWING RESOLUTION(S). AND THE VOTING WENT AS FOLLOWS:

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0



# V. SUSPENSION OF RULES

Item No. 26 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

WHEREAS, the ongoing improvements project at the Town Senior Citizens Center includes provisions for the installation of a sprinkler system and 6" fire service connection to Erie County Water Authority (ECWA) facilities on Broadway, AND

WHEREAS, the Erie County Water Authority's current annual rate for said service is in the amount of \$396.00 (\$33.00/month), AND

WHEREAS, the provision of said service requires the execution of a Private Fire Protection Contract Agreement between the Town and the ECWA, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor is hereby authorized to execute the attached Fire Protection Contract Agreement between the Town of Cheektowaga and the Erie County Water Authority, following review by the Office of the Town Attorney, AND, BE IT FURTHER

RESOLVED, that annual funding for said fire service connection shall be budgeted from Account #0100-1625-4217.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

Item No. 27 Motion by Councilmember Jankowiak Seconded by Councilmember Mazur

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

PARKS DIVISION – Laborer - \$6	3.50 per bour	EFFECTIVE
Bryan Newlove	Cheektowaga, NY 14227	1/06/04
POLICE DEPARTMENT – Schol Marie A. Czerniak	ol Crossing G <u>uard - \$7.10 per hour</u> , Cheektowaga, NY 14227	1/06/04
JUSTICE COURT – Court Office James D. Martina	r (Provisional) - \$13.00 per hour , Cheektowaga, NY 14225	1/06/04

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

**EFFECTIVE** 

**EFFECTIVE** 

PARKS DIVISION - Laborer - \$7.00 per hour

Jason Winkelman 1/06/04

BE IT RESOLVED, that the following PART-TIME EMPLOYEE in the department listed be transferred as follows:

FROM PARKS DIVISION TO BUILDING MAINTENANCE - Laborer - \$7.00 per hour

Jeffrey Brado , Depew, NY 14043 1/06/04

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

**PARKS DIVISION** 

Robert Haas 12/31/03

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 28</u> A motion was made by Councilmember Swiatek and Seconded by Councilmember Johnson to adjourn the meeting at 7:30 P.M.

MARY F. HOLTZ Town Clerk

## TOWN OF CHEEKTOWAGA MEETING 2 JANUARY 20, 2004

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of January, 2004 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 Councilmember Alice Magierski

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Christine Ziemba, Chief of Police; Jerome Gabryszak, Director of Community Development; William Pugh, Town Engineer; and Brian Krause, Director of Administration and Finance.

Invocation by Msgr. Angelo Caligiuri

#### I. RESOLUTION

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

500.00

2003

# **GENERAL FUND**

part hereof:

FROM: 100-1450-1950 Election Salaries \$ 8,630.00 100-1330-2201 Office Equipment 500.00

TO: 100-1450-4431 Election Machine Repair \$ 8,630.00

Office Supplies

Upon roll call ....

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

Mazur and Magierski

100-1330-4001

NAYES: 0 ABSENT: 0

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

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

part hereof:

<u>2004</u>

## **GENERAL FUND**

FROM: 100-1330-4431 Equipment Repairs \$ 800.00

TO: 100-1330-4001 Office Supplies \$ 800.00

Upon roll call ....

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

Mazur and Magierski

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 16, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$ 3,075,146.54
RISK RETENTION FUND	125,960.82
DEBT SERVICE FUND	478,675.00
HUD HOUSING REHABILITATION	10,490.00
SPECIAL DISTRICTS FUND	3,442,139.34
HIGHWAY FUND	631,310.11
TRUST & AGENCY	178,376.05
HUD CDBG FUND	7,037.00
PART TOWN FUND	122,661.23
CAPITAL FUND	<u>297,880.17</u>
	\$ 8,369,676.26

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 4 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on January 7, 2004 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:

Laux Sporting Goods 25 Pineview Drive Amherst, New York 14228

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

Cannon Sports, Inc. 9265 Borden Avenue Sun Valley, California 91510-1179

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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of TWO (2), NEW AND UNUSED 2004 MODEL, SINGLE DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT, AND

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

Item No. 5a cont'd.

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on February 4, 2004.



## TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

#### LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of TWO (2) NEW AND UNUSED, 2004 MODEL, SINGLE DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT. For use by the Highway Department of the Town of Cheektowaga at a public opening to be held in the Council Chambers at the Cheektowaga Town Hall on February 4, 2004 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Mary Holtz, Town Clerk of The Town of Cheektowaga at the Cheektowaga Town Hall, Cheektowaga, New York 14227. Bids must be enclosed in an opaque envelope plainly marked BID FOR TWO (2), NEW AND UNUSED 2004 MODEL, SINGLE DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT.

Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

Mary Holtz, Town Clerk

DATE: January 20, 2004

PUBLISHED: January 23, 2004

<del>----</del>

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

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

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of THREE (3), NEW AND UNUSED 2004 MODEL, TANDEM DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT, AND

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

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on February 4, 2004.



## TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

#### LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of THREE (3) NEW AND UNUSED, 2004 MODEL, TANDEM DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT. For use by the Highway Department of the Town of Cheektowaga at a public opening to be held in the Council Chambers at the Cheektowaga Town Hall on February 4, 2004 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Mary Holtz, Town Clerk of The Town of Cheektowaga at the Cheektowaga Town Hall, Cheektowaga, NY 14227. Bids must be enclosed in an opaque envelope plainly marked BID FOR THREE (3), NEW AND UNUSED 2004 MODEL, TANDEM DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT.

Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

Mary Holtz, Town Clerk

DATE: January 20, 2004

PUBLISHED: January 23, 2004

<del>\_\_\_</del>

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

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

BE IT RESOLVED, that the Town Clerk is hereby directed to publish an Invitation to Bid for the Administration of a Recycling Program in the Town's Sanitation Department, said notice to be published in the <u>Cheektowaga Times</u>, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 18<sup>th</sup> day of February, 2004 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.



#### INVITATION TO BID

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 18, 2004 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the administration and implementation of a source separation, curbside recycling program.

The Invitation to Bid and specifications may be obtained from the Town Clerk at her office in said Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidders, 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 F. Holtz Town Clerk

Dated: January 20, 2004

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

# Item No. 6 Motion by Councilmember Johnson, seconded by Councilmember Mazur

WHEREAS, the Board of Fire Commissioners for the Walden Fire District No. 2 have requested the installation of two (2) fire hydrants within said district at the following locations, as further described denoted on the attached map:

- 1. At the intersection of Freda Avenue and The Avenue
- 2. The Avenue at the common property line of #47 and #51

#### NOW, THEREFORE BE IT

RESOLVED, that the Erie County Water Authority is hereby requested and authorized to install two (2) hydrants at the above described locations and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible for the payment of annual hydrant rental charges to the Erie County Water Authority for said hydrants, with said charges being funded through the respective hydrant district.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 7a Motion by Councilmember Magierski, seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to conduct a Business Process Analysis to improve tracking of complaint 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,

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to conduct an inventory of various Town record series, 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,

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 8</u> Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

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

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

WHEREAS, the Building Maintenance Department, under the authority of the Engineering Department, desires that Ronald Lease, Working Foreman of the Building Maintenance Department be authorized to sign vouchers for the purchase of goods and services for the Building Maintenance Department, AND

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

RESOLVED, that, effective immediately, Ronald Lease be and hereby is authorized to execute vouchers for the purchase of goods and services for the Building Maintenance Department.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services was appointed by this Town Board to the temporary position of General Crew Chief in the Parks Division, AND

WHEREAS, this temporary position has recently been filled, NOW, THEREFORE BE

ΙT

RESOLVED, that Kenneth J. Kopacz of Resolution, Cheektowaga, New York 14227, be and hereby is no longer named to the temporary position of General Crew Chief of the Parks Division, effective December 16, 2003.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 10</u> Motion by Councilmember Jankowiak, seconded by Councilmember Magierski

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

05NIOD 05DVI050	<u>EFFECTIVE</u>
SENIOR SERVICES – Laborer – \$7.00 per hour  Janine Kiedel , Cheektowaga, NY 14206	1/21/04
JUSTICE COURT - Clerk - \$7.00 per hour Kim M. Dhanens , Cheektowaga, NY 14225	1/21/04
POLICE DEPARTMENT – School Crossing Guard - \$7.10 per hour Sam Seiumeca, Cheektowaga, NY 14227	1/21/04

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

	<u>EFFECTIVE</u>
JUSTICE COURT Joseph Sacilowski Deborah Schweigert	12/31/03 01/09/04
TAX OFFICE Patricia Cosimano Geraldine Glascott Jean Krzykowski Arlene Mueller Waltraud Piffl Rita Wick Joan Wojtkowski	12/31/03 " " " " "
SENIOR SERVICES Carol Kishbaugh	11/17/03
POLICE DEPARTMENT Sandra Kennuth	12/31/03

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, Edward Tokasz has served as Member of the Zoning Board of Appeals since 1975, AND

WHEREAS, in connection with his retirement through the New York State Retirement System, New York State Retirement System regulations mandate that Mr. Tokasz resign/retire from his Zoning Board position for at least one full day; therefore, Mr. Tokasz will be retiring from his position of Zoning Board Member, effective January 20, 2004, AND

WHEREAS, Mr. Tokasz desires to be reappointed to the Zoning Board position, AND

WHEREAS, Edward Tokasz has satisfactorily served as Zoning Board member for 29 years, and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Edward Tokasz from his position of Zoning Board Member, effective January 20, 2004, be and hereby is accepted by this Town Board and, BE IT FURTHER

RESOLVED, that Edward Tokasz be and hereby is reappointed to the position of Zoning Board member, effective January 22, 2004 and terminating on December 31, 2004.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 12</u> Grant Leave of Absence to Clerk Typist in Police Department

This item was withdrawn.

Item No. 13 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the title of Automotive Mechanic Crew Chief in the Central Garage, 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 J. Ciesielski, currently employed as an Automotive Mechanic in the Central Garage, bid on said vacancy, and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Robert J. Ciesielski of Resolved Company, Cheektowaga, New York 14225, be and hereby is appointed to the position of Automotive Mechanic Crew Chief in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective January 21, 2004.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 14a Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN) along with NYS Police, Onondaga County District Attorney's Office, Onondaga County Sheriff's Department and the Syracuse Police Department are hosting the Fourth Annual American/Canadian Information Training Conference on January 27-29, 2004 in Liverpool, New York, AND

## Item No. 14a cont'd.

WHEREAS, Chief Christine Ziemba is requesting authorization to send Lt. Dave Zack to the conference. Upon his return Lt. Zack will share information he has gained with other detectives and officers of the department. The Police Department will be responsible for registration, lodging, meals and travel expenses amounting to approximately \$394.00, NOW, THEREFORE BE IT

RESOLVED, that Lt. Zack is authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be charged to 100-3120-4085.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 14b Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, a training program is being held in Rochester, NY from March 1-5, 2004 regarding Responding to Missing and Abducted Children, AND

WHEREAS, Chief Christine Ziemba is requesting authorization to send Detectives Dan Conley and Joseph Crean to this training. This program will provide law enforcement investigators with information necessary to properly understand, recognize, investigate, and resolve missing and abducted children cases. Upon their return they will share information they have gained with other detectives and officers of the department. The Police Department will be responsible for meals and travel expenses amounting to approximately \$227.00, NOW, THEREFORE BE IT

RESOLVED, that Det. Conley and Det. Crean are authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be charged to 100-3120-4085.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 14c</u> Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, the New York State Emergency Management Association Winter Conference will be held from February 3 through February 5, 2004 in East Syracuse, New York, AND

WHEREAS, the Coordinator of Emergency Services, Earl Loder, has requested authorization to attend said conference, AND

WHEREAS, Mr. Loder has submitted a request for travel authorization along with the proper paperwork in a timely manner, AND

WHEREAS, the total cost to the Town shall not exceed \$200, AND

WHEREAS, these expenses have been budgeted by the Emergency Services Department, NOW, THEREFORE, BE IT

RESOLVED, that the Coordinator of Emergency Services, Earl Loder, be and hereby is authorized to attend the New York State Association Winter Conference from February 3 through February 5, 2004 in East Syracuse, New York.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

## Item No. 15 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, by resolution dated September 2, 2003 this Town Board engaged the firm of GZA GeoEnvironmental of New York to provide professional technical services associated with the preparation of a Storm Water Management Plan and Erosion Control and Pollution Prevention Plans for the Municipal Golf Course Project, which documents are necessary to obtain a SPDES General Permit for Storm Water Discharges from construction activity to be issued by the NYSDEC, AND

WHEREAS, in order to comply with NYSDEC requirements for a General Permit, the original scope of professional services must be supplemented with further drainage study technical data and analysis both upstream and downstream of the golf course acreage, NOW, THEREFORE, BE IT

RESOLVED, that GZA GeoEnvironmental of New York, 364 Nagel Drive, Buffalo, New York 14225 be and hereby is retained to provide supplemental technical services necessary to finalize golf course drainage analysis and permitting requirements in accordance with the attached proposal dated January 7, 2004, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute said Supplemental Agreement with GeoEnvironmental of New York (GZA), AND, BE IT FURTHER

RESOLVED, that funds for said professional services in an amount not to exceed \$5,000.00 shall be chargeable to Account No. 500-7140-1100-5817.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

# II. DEPARTMENTAL COMMUNICATIONS

<u>Item No. 16</u> Emergency Services Quarterly Report – October to December 2003 Received and Filed.

<u>Item No. 17</u> Minutes of Town Environmental Advisory Committee – January 7, 2004 Received and Filed.

#### **III. GENERAL COMMUNICATIONS**

<u>Item No. 18a</u> Notice of Claim: Brian Baird vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 18b Notice of Claim: Christy Farnsworth vs. the Town of Cheektowaga

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

Attorney; Council; Sanitation Department and First Niagara Risk Management.

Received and Filed.

Item No. 18c Notice of Claim: Ron Sikinoff vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 18d Notice of Claim: Lawrence Seil vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 18e Notice of Claim: Bryan O'Conner vs. the Town of Cheektowaga

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

Attorney; Council; Sewer Department and First Niagara Risk Management.

Received and Filed.



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER JANKOWIAK TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WAS AS FOLLOWS:

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0



Item No. 19 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, by resolution dated August 19, 2002, this Town Board established the Honorine Drive Water District in the Town, AND

WHEREAS, in 2003, the Erie County Water Authority installed the water line and hydrant along Honorine Drive and billed the Town of Cheektowaga \$69,221.78 for same, AND

## Item No. 19 cont'd.

WHEREAS, the Town of Cheektowaga received a grant in the amount of \$40,000.00 from Assemblyman Paul A. Tokasz toward the cost of installing such water line and hydrant, AND

WHEREAS, the New York State Department of Environmental Conservation ("DEC") owns property abutting Honorine Drive known as the Dr. Victor Reinstein Nature Preserve (the "Preserve"), AND

WHEREAS, the DEC is proposing to construct an educational center building in the Preserve and wants to connect to the Town's water line along Honorine Drive, AND

WHEREAS, the DEC has offered to pay the Town of Cheektowaga \$29,221.78 (the balance owing for the installation of the water line along Honorine Drive) for permission to tie into the water line on Honorine Drive, AND

WHEREAS, the Bellevue Fire District has no objection to the DEC's request to relocate an existing fire hydrant 200 feet south of its existing location, and the DEC will pay the Erie County Water Authority to perform such work, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the request of the DEC to tie into the Town's water line on Honorine Drive, and agrees to accept the \$29,221.78 payment from the DEC for water line costs and, BE IT FURTHER

RESOLVED, that such moneys received from the DEC shall be allocated to the Honorine Drive Water District to pay off the debt of such district and, BE IT FURTHER

RESOLVED, that this Town Board hereby consents to the relocation of the fire hydrant on Honorine Drive to a point 200 feet south of its existing location.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 20 Acceptance of Easement - 550 Cayuga Road

This item was withdrawn.

<u>Item No. 21a</u> Motion by Councilmember Johnson, seconded by Councilmember Magierski

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 Joseph Jacobi of Atlas Self Storage, LLC for the rezoning 8.39± acres of land at Commercial for the construction of a nine (9) building self storage facility totaling 91,050 square feet in area, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 22, 2003 recommended a determination of non significance as shown in the attached memorandum dated October 23, 2003 AND

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

## Item No. 21a cont'd.

WHEREAS, the applicant modified his site plan to provide a greater buffer along the southerly property line, provided a decorative solid fence along the southerly yard, provided additional coniferous trees along the easterly yard, amended the building color scheme and is offering a land donation of approximately 12 acres for use as open space, AND

WHEREAS, the Town Conservation Advisory Council supports the proposed project and further recommends that the Town accept a conservation easement affecting approximately 12± acres and restrict its use to green space, AND

WHEREAS, the applicant has petitioned the Town of Cheektowaga Zoning Board of Appeals for relief from the supplemental height restrictions for the proposed administrative building, AND

WHEREAS, the Zoning Board of Appeals decision is still pending, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA and finds the site plan prepared by Wm. Schutt & Associates, P.C. dated October 20, 2003 acceptable subject to:

- 1. The Zoning Board of Appeals granting the necessary height variance.
- 2. The Town Engineer approving the grading/drainage plan.
- 3. The applicant remove all visible debris from the 12± acres of residual land being reserved as open space.
- 4. The receipt of a conservation easement for the undeveloped rear 12± acres of the property at 550 Cayuga Road, acceptable to the Town Attorney.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 21b Motion by Councilmember Johnson, seconded by Councilmember Magierski

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 Daniel McMann/EPO Center for the Visually Impaired for the rezoning  $0.45 \pm acres$  of land at 30 Alpine Place from R-Residence to RA-Apartment District for the conversion of an existing school building into 24 unit apartment building for the visually impaired, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 22, 2003 recommended a determination of non significance as shown in the attached memorandum dated December 4, 2003 AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting held on November 13, 2003, AND

WHEREAS, the Town Traffic Safety Commission has reviewed the subject project and is recommending improvements including the existing curbing along Alpine Place as shown on the attached memorandum dated November 14, 2003, AND

WHEREAS, the applicant has petitioned the Town of Cheektowaga Zoning Board of Appeals for relief from the off-street parking requirements, AND

WHEREAS, the Zoning Board of Appeals decision is still pending, AND

WHEREAS, the developer is responding to concerns voiced by the neighborhood residents at the public hearing of December 15, 2003 as shown on the attached correspondence dated January 6, 2004 from Savarino Construction Services Corporation, AND

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA and finds the site plan prepared by BHNT Architects acceptable subject to:

- 1. The Zoning Board of Appeals granting the required parking variance.
- 2. The applicant amend his/her site plan consistent with the Traffic Safety Commission's recommendation.
- 3. The applicant provide the Town Engineer with an engineer's report on the condition of the building's existing storm /roof drainage system and a confirmation that such system is not discharging into the town's sanitary sewer.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 21c Motion by Councilmember Johnson, seconded by Councilmember Magierski

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

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

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

WHEREAS, an application was submitted by Robert F. Kasprzak, Architect for the Cheektowaga Employees Federal Credit Union for the construction of a 3,150 square feet credit union office at 3251 Broadway, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on January 7, 2004 recommended a determination of non significance as shown in the attached memorandum dated January 8, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on January 8, 2004, AND

WHEREAS, the applicant has petitioned the Town of Cheektowaga Zoning Board of Appeals for relief from the parking and building setbacks for the proposed building, AND

WHEREAS, the Zoning Board of Appeals decision is still pending, AND

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA and finds the site plan prepared by K2M Architects dated January 13, 2004 acceptable subject to:

- 1. The Zoning Board of Appeals granting the necessary variances.
- 2. The Town Engineer approving the grading/drainage plan.
- 3. Pavement markings being added for the accessible pedestrian route.
- 4. The Employees Credit Union grant the Town of Cheektowaga permission to erect a historical marker on the premises.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 21d Motion by Councilmember Johnson, seconded by Councilmember Magierski

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 Gary James Constantino, Architect for Catholic Health System/St. Joseph Hospital for the construction of a 17,270 square foot emergency room addition at 2605 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on January 7, 2004 recommended a determination of non significance as shown in the attached memorandum dated January 8, 2004 AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on January 8, 2004, AND

WHEREAS, the applicant has modified his site plan to increase pedestrian mobility within the site, AND

WHEREAS, the applicant will be seeking a variance from the Town of Cheektowaga Zoning Board of Appeals for the elimination of solid fence along portions of the northerly and southerly property lines, AND

WHEREAS, the applicant is committed to providing additional vegetative screening along portions of the northerly and southerly property lines in lieu of solid fencing, consistent with the affected property owner's desires, AND

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

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

- 1. The Zoning Board of Appeals granting the necessary variance.
- 2. The Town Engineer approving the grading/drainage plan.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 22a Motion by Councilmember Johnson, seconded by Councilmember Magierski

WHEREAS, Atlas Self Storage, LLC petitioned for a rezoning from R-Residence District to CM-General Commercial District for property owned by 580 Cayuga, Inc. and located at 550 Cayuga Road, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of November, 2003 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

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

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

RESOLVED, that the application of Atlas Self Storage, LLC for the rezoning from R-Residence District to CM-General Commercial District of the property described in the attached legal description be and the same is hereby approved and, BE IT FURTHER

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

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

Item No. 22b Motion by Councilmember Magierski, seconded by Councilmember Johnson

WHEREAS, Daniel McMann/E.P.O. Center for the Visually Impaired petitioned for a rezoning from R-Residence District to RA-Apartment District for apartments for the visually impaired for property owned by The Most Holy Redeemer Catholic Church Society of Cheektowaga, New York and located at 30 Alpine Place, 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 15th day of December, 2003 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 Daniel McMann/E.P.O. Center for the Visually Impaired for the rezoning from R-Residence District to RA-Apartment District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. Any change to the site plan submitted to this Board and the Planning Board shall be resubmitted to such boards to determine that same is substantially in agreement with the intent of the original site plan and this rezoning 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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

Item No. 23 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 York 14211. AND

WHEREAS, the owner of said property has applied for a mortgage loan from Countrywide Home Loans, Inc., and Countrywide Home Loans 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 Countrywide Home Loans, Inc., 3061 Sheridan Drive, Amherst, New York 14226 pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 146 Hedwig Avenue, Cheektowaga, New York 14211.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 24</u> Motion by Councilmember Johnson, seconded by Councilmember Magierski

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

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

WHEREAS, pursuant to resolution dated December 16, 2002, this Town Board extended the site plan approval for such project until February 25, 2004, AND

WHEREAS, such site plan approval will expire on February 25, 2004 unless an application for a building permit for such project is filed with the Building Inspections Department, AND

WHEREAS, the Pyramid Company of Buffalo has requested this Town Board to extend the site plan approval for the Walden Galleria expansion until February 25, 2005, AND

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

WHEREAS, the Pyramid Company of Buffalo has reaffirmed its commitments with respect to this project, AND

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

RESOLVED, that this Town Board hereby extends the site plan approval for the Walden Galleria until February 25, 2005, subject to Pyramid Corporation participating in a betterment agreement with the NYSDOT, and the Town of Cheektowaga for the upcoming Union Road reconstruction project and, BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to the New York State Department of Transportation, Attention, Design Group.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 25</u> Motion by Councilmember Swiatek, seconded by Councilmember Johnson

BE IT RESOLVED, that this Town Board hereby approves, as presented, the tentative agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit for a successor to the collective negotiations agreement between the parties, and hereby authorizes the Supervisor to execute the successor collective negotiations agreement.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 26</u> 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. 3 FEBRUARY 2, 2004

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5th of January 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 James J. Jankowiak Councilmember Thomas J. Mazur Councilmember Alice Magierski

ABSENT: C

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

#### I. RESOLUTIONS

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

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

2003

**GENERAL FUND** 

FROM: 100-1910-3095 Misc. County Aid \$ 4,500.00

TO: 100-1680-4321 Software & Licenses \$ 4,500.00

Upon roll call ....

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

Mazur and Magierski

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 30, 2004 are hereby approved and made a part hereof;

GENERAL FUND	\$ 184,153.30
RISK RETENTION FUND	43,664.73
HUD HOUSING REHABILITATION	5,243.38
SPECIAL DISTRICTS FUND	154,120.47
HIGHWAY FUND	55,672.72
TRUST & AGENCY	5,573,243.48
HUD CDBG FUND	16,086.05
PART TOWN FUND	1,603.62
CAPITAL FUND	<u>152,688.64</u>
	\$ 6,186,476.39

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Motion by Councilmember Jaworowicz; Seconded by Councilmember Johnson

BE IT RESOLVED, The Town Clerk be and hereby is directed to publish a Notice to Bidders for the purpose of purchase of ONE (1), NEW AND UNUSED, 2004 MODEL, AERIAL LIFT TRUCK WITH A DUMPING WOOD-CHIP BOX. (DESIGNED FOR TREE TRIMMING)

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

RESOLVED, That the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, February 18, 2004, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



# TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

#### LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of ONE (1) NEW AND UNUSED, 2004 MODEL, AERIAL LIFT TRUCK WITH A DUMPING WOOD-CHIP BOX. (DESIGNED FOR TREE TRIMMING). For use by the Highway Department of the Town of Cheektowaga at a public opening to be held in the Council Chambers at the Cheektowaga Town Hall on February 18, 2004 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Mary Holtz, Town Clerk of The Town of Cheektowaga at the Cheektowaga Town Hall, Cheektowaga, NY 14227. Bids must be enclosed in an opaque envelope plainly marked BID FOR ONE (1), NEW AND UNUSED 2004 MODEL, AERIAL LIFT TRUCK WITH A DUMPING WOOD-CHIP BOX. (DESIGNED FOR TREE TRIMMING)

Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

Mary Holtz, TOWN CLERK

DATE: February 3, 2004

PUBLISHED: February 5, 2004



Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT – NEXT PAGE

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

WHEREAS, Benderson Development Company, Inc. has made application and requested the Rezoning from M2-General Manufacturing to CM-General Commercial District for 3.176± acres of land located at 1775 and 1785 Walden Avenue, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on February 23, 2004 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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

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

WHEREAS, the contract for the Storm Sewer Installation on Clover Place and Elkhurst/Siberling Road Reconstruction, awarded by Town Board Resolution dated July 1, 2002 to Nichols Long & Moore Construction Corp., in the amount of \$278,709.50 has been substantially completed in accordance with the contract requirements, AND

WHEREAS, the Town Engineer has recommended approval of Change Order No .3 (Final) for the aforesaid project, which provides for final adjustment to contract item quantities to those actually incorporated into the project, as outlined in the Change Order Documents dated January 21, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 (Final) in the amount of \$20,143.00 as an <u>addition</u> to the contract of Nichols Long & Moore Construction Corp., 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. 3 (Final) and the owner's acceptance statement for the completed project on behalf of this Town Board.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

#### Item No. 7 Motion by Unanimous; Seconded by Unanimous

WHEREAS, the salaries of the Town officials and employees who are not covered by any bargaining unit were established for 2003 on the June 16, 2003 Town Board Meeting and an amendment was made on the July 10, 2003 Town Board Meeting; NOW, THEREFORE, BE IT

RESOLVED, that those resolutions be amended to be effective January 1, 2003.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

#### Item No. 8 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, quotes were received for the furnishing of work uniforms to Town of Cheektowaga employees. Said quotes were referred to the Town Engineer for analysis, tabulation and report, which said report is hereto attached and contained in a letter to the Town Board dated January 27, 2004, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of work uniforms to Town of Cheektowaga employees, as recommended by the Town Engineer, be and the same is hereby awarded to:

Dival Safety Equipment, Inc. 1721 Niagara Street Buffalo, New York 14207

## BID ITEM I

ITEM 1A	Work Pants (sizes to 44)	\$13.75
ITEM 1B	Work Pants (sizes 46-50)	16.30
ITEM 1C	Work Pants (sizes 52-60)	18.57
ITEM 2A	Shirts (long sleeve, sizes up to 17-1/2)	12.20
ITEM 2B	Shirts (long sleeve, sizes 18 and up)	13.39
ITEM 3A	Chambray Shirts (long sleeve, sizes up to 17-1/2)	11.19

## Item No. 8 Cont'd.

ITEM 3B ITEM 4A ITEM 4B ITEM 5A ITEM 5B ITEM 6A ITEM 6B ITEM 6C	Chambray Shirts (long sleeve, sizes 18 and up) Shirts (short sleeve, sizes up to 17-1/2) Shirts (short sleeve, sizes 18 and up) Chambray Shirts (short sleeve, sizes up to 17-1/2) Chambray Shirts (short sleeve, sizes 18 and up) Coveralls (long sleeve, sizes 36-46, short - X long) Coveralls (long sleeve, sizes 48-50, short - X long)	12.32 11.31 12.92 10.00 11.01 22.20 25.00 26.31	
ITEM 7A	Coveralls (long sleeve, sizes 52-60, regular - tall) Denim Jeans (sizes to 42)	11.85	
ITEM 7B	Denim Jeans (sizes 44-50)	13.69	
ITEM 7C	Denim Jeans (sizes 52-56)	18.10	
ITEM 8A	Bib Overalls (sizes to 44)	17.92	
ITEM 8B	Bib Overalls (sizes 46-50)	20.18	
ITEM 8C	Bib Overalls (sizes 52-60)	22.32	
ITEM 9A	Women's Work Pants (sizes 4-20)	14.53	
ITEM 9B	Women's Work Pants (sizes 22-28)	15.60	
BID ITEM II			
ITEM 1A ITEM 1B ITEM 1C ITEM 1D ITEM 2A ITEM 2B	Carhartt Jacket (M - 2XL) Reg Carhartt Jacket (3XL - 4XL) Reg Carhartt Jacket (M - 2XL) Tall Carhartt Jacket (3XL - 4XL) Tall Carhartt Bib Overall (34 - 48) Carhartt Bid Overall (50) Text (embroidered)	53.63 58.93 58.93 58.93 61.90 61.90 3.99 each	

Pine Ridge Enterprises

Pine Ridge Enterprises 8386 North Main Street Eden, New York 14057

## BID ITEM III

## ITEM 1 - HOODED PULLOVER SWEATSHIRT

ITEM 1A	1 Dozen	Size S - XL	\$14.80
	2-4 Dozen	Size S - XL	14.70
	5-12 Dozen	Size S - XL	14.60
ITEM 1B	1 Dozen	Size XXL	16.80
	2-4 Dozen	Size XXL	16.70
	5-12 Dozen	Size XXL	16.60
ITEM 1C	1 Dozen	Size XXXL	18.80
	2-4 Dozen	Size XXXL	18.70
	5-12 Dozen	Size XXXL	18.60
ITEM 1D	1 Dozen	Size XXXXL	20.80
	2-4 Dozen	Size XXXXL	20.70
	5-12 Dozen	Size XXXXL	20.60
ITEM 1E	1 Dozen	Size XXXXXL	22.80
	2-4 Dozen	Size XXXXXL	22.70
	5-12 Dozen	Size XXXXXL	22.60
ITEM 2 - HOODED ZIPPER SWEATSHIRT			
ITEM 2A	1 Dozen	Size M - XL	\$18.20
	2-4 Dozen	Size M - XL	18.10
	5-12 Dozen	Size M - XL	18.00

#### Item No. 8 Cont'd.

ITEM 2B	1 Dozen	Size XXL	20.20
	2-4 Dozen	Size XXL	20.10
	5-12 Dozen	Size XXL	20.00
ITEM 2C	1 Dozen	Size XXXL	22.20
	2-4 Dozen	Size XXXL	22.10
	5-12 Dozen	Size XXXL	21.00
ITEM 2D	1 Dozen	Size XXXXL	23.70
	2-4 Dozen	Size XXXXL	23.60
	5-12 Dozen	Size XXXXL	23.50
ITEM 2E	1 Dozen	Size XXXXXL	25.20
	2-4 Dozen	Size XXXXXL	25.10
	5-12 Dozen	Size XXXXXL	25.00

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 9a Motion by Councilmember Magierski; 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 Maria L. Miller, Head Trustee for the Faith Wesleyan Church for a parking lot expansion at 4600 Union Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of December 11, 2003 is recommending the approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals at its meeting of November 19, 2003 approved a variance for relief from the solid screening requirements as shown on the attached resolution dated December 18, 2003, AND

WHEREAS, the Town Traffic Safety Commission has reviewed the proposed parking expansion and is recommending the elimination of the proposed driveway to Balbach Drive as shown on the attached memorandum dated December 20, 2003, AND

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

RESOLVED, that this Town Board determines that the project site plan is acceptable, subject to the Town Engineer approving the grading /drainage plan.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<sup>\*</sup>SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 9b</u> Motion by Councilmember Johnson; Seconded by Councilmember Magierski

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

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

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

WHEREAS, an application was submitted by Robert Sartini, Architect for Airport Industrial Park for the construction of a 4,000 square foot building addition at 84 Aero Drive, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on January 7, 2004 recommended a determination of non significance as shown in the attached memorandum dated January 8, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on December 11, 2003, AND

WHEREAS, the applicant modified his site plan to provide a greater vegetative screening along the east yard, provided refuse enclosures for existing dumpsters and made drainage improvements, AND

WHEREAS, the owner of the subject property has committed to installing a public walk along Aero Drive in the future if requested by the Town of Cheektowaga as shown on the attached correspondence dated January 9, 2004, AND

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

RESOLVED, that this Town Board finds the site plan prepared by Robert Sartini, Architect acceptable, subject to :

1. The Town Engineer approving the grading/drainage plan.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 9c</u> Motion by Councilmember Johnson; Seconded by Councilmember Magierski

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 Lauer–Manguso and Associates for Jeff Mucciarelli for the construction of an accessory parking lot at the north west corner of Genesee Street and Louis Street (3670 Genesee Street & 14 Louis Street), AND

WHEREAS, the Environmental Advisory Committee at its meeting held on January 7, 2004 recommended a determination of non significance as shown in the attached memorandum dated January 8, 2004, with the condition that only phase one be recommended for approval, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on January 8, 2004, AND

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

RESOLVED, that this Town Board finds that phase one the site plan prepared by Lauer-Manguso is acceptable, subject to :

- 1. The Town Engineer approving the grading/drainage plan.
- 2. A 5 foot wide public walk be installed along Louis Street

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

<u>Item No. 10a</u> Motion by Supervisor Gabryszak; Supervisor Gabryszak Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga is operating nutrition programs for the elderly at the facilities of: Infant of Prague Parish, located at 921 Cleveland Drive; Cayuga Village Community Center, located at 100 Hutchens Drive, Cheektowaga; Maryvale East Apartments, located at 100 Moorman Drive, Cheektowaga; and Bell Tower Senior Apartments, 893 French Road, Cheektowaga, AND

WHEREAS, agreement between the Town of Cheektowaga and the above facilities has been drafted relative to the operation of the said nutrition programs for the year 2004, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of said nutrition program for the year 2004, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements on behalf of the Town.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is operating a transportation program for the elderly, AND

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of said transportation program for the year 2004, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreement on behalf of the Town.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the Department of Parks, Recreation and Youth Services has identified the need to provide youth development and recreational opportunities during after-school hours that are important to the well being of young people and to the quality of life in our community; AND

WHEREAS, the Town of Cheektowaga will receive \$10, 875 from Erie County, as part of a Safe Places Grant renewal approved by the NYS Office of Children and Family Services; AND

WHEREAS, THE boys and Girls Clubs can provide the services described in the Safe Places Grant renewal for the approved budgeted amount of \$21, 750.00 NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the Boys and Girls Clubs of Buffalo to provide said service effective January 2, 2004 and ending December 31, 2004.

BUDGET LINE ITEM: 7310.4789

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 10d</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga is the owner of 185+ acres of vacant land located south of Genesee Street east of Sonwil Drive in the Town, AND

WHEREAS, by resolution dated October 6, 2003, this Town Board authorized and directed the Supervisor to execute a Lease with Garrett, LLC for the construction of a public golf course on these lands, AND

WHEREAS, the Town has incurred expenses in order to bring out development of this high-quality championship facility in the Town, AND

WHEREAS, the County of Erie has expressed a desire to participate in the development of the proposed golf course in the Town of Cheektowaga, and has offered \$200,000 to the Town towards the Town's golf course expenses, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement and other documents necessary with the County of Erie for the purpose of obtaining the aforementioned \$200,000 in funding from the County of Erie to assist in the development of the golf course in the Town of Cheektowaga.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute the 2004 Family Support Contract in the amount of \$26,591.00 on behalf of the Department of Parks, Recreation and Youth Services and the New York State Office of Mental Retardation and Developmental Disabilities.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town Board of the Town of Cheektowaga (the "Town Board) has previously approved a Project, as defined below, to be developed on behalf of the Elizabeth Pierce Olmsted, M.D. Center for the Visually Impaired by and through its to-be-formed affiliates EPO - Stovroff Apartments, L.P. (the "Partnership") and EPO - Stovroff Apartments Housing Development Fund Corporation (the "HDFC"), a co-general partner of the Partnership which will be organized pursuant to the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (the "PHFL"); AND

WHEREAS, the Project consists of:

- 1. The acquisition of a parcel of land located at 16-28 Alpine Place in the Town of Cheektowaga, Erie County, New York (the Land");
- 2. The construction of twenty-four (24) units of housing for physically disabled persons thereon (the "Improvements"); and
- 3. The acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment"); and

WHEREAS, the HDFC will acquire fee title to the land, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project; AND

WHEREAS, Section 577 of the PHFL authorizes the Town Board to exempt the real property in the Project from real property taxes; AND

## Item No. 10f Cont'd.

WHEREAS, the Partnership and the HDFC are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Town Board for approval; AND

WHEREAS, to make the Project economically feasible, the Town Board is willing to grant the Project an exemption from real property taxes for a period of 15 years to the extent authorized by Section 577 of the PHFL, subject to the execution and delivery of the PILOT Agreement; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cheektowaga:

Section 1. The Town Board hereby exempts the Land and the Project from real property taxes to the extent authorized by Section 577 of the PHFL for a period of 15 years commencing with the first tax year following completion of the Project, and approves the proposed PILOT Agreement between the Town of Cheektowaga, the Partnership and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in said agreement;

Section 2. The Supervisor of the Town of Cheektowaga is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the Town of Cheektowaga; and

Section 3. This resolution shall take effect immediately.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 10g Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz

WHEREAS, the New York State Department of Transportation ("DOT") is in the process of reconstructing Union Road, from Como Park Boulevard to George Urban Boulevard, AND

WHEREAS, the Town of Cheektowaga owns property on the east side of Union Road in front of the Town Highway Department and the Police and Court building (Town Campus), AND

WHEREAS, the DOT has notified the Town that it needs to acquire the aforementioned Town-owned property in order to reconstruct Union Road, and has offered the Town \$33,150.00 for such property, AND

WHEREAS, the Town Engineering and Highway Departments have reviewed the proposed acquisitions of Town-owned property and have indicated that the acquisitions will not interfere with the Town's use of such property, and have further recommended that the Town be allowed to retain the Highway Department sign and the Police monument, thereby reducing the DOT's payment to the Town to \$25,250, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an Agreement of Adjustment and any and all other documents necessary with the DOT for the above referenced property with the aforementioned changes.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the New York State Department of Transportation ("DOT") is in the process of reconstructing Union Road, from Como Park Boulevard to George Urban Boulevard, AND

WHEREAS, the Town of Cheektowaga owns property on the east side of Union Road known as the access road to Broadway, AND

#### Item No. 10h Cont'd.

WHEREAS, the DOT has notified the Town that it needs to acquire the aforementioned Town-owned property in order to reconstruct Union Road, and has offered the Town \$1,850.00 for such property, AND

WHEREAS, the Town Engineering and Highway Departments have reviewed the proposed acquisitions of Town-owned property and have indicated that the acquisitions will not interfere with the Town's use of such property, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an Agreement of Adjustment and any and all other documents necessary with the DOT for the above referenced property.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the firm of Troy & Banks was retained by the Town to perform a franchise fee compliance review of the Adelphia Cable Franchise Agreement, AND

WHEREAS, the objective of this engagement were to examine the operator's financial records, determine its level of compliance with the compensation terms as set forth in the franchise agreement, and most importantly, to pursue collection of all amounts subsequently identified as due and owing, AND

WHEREAS, Troy & Banks efforts, in conjunction with directives set forth by Adelphia's new senior management team, have culminated settlement proposal of \$220,405.00; NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be authorized and directed to execute all documents pertaining to this Adelphia settlement.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 10j</u> Motion by Councilmember Mazur; Seconded by Councilmember Magierski

WHEREAS, the Town, in its 2004 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 2004 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):

## Item No. 10j Cont'd.

Cultural/Not-For-Profit Organization Funding Approved

Cheektowaga Community Chorus \$10,000.00

#### 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 2004 Town budget, subject to audit and approval of a properly signed Town voucher. Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

#### <u>Item No. 11</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$1,114,000 in Community Development Block Grant Funds for the 2004 Program Year, and, as a member of the Amherst-Cheektowaga-Tonawanda HOME Consortium, the Town is entitled to receive approximately \$448,299 of the HOME Consortium entitlement grant, including American Dream Program funds, AND

WHEREAS, Public Hearings regarding the use of said funds were held on November 3, 2003 and January 20, 2004, 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 2004 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

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Town Sewer Maintenance Department has requested authorization to purchase three (3) 2004 Chevrolet Silverado 1500, extended cab 4 X 4 pick-up trucks as specified in the New York State OGS Contract #PC60924, AND

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

RESOLVED , that this Town Board hereby authorizes the Sewer Maintenance Department to purchase the three (3) aforementioned pick-up trucks in the total amount of \$52,431.00, including delivery, from:

Hoselton Chevrolet Inc. 909 Fairport Road East Rochester, New York 14445

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

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

Linda Farinacci
Krystle Feind
Lauren Filipink
Jillian Franz
Laura Garcea
Robert Gladwell
Nicholas Gorzynski
Brian Hansen
Kurt Hansen
Patrick Hughes
Jessica Kryzanowski
Heather LaGraves
Christopher Mahalic
Jon Messina

Jon Messina
Victor Nosal
Holly Rutkowski
Joshua Rutski
Lauren Rzeszutek
Jeremy Schnaufer
Hillary Szydlowski
Katie Torgerson
Jamie Wallace
Predolino Zelasko

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 14 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

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

#### Item No. 14 Cont'd.

Softball - 7140.1633

Recreation Attendant (V) - \$6.15

James L. Klein

Cheektowaga, York 14227

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

#### **II. DEPARTMENTAL COMMUNICATIONS**

<u>Item No. 15</u> Building Permits – January 2004

Received and Filed.

Item No. 16a MINUTES:. Town Environmental Advisory Committee – January 21, 2004

Received and Filed.

<u>Item No. 16b</u> Cheektowaga Traffic Safety Commission – December 16, 2003

Received and Filed.

#### **III. GENERAL COMMUNICATIONS**

Item No. 17 Summons: HSBC Mortgage Corp. vs. Ralph A. Frayne & Lisa N. Frayne vs. Town of

Cheektowaga

Received and Filed.

Item No. 18a Notice Of Claim: Philip D. Conti vs. Town of Cheektowaga

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

Attorney; Council; Highway and First Niagara Risk Management.

Received and Filed.

Item No. 18b Notice of Claim: Kenneth A. DelPrince vs. Town of Cheektowaga

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

Attorney; Council; Sewer Department, Engineering Dept. and First Niagara Risk

Management.

Received and Filed.

<u>Item No. 18c</u> Notice of Claim: Rosemary Golovin vs. Town of Cheektowaga

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

Attorney; Council; Highway and First Niagara Risk Management.

Received and Filed.

<u>Item No. 18d</u> Notice of Claim: Deborah A. Henges vs. Town of Cheektowaga

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

Attorney; Council; PRYS and First Niagara Risk Management.

Received and Filed.

Item No. 18e Notice of Claim: John Krytus vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer Dept., Engineering Dept. and First Niagara Risk

Management.

Received and Filed.

Item No. 18f Notice of Claim: Paul/Jane Miller vs. Town of Cheektowaga

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

Attorney; Council; Highway and First Niagara Risk Management.

Received and Filed.

Item No. 18g Notice of Claim: Tom Strickland vs. Town of Cheektowaga

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

Attorney; Council; Highway and First Niagara Risk Management.

Received and Filed.

Item No. 18h Notice of Claim: Jean T. Szkotnicki vs. Town of Cheektowaga

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

Attorney; Council; PRYS and First Niagara Risk Management.

Received and Filed.

Item No. 19a Request To Speak: Stephen L. Grant, New Creation Fellowship

Received and Filed.

Item No. 19b Request To Speak: Lawrence M. Seil - Regarding Notice of Claim

Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER MAZUR, SECONDED BY SUPERVISOR GABRYSZAK TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS, AND THE VOTING WAS AS FOLLOWS:

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0



#### **IV. SUSPENSION OF RULES**

Item No. 20 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

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

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

### Item No. 20 Cont'd.

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

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

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

#### <u>Item No. 21</u> Motion by Councilmember Mazur; Seconded by Councilmember Magierski

WHEREAS, the Town, in its 2004 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 2004 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):

Cultural/Not-For-Profit Organization

**Funding Approved** 

Cheektowaga Patriotic Commission

\$13,000.00

#### 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 2004 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

Item No. 22 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

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

**EFFECTIVE** 

POLICE DEPARTMENT - Detention Officer - \$14.00 per hour

Patrick G. Solomon , Cheektowaga, NY 14215 2/03/04

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

ITEM NO. 23 A MOTION WAS MADE BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JANKOWIAK TO ADJOURN THE MEETING IN MEMORY OF CHARLES SHIELDS, FLORIAN URBANSKI AND JOHN POLAKIEWICZ. MEETING ADJOURNED AT 7:45 P.M.

MARY F. HOLTZ TOWN CLERK

#### TOWN OF CHEEKTOWAGA MEETING 4 FEBRUARY 23, 2004

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 23rd day of February, 2004 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Thomas M. Johnson, Jr.

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

ABSENT: Councilmember Patricia A. Jaworowicz

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Christine Ziemba, Chief of Police; William Pugh, Town Engineer; and Brian Krause, Director of Administration and Finance; Patricia Wojcik, Director of Senior Services and John Jaroszewski, Deputy Highway Superintendent.

#### I. RESOLUTION

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

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

2003

#### **GENERAL FUND**

FROM: 100-1110-4431 Equipment Maintenance \$ 400.00

TO: 100-1110-4592 Contracted Clerical \$ 400.00

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

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

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

part hereof:

### 2004

## **GENERAL FUND**

FROM:	100-1910-3095	Misc. County Aid	\$ 5,000.00
	100-1625-4432	Repairs & Maintenance	400.00
	100-1110-2770	Other Unclassified Revenues	5,000.00
TO:	100-1010-2201	Office Equipment	\$ 5,000.00
	100-1625-4001	Office Supplies	400.00
	100-1110-4321	Data Processing	5,000.00

#### HUD CDBG FUND

FROM:	700-1002-5000	Removal of Architectural Barriers	\$ 2,300.00
TO:	700-1002-4440	Cedargrove Heights Entranceway	\$ 2,300.00

#### Item No. 2b cont'd.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

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

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to February, 20, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$2,685,206.31
RISK RETENTION FUND	58,381.57
DEBT SERVICE FUND	246,000.00
HUD HOUSING REHABILITATION	11,386.00
SPECIAL DISTRICTS FUND	1,041,200.40
HIGHWAY FUND	514,700.40
TRUST & AGENCY	18,649.25
HUD CDBG FUND	251,820.25
PART TOWN FUND	86,924.53
CAPITAL FUND	<u>28,685.55</u>
	\$4,942,954.26

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

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

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on February 4, 2004 for the purchase of TWO (2), NEW AND UNUSED 2004 MODEL, SINGLE DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT as a result of advertisement thereof, and such bids were referred to the Superintendent of Highway for analysis, tabulation and reports, AND

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

RESOLVED, that the bid for the purchase of TWO (2), NEW AND UNUSED 2004 MODEL, SINGLE DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT be awarded to FLEET MAINTENANCE, INC., 67 Ransier Drive, West Seneca, New York 14224 at a total bid price of \$190,018.00, said bidder being the lowest responsible bidder meeting specifications and, BE IT FURTHER

RESOLVED, that monies be charged to line item 500-5130-2407-5420.

Upon roll call ....

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

Magierski

NAYES: C

ABSENT: Councilmember Jaworowicz

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

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on February 4, 2004 for the purchase of THREE (3), NEW AND UNUSED 2004 MODEL, TANDEM DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT as a result of advertisement thereof, and such bids were referred to the Superintendent of Highway for analysis, tabulation and reports, AND

#### Item No. 4b cont'd.

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

RESOLVED, that the bid the purchase of THREE (3), NEW AND UNUSED 2004 MODEL, TANDEM DRIVE AXLE, HEAVY DUTY DUMP TRUCKS WITH SNOW PLOWING EQUIPMENT be awarded to FLEET MAINTENANCE, INC., 67 Ransier Drive, West Seneca, New York 14224 at a total bid price of \$312,513.00, said bidder being the lowest responsible bidder meeting specifications and, BE IT FURTHER

RESOLVED, that monies be charged to line item 500-5130-2407-5420.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

## Item No. 5 Motion by Unanimous, seconded by Unanimous

WHEREAS, there is a long and productive history of partnership between labor and management for the training of skilled craft workers in our State which began over fifty (50) years ago when the U.S. Congress passed the Fitzgerald Act (29 USC Section 50) to encourage States to develop apprenticeship training programs, AND

WHEREAS, the New York State Legislature adopted Article 23 of the New York Labor Law in 1961 to authorize the State Commissioner of Labor to develop standards for apprenticeship training and a process for certifying programs which meet said standards, AND

WHEREAS, the promotion of apprenticeship training programs will expand the pool of skilled workers in the Town of Cheektowaga by providing many residents the means to earn a decent living thereby fostering the local and regional economies, AND

NOW, THEREFORE BE IT RESOLVED, that the Town of Cheektowaga hereby establishes a policy to promote apprenticeship training as authorized by Section 816-b of the New York Labor Law and, BE IT FURTHER

RESOLVED, that that "construction contract" shall mean any contract to which the Town of Cheektowaga shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition, or otherwise providing for any building, facility or physical structure of any kind with a value in excess of \$250,000 and up to \$3,000,000 and, BE IT FURTHER

RESOLVED, that "contractor or subcontractor" shall mean a contractor or subcontractor which directly employs labor under a construction contract for which an apprenticeship program has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law and, BE IT FURTHER

RESOLVED, that, pursuant to Section 816-b of the New York State Labor Law, the Town of Cheektowaga hereby requires any contractor or subcontractor, prior to entering into a construction contract with the Town of Cheektowaga, to have apprenticeship agreements appropriate for the type and scope of work to be performed, that have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, notwithstanding anything in Section 103 of the New York General Municipal law to the contrary and, BE IT FURTHER

RESOLVED, that this resolution shall apply to construction contracts which are advertised for bid on or after March 15, 2004 and, BE IT FURTHER

RESOLVED, that, if any clause, sentence, paragraph, subdivision, section of or part of the aforementioned State law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of such law, or in its application to the person, individual, corporation, form, partnership, entity or circumstance directly involved in the controversy in which such judgment or order shall be rendered and, BE IT FURTHER

#### Item No. 5 cont'd.

RESOLVED, that, in order to ensure that the Town of Cheektowaga is obtaining the best quality goods and services at the lowest possible price whenever the Town advertises for a competitive bid, and in order to appropriately identify the lowest responsible bidder therein, the Town Board hereby directs the Town Attorney to establish, not later than March 15, 2004, a policy establishing the standards by which the responsibility of bidders shall be measured pursuant to this resolution.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

<u>Item No. 6</u> 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, March 19, 2004 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 Johnson, Swiatek, Jankowiak, Mazur and

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

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

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 Steven Kieffer, President of Industrial Warehouse Machine, Co. for the construction of a 6,600 foot building addition at 590 Cayuga Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on January 21, 2004 recommended a determination of non significance as shown in the attached memorandum dated January 22, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 11, 2003, AND

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

## Item No. 7 cont'd.

RESOLVED, that this Town Board finds the site plan prepared by DiDonato Associates acceptable subject to :

- 1. The Town Engineer approving the grading/drainage plan.
- 2. A pedestrian accessible route be created from the existing public sidewalk to the main building entrance.
- 3. A refuse enclosure be provided for any refuse dumpster.

Upon roll call ....

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

Magierski

NAYES: C

ABSENT: Councilmember Jaworowicz

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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

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 the control of the safety of others, and records kept by the Assessors Office, identify Gradie T. & Estel McDuffie, Cheektowaga, New York 14225, AND

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

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

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

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

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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

<u>Item No. 9a</u> Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, by resolution dated August 5, 2002, the Town of Cheektowaga applied for funding under the Hazard Mitigation/Flood Mitigation Program administered by the State Emergency Management Office ("SEMO") and the Federal Emergency Management Agency ("FEMA") for storm drainage outlet improvements for the Scajaquada Creek T-1 tributary, having an estimated project cost of \$125,000, AND

WHEREAS, said resolution requested 75% Federal funding in the amount of \$93,750, with Town 25% matching share being in the amount of \$31,250 for the project, AND

WHEREAS, FEMA has increased the approved total project total cost to include an archeological study of the project work area and has authorized a total project amount of \$134,500, with a Federal share of \$100,875 and the required local share of \$33,625, AND

WHEREAS, SEMO has submitted an agreement for this revised project to the town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute the aforementioned revised Agreement with SEMO and any and all other documents necessary to secure the aforesaid funding for this project and, BE IT FURTHER

RESOLVED, that the Town's matching share of funding, in an amount not to exceed \$33,625, shall be appropriated from the Town-Wide Drainage District, account number 4000-8140-4543.

Upon roll call ....

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

Magierski

NAYES: (

ABSENT: Councilmember Jaworowicz

Item No. 9b Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga has previously approved an agreement with Be-A-Friend Program, Inc., AND

WHEREAS, the Director of Community Development has recommended an extension of said agreement to September 30, 2004, NOW, THEREFORE BE IT

RESOLVED, that the Agreement between the Town of Cheektowaga and Be-A-Friend Program, Inc., be and hereby is extended to September 30, 2004, and, BE IT FURTHER

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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

<u>Item No. 9c</u> Motion by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, the Town, in its 2004 budget, allocated moneys to certain cultural and notfor-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):

Cultural/Not-For-Profit Organization

Funding Approved

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 2004 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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

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 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 9e Motion by Supervisor Gabryszak, seconded by Councilmember Magierski

BE IT RESOLVED, that the Supervisor is hereby authorized to execute contracts and agreements between the Town of Cheektowaga, performers and vendors for the 26<sup>th</sup> Annual Polish American Arts Festival, to be held on July 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup>, 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 9f Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

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

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to 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 Johnson, Swiatek, Jankowiak, Mazur and

Magierski

NAYES: (

ABSENT: Councilmember Jaworowicz

Item No. 9g Motion by Supervisor Gabryszak, seconded by Councilmember Magierski

WHEREAS, grant monies in the amount of \$30,000 are available from New York State Senator William Stachowski to purchase furnishings for the expanded Cheektowaga Senior Citizens Center, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to purchase said furnishings for the Senior Citizens Center, 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 New York State 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 Johnson, Swiatek, Jankowiak, Mazur and

Magierski

NAYES:

ABSENT: Councilmember Jaworowicz

Item No. 9h Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, grant monies in the amount of \$5,000 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund to purchase furnishings for the expanded Cheektowaga Senior Citizens Center, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to purchase said furnishings for the Senior Citizens Center, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 9i Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, grant monies in the amount of \$2,500 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund toward the purchase of a new K-9 for use by the Town of Cheektowaga Police Department, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to purchase a new K-9, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

Magierski

NAYES: (

ABSENT: Councilmember Jaworowicz

Item No. 9i Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, grant monies in the amount of \$500 are available from Erie County Legislator Mark Schroeder via the Erie County Public Benefit Fund toward the purchase of a new K-9 for use by the Town of Cheektowaga Police Department, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to purchase a new K-9, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

Magierski

NAYES:

ABSENT: Councilmember Jaworowicz

Item No. 9k Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, grant monies in the amount of \$2,500 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund to fund the Cops in Shops program implemented by the Town of Cheektowaga Police Department, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to continue the Cops in Shops program, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 91 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga seeks grant monies to purchase playground equipment for Nob Hill Park, AND

WHEREAS, grant monies are available through Assembly Majority Leader Paul Tokasz for this purpose, 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 New York State 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 Johnson, Swiatek, Jankowiak, Mazur and

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

<u>Item No. 10</u> Motion by Councilmember Mazur, seconded by Councilmember Johnson

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 2004 for a term of one year:

REPRESENTINGDESIGNATEALTERNATEBellevueDell ReitzRemaining BoardCleveland HillRonald PassmoreRobert Trautman

Doyle Richard Ralecki None

Forks Vincent Piasecki Neil Cummings

Item No. 10 cont'd.

Hy-View Robert Schmitt Roman Gawronski

Pine Hill Donald Gill None

Walden Jack Tower Kristen Loeffler

Sloan Scott Prell None

South Line Kyle Tobolski Ed Fialkowski
U-Crest Ronald Wanat Michael Graczyk

St. Joe's Hospital Dr. Frank Lee

Chief of Police Captain Thomas Rowan

Dispatch Kenneth Paa
Town Board Thomas Mazur

**EX-OFFICIO MEMBERS (non-voting)** 

Rural/Metro John Rusinski County EMS John Adolpf

and, BE IT FURTHER

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

Board.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

<u>Item No. 11</u> Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, by resolution this Town Board appointed Laurie Vail to the temporary position of Clerk Typist in the Police Department, AND

WHEREAS, the permanent Clerk Typist, Cheryl Witt, has returned to duty, NOW, THEREFORE BE IT

RESOLVED, that Laurie Vail of Cheektowaga, New York 14227 be and hereby is returned to the Part-Time position of Clerk in the Police Department at the hourly rate of \$6.50 effective February 2, 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

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

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

George Hunger Ryan Jablonski Christopher Maciok Jennifer Maciok Cynthia Schmitt

Upon roll call ....

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

Magierski

NAYES: 0

<u>Item No. 13</u> Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

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

	<u>EFFECTIVE</u>
BUILDING & PLUMBING DEPARTMENT – Plumbing Inspector - \$15 per hour Gregory Magnuszewski , Depew, NY 14043	2/24/04
SENIOR SERVICES – Van Driver - \$7.50 per hour  Joseph E. Zbytek , Cheektowaga, NY 14225	2/24/04
JUSTICE COURT - Clerk - \$7.00 per hour Jacob Ruppert, Cheektowaga, NY 14225	2/24/04
POLICE DEPARTMENT – Clerk - \$6.00 per hour  Meghan Zack  Depew, NY 14043	2/24/04
POLICE DEPARTMENT – Police Attendant - \$12.50 per hour Jacqueline McNary, Cheektowaga, NY 14206	2/09/04
ACCOUNTING DEPARTMENT – Clerk - \$7.75 per hour Jennifer Behringer , Depew, NY 14043	2/20/04

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

		<u>EFFECTIVE</u>
MAIN PUMP STATION – La Leroy Linkner	oorer- \$7.75 per ho <u>ur</u> , Cheektowaga, NY 14225	3/01/04 - 8/01/04
SANITATION DEPARTMEN Jeffrey Speaker Matthew Rich Darren Kazmierczak Brian Kazmierczak	T – Laborer - \$7.50 per hour , Cheektowaga, NY 14225 , Cheektowaga, NY 14225 , Cheektowaga, NY 14206 , Cheektowaga, NY 14225	2/09/04 - 7/09/04 " - " " - "

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

	<u>EFFECTIVE</u>
POLICE DEPARTMENT Bernadette Futch	2/01/04
SENIOR SERVICES John Polakiewicz	2/01/04
JUSTICE COURT Amy Martina	1/20/04
BUILDING MAINTENANCE Jacqueline McNary	2/08/04

Upon roll call ....

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

Magierski

NAYES: 0

Item No. 14a Motion by Unanimous, seconded by Unanimous

WHEREAS, a vacancy currently exists in the position of General 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, John J. Jaroszewski, Jr., currently employed as Deputy Superintendent of Highways, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that John J. Jaroszewski, Jr. of Sloan, New York 14212 and hereby is appointed to the position of General Crew Chief in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective April 5, 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 14b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the position of Automotive Mechanic in the Central Garage, 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, Erik M. Hansen was interviewed and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Erik M. Hansen of Mechanic in the Central Garage, pursuant to the and hereby is appointed to the position of Automotive Mechanic in the Central Garage, 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 8, 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 15 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, by resolution, this Town Board appointed Christopher Taber, Jr. to the position of Traffic Signal Technician in the Police Department on a provisional basis, pending the establishment of a valid civil service list for said position, AND

WHEREAS, said civil service list has been established by the Erie County Department of Civil Service, AND

WHEREAS, Christopher Taber, Jr. is eligible for permanent appointment from said civil service list, NOW, THEREFORE BE IT

RESOLVED, that Christopher Taber, Jr. of Chr

Upon roll call ....

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

Magierski

NAYES: (

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

WHEREAS, the Pennsylvania Homicide Investigators Association is hosting a training conference for sworn law enforcement officers. This conference entitled, Sex-Related Homicide and Death Investigation: Practical and Clinical Perspectives will be held in Harrisburg, Pennsylvania, April 19-21, 2004, AND

WHEREAS, Chief Christine Ziemba is requesting authorization to send detectives Lt. Dave Zack and Robert Mullen to this conference. This program will focus on practical tactics, procedures, and forensic techniques which can be employed in a professional homicide investigation. The Police Department will be responsible for travel, lodging, registration, and meals amounting to approximately \$1,525.00. The Cheektowaga Police Vehicle will be used for transportation to and from this conference, NOW, THEREFORE BE IT

RESOLVED, that the above officers are authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be charged to 100-3120-4093 and 100-3120-4085.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

### **II. DEPARTMENTAL COMMUNICATIONS**

Item No. 17 Supervisor's Statement of Funds – December 2003

Received and Filed.

Item No. 18a Minutes of Board of Ethics Committee Meeting – January 26, 2004

Received and Filed.

Item No. 18b Minutes of Cheektowaga Advisory Council - January 17, 2004

Received and Filed.

Item No. 18c Minutes of Cheektowaga Conservation Advisory Council - February 5, 2004

Received and Filed.

Item No. 18d Minutes of Cheektowaga Traffic Safety Commission - January 20, 2004

Received and Filed.

Item No. 18e Minutes of Town Environmental Advisory Committee – February 11, 2004

Received and Filed.

### **III. GENERAL COMMUNICATIONS**

<u>Item No. 19a</u> Notice of Claim: Catherine Harmon vs. the County of Erie, the Town of Cheektowaga,

the Erie County Division of Sewerage Management and Erie County Sewer District #1 Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering Department and First Niagara Risk Management.

Received and Filed.

Item No. 19b Notice of Claim: Marie Belter vs. the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation Department; Highway Department and First Niagara Risk

Management.

Received and Filed.

Item No. 19c Notice of Claim: Venus A. Walker vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 19d Notice of Claim: Donald Herman vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 19e Notice of Claim: Edwin Eckert vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.



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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz



### **IV. SUSPENSION OF RULES**

Item No. 20 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga owns property on the south side of Walden Avenue west of Harlem Road, AND

WHEREAS, the Town desires to acquire property located at 1071 Walden Avenue to provide an additional means of access to the Town-owned property, AND

WHEREAS, in order to negotiate with the owner of 1071 Walden Avenue, there is a need to conduct a title search and have the property appraised, AND

WHEREAS, Northeastern Appraisal Associates Commercial, Inc. has submitted a proposal to prepare an updated narrative appraisal for this property at a cost of \$1,800.00, AND

WHEREAS, Ticor Title Insurance Company has submitted a proposal to prepare a title search for this property at a cost of \$355.00, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Northeastern Appraisal Associates Commercial, Inc. to prepare an updated full narrative appraisal of 1071 Walden Avenue at a cost of \$1,800.00 and, BE IT FURTHER

RESOLVED, that this Town Board hereby retains Ticor Title Insurance Company to prepare a title search for this property at a cost of \$355.00 and, BE IT FURTHER

RESOLVED, that funds for the aforementioned items shall be appropriated from Community Development funds.

### Item No. 20 cont'd.

Upon roll call ....

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

Magierski

NAYES: (

ABSENT: Councilmember Jaworowicz

<u>Item No. 21</u> Motion by Councilmember Jankowiak, seconded by Councilmember Magierski

WHEREAS, a temporary vacancy exists in the position of Motor Equipment Operator - B in the Sanitation 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, Joseph Dietl, 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 Joseph Dietl of Cheektowaga, New York 14225 be and hereby is appointed to the temporary position of Motor Equipment Operator - B in the Sanitation 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 24, 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Jaworowicz

<u>Item No. 22</u> Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the New York State Department of Environmental Conservation is sponsoring a seminar entitled, "Operation and Maintenance of Wastewater Collection Systems" from March 10, 2004 through March 12, 2004 at the Niagara County Training Facility in Lockport, New York, AND

WHEREAS, Town Engineer William Pugh, has requested authorization for Junior Civil Engineer Allan Blachowski and Principal Engineer Assistant Mark Christel to attend said seminar, AND

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

WHEREAS, the total cost to the Town shall not exceed \$320, AND

WHEREAS, these expenses have been budgeted by the Engineering Department, NOW, THEREFORE, BE IT

RESOLVED, that Junior Civil Engineer Allan Blachowski and Principal Engineer Assistant Mark Christel be and hereby are authorized to attend the New York State Department of Environmental Conservation sponsored seminar entitled, "Operation and Maintenance of Wastewater Collection Systems" from March 10, 2004 through March 12, 2004 at the Niagara County Training Facility in Lockport, New York.

Upon roll call ....

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

Magierski

NAYES: 0

 $\underline{\text{Item No. } 23} \qquad \text{Motion by Councilmember Jankowiak, seconded by Councilmember Johnson to adjourn this meeting at 7:15 P.M.}$ 

Mary F. Holtz Town Clerk

### TOWN OF CHEEKTOWAGA MEETING NO. 5 MARCH 1, 2004

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 1<sup>st</sup> day of March 2004 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

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

Councilmember Jeff Swiatek

Councilmember James J. Jankowiak Councilmember Thomas J. Mazur Councilmember Alice Magierski

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk, Michael Stachowski, Town Attorney, Brian Krause, Director of Administration and Finance, William Pugh, Town Engineer, Thomas Adamczak, Supervising Building and Plumbing Inspector and Christine Ziemba, Chief of Police.

### **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

**HIGHWAY FUND** 

FROM: 300-9010-8141 Employee Medical Insurance \$ 51,984.44 TO: 00-9010-8143 Retiree Medical Insurance \$ 51,984.44

PART TOWN FUND

FROM: 800-9010-8141 Employee Medical Insurance \$ 708.00 TO: 800-9010-8143 Retiree Medical Insurance \$ 708.00

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 2b</u> Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

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

part hereof;

<u>2004</u>

**HUD CDBG FUND** 

FROM: 700-1098-0790 Senior Van Driver \$ 3,621.00 700-1099-0665 Senior Citizen Van 379.00

TO: 700-1098-0661 Senior Citizen Recreation Services \$ 3,621.00

700-1099-0661 Senior Citizen Recreation Services 379.00

Upon roll call ....

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

Mazur and Magierski

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, 27, 2004 are hereby approved and made a part hereof;

GENERAL FUND	\$	84,410.77
RISK RETENTION FUND		24,744.19
HUD HOUSING REHABILITATION		25,771.00
SPECIAL DISTRICTS FUND		8,727.09
HIGHWAY FUND		74,800.23
TRUST & AGENCY		4,550.40
HUD CDBG FUND		6,400.00
PART TOWN FUND		353.40
CAPITAL FUND	_	89,853.98
	\$	319,611.06

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 4</u> Award of Bid – 2004 Model Aerial Lift Truck with a Dumping Wood-Chip Box

This item was withdrawn.

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

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

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

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

WHEREAS, an application was submitted by Benderson Development Co., Inc. for the rezoning 3.176  $\pm$  acres of land at 1775 and 1785 Walden Avenue from M2- General Manufacturing to CM-General Commercial for the construction of a 5 story 125 room hotel and a 2,400 square foot restaurant, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on February 11, 2004 recommended a determination of non significance as shown in the attached memorandum dated February 13, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting held on February 13, 2003, AND

WHEREAS, the Town Traffic Safety Commission has reviewed the subject project and is recommending the elimination of the proposed driveway on Walden Avenue due to vehicular conflicts with traffic entering the New York State Thruway as shown on the attached memorandum dated February 14, 2004, AND

WHEREAS, the applicant has petitioned the Town of Cheektowaga Zoning Board of Appeals for relief from the building height and parking setback requirements, AND

WHEREAS, the Zoning Board of Appeals decision is still pending, AND

WHEREAS, the Town Engineer has identified sanitary sewer capacity deficiencies in the existing town sanitary sewer which would prevent this project from connecting to the Town sanitary sewer, AND

### Item No. 5 Cont'd.

WHEREAS, to resolve the sanitary sewer deficiencies, a storm relief sewer must be constructed along Anderson Road to reduce storm water discharges in the town's sanitary sewer, which will create the additional capacity needed to allow for the proposed hotel and restaurant, AND

WHEREAS, the developer has committed to the construction of the public storm relief sewer with assurances from the Town for reimbursement according a benefit formula, AND

WHEREAS, the Town Attorney is reviewing the developers commitments for construction of the public storm sewer and a method for reimbursement, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Knauth Consultants is acceptable, subject to:

- 1. The Zoning Board of Appeals granting the required variances.
- 2. The applicant amend his/her site plan consistent with the Traffic Safety Commission's recommendation.
- 3. The Town Engineer approve the drainage plan and proposed relief storm sewer.
- 4. The Town Attorney approve the benefit basis method of reimbursement for the storm sewer project.
- 5. The Developer submit for separate site plan approval of the proposed restaurant.
- 6. The Building Department not issuing a certificate of occupancy for the Hotel until the relief storm sewer is constructed and the Town Engineer is satisfied that the Town's sanitary sewer has sufficient capacity to handle the Hotel's sewer loads.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

## <u>Item No. 6</u> Motion by Councilmember Magierski; 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 Ronald J. Battaglia of Flynn Battaglia Architects, PC for the re-approval of the site plan for a 39,975 square foot warehouse building addition at 125 Allied Drive, AND

WHEREAS, the Town Board on September 7, 1999 previously approved the site plan for the subject project and issued a determination of non significance pursuant to the State Environmental Quality Review Act (SEQRA) as shown on the attached resolution, AND

WHEREAS, pursuant to Chapter 260, Article VII, Section 260-53B of the Zoning Law the town board approval of said site plan expired on September 7, 2000 due to the developers failure to commence construction within one year from the date of said site plan approval, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of January 8, 2004 recommended its re-approval of the site plan, AND

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

RESOLVED, that this Town Board re-approves the project site plan.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 7</u> Motion by Supervisor Gabryszak Councilmember Johnson; Seconded by Councilmember Magierski

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

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

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

WHEREAS, an application was submitted by Benderson Development Co., Inc. for the construction of a 107,646 square foot warehouse/office development at 505 Duke Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 22, 2003 recommended a determination of non significance as shown in the attached memorandum dated October 23, 2003 AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on November 13, 2003, AND

WHEREAS, the applicant has modified his site plan to increase pedestrian mobility within the site and make improvements to Duke Road, AND

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

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

1. The Town Engineer approving the grading/drainage plan.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, Benderson Development Company, Inc. petitioned for a rezoning from M2-General Manufacturing District to CM-General Commercial District for a hotel and restaurant for property owned by it and located at 1775 and 1785 Walden Avenue, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 23rd day of February, 2004 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, subject to certain conditions, AND

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

RESOLVED, that the application of Benderson Development Company, Inc.. for the rezoning from M2-General Manufacturing District to CM-General Commercial District of the property described in the attached legal description for hotel and restaurant be and the same is hereby approved, subject to the following conditions:

- 1. A new site plan be submitted for the detached restaurant building when a tenant is found for that parcel;
- 2. An action plan be submitted by the applicant to deal with any contaminated soil;
- 3. A storm sewer separation drainage plan be in place prior to building permit approval;
- 4. Prior to building permit approval, an agreement acceptable to the Town Attorney between the Town and the applicant be signed relating to installation of the improvements necessary pursuant to the storm sewer separation plan.

#### 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, Johnson, Swiatek, Jankowiak,

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

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

WHEREAS, the contract for Plumbing Work for the Additions and Alterations to the Cheektowaga Senior Citizen Center was awarded by Town Board Resolution dated June 25, 2003 to C & L Plumbing, Inc. in the amount of \$59,000.00, AND

WHEREAS, Kideney Architects, Project Architect, has prepared, submitted, and recommended the approval of Change Order #1 which provides for deletion of three (3) air admittance valves and the addition of a fully vented system to outside air, pursuant to the recommendation of the Town Plumbing Inspector, as outlined in the Change Order Documents and as described in a letter to the Town Board from the Engineering Department dated February 20, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1 in the amount of \$2,741.00 as an addition to the contract of C & L Plumbing, Inc., 79 Sheldon Avenue, Depew, New York 14043 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order #1 on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for Change Order #1 shall be chargeable to Account #500-7620-2520-5122.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the contract for Heating, Ventilating and Air Conditioning Work for the Additions and Alterations to the Cheektowaga Senior Citizen Center was awarded by Town Board Resolution dated June 25, 2003 to Tri-R Mechanical Services in the amount of \$270,350.00, AND

WHEREAS, Kideney Architects, Project Architect, has prepared, submitted and has recommended the approval of Change Order #1 which provides for modifications and additions to the original scope of the contract as outlined in the Change Order Documents and as described in a letter to the Town Board from the Engineering Department dated February 20, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1 in the amount of \$5,639.00 as an addition to the contract of Tri-R Mechanical Services, 25 Ransier Drive, West Seneca, New York 14224 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order #1 on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for Change Order #1 shall be chargeable to Account #500-7620-2520-5122.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the contract for General Construction Work for the Additions and Alterations to the Cheektowaga Senior Citizen Center was awarded by Town Board Resolution dated June 25, 2003 to Lemur Construction Corporation in the amount of \$652,700.00, AND

WHEREAS, Kideney Architects, Project Architect, has prepared, submitted and has recommended the approval of Change Order #GC-1 which provides for various revisions and upgrades beyond the scope of the original contract as outlined in the Change Order Documents and as described

### Item No. 9c Cont'd.

in a letter from the Town Engineering Department to the Town Board dated February 20, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #GC-1 in the amount of \$10,809.41 as an addition to the contract of Lemur Construction Corporation, P.O. Box 852, East Aurora, New York 14052 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order #GC-1 on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for Change Order #GC-1 shall be chargeable to Account #500-7620-2520-5122.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the contract for Fire Protection Work for the Additions and Alterations to the Cheektowaga Senior Citizen Facility was awarded by Town Board resolution dated June 25, 2003 to Davis Fire Protection and Services, LLC in the amount of \$42,915.00, AND

WHEREAS, Kideney Architects, Project Architect, has prepared, submitted and recommended the approval of Change Order #1 which provides for additional sprinklers in the existing basement and stairwells (by request of the Town Fire Inspector) and in the existing unprotected attic space as outlined in the Change Order Documents, and as described in a letter to the Town Board from the Engineering Department dated February 20, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1 in the amount of \$8,073.81, as an addition to the contract of Davis Fire Protection and Services LLC, 120 West Tupper Street, Buffalo, New York 14201 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order #1 on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for Change Order #1 shall be chargeable to Account #500-7620-2520-5122.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the contract for Electrical Work for the Additions and Alterations to the Cheektowaga Senior Citizen Center was awarded by Town Board Resolution dated June 25, 2003 to O'Connell Electric Company in the amount of \$224,200.00, AND

WHEREAS, Kideney Architects, Project Architect, has prepared, submitted and recommended the approval of Change Order #1 which provides for various wiring, switch and receptacle revisions and relocations, the addition of three (3) magnetic starters for new mechanical pumps and a credit for an original allowance estimate from Niagara Mohawk as outlined in the Change Order Documents, and as described in a letter to the Town Board from the Engineering Department dated February 20, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1 in the amount of \$753.71 as an addition to the contract of O'Connell Electric, 929B Ransom Road, Lancaster, New York 14086 be and hereby is approved, AND, BE IT FURTHER

### Item No. 9e Cont'd.

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order #1 on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for Change Order #1 shall be chargeable to Account #500-7620-2520-5122.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the contract for the Alpine Place Sanitary Sewer Improvements Project was awarded by Town Board Resolution dated June 2, 2003 to Yarussi Construction Inc., in the amount of \$538,357.00, AND

WHEREAS, Nussbaumer & Clarke, Inc., Project Consulting Engineers, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements and, therefore, recommend approval of Change Order No. 1 (final) for the aforesaid project, which provides for final adjustment to contract item quantities to those actually incorporated into the project, as outlined in the Change Order Document dated February 18, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the aforementioned project in the amount of \$5,750.67 as an addition to the contract of Yarussi Construction Inc. be and hereby is approved and shall be chargeable to Account #500-1440-4544-5222, AND BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute Change Order No. 1 (final) and the final contract acceptance documents on behalf of this Town Board.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, the Town, in its 2004 budget, allocated moneys to certain cultural and notfor-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 Historical Association \$1,350.00

and BE IT FURTHER

## Item No. 11 Cont'd.

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 2004 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

WHEREAS, by resolution dated October 21, 2002 this Town Board authorized the execution of a Public Utility Work Agreement (PUWA), HC-140, Ref. #9A-1, between the Town and the New York State Department of Transportation for the inclusion of a sanitary sewer betterment with the NYSDOT contract for the reconstruction of Union Road from Como Park Boulevard to George Urban Boulevard, and the reconstruction of a portion of Walden Avenue from Union Road to the New York State Thruway, identified as PIN 5131.23, D 259485, AND

WHEREAS, the proposed betterment to Town owned sanitary sewer district facilities as recommended by the Town Engineer to correct an existing system deficiency, and as detailed in the PUWA was based on a preliminary NYSDOT estimate in the amount of \$22,210.00, AND

WHEREAS, based on actual bids received by the NYSDOT on January 29, 2004 the total Town betterment share is in the amount of \$37,128.43, and the Town Engineer has advised that performance of the proposed sanitary sewer improvement, independent of the NYSDOT contract, would result in substantial additional costs, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, in its capacity as the Board of Managers for the Consolidated Sanitary Sewer District, hereby requests that the NYSDOT include the aforementioned betterment in the subject project, and directs the Director of Administration and Finance to deposit with the Comptroller of the State of New York, funding budgeted in the 2004 Consolidated Sanitary Sewer District budget, in the sum of \$37,128.43 to finance the cost of the sanitary sewer betterment as part of the NYSDOT Reconstruction Project.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

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

BE IT RESOLVED, that the following individual be and herby is hired as a part-time employee in the Department of Parks, Recreation and Youth Services, effective March 20, 2004:

Basketball – 7140.1815 Recreation Attendant (I) - \$5.15

Thomas E. Poules

Cheektowaga, NY 14206

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0



#### II. DEPARTMENTAL COMMUNICATIONS

<u>Item No.14</u> Supervisor's Statement of Funds

Received and Filed.

<u>Item No. 15</u> Building Permits – February 2004

Received and Filed.

Item No. 16 Minutes - Cheektowaga Planning Board - February 12, 2004

Received and Filed.



### **III. GENERAL COMMUNICATIONS**

<u>Item No. 17</u> Summons – Bank of America NA vs. Estate of Elizabeth A. Kilgus, Etal

Received and Filed.

Item No. 18a Notice of Claim: C & L Plumbing vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Senior Services, Accounting and First Niagara Risk Management.

Received and Filed.

Item No. 18b Notice of Claim: Kimberly L. Christey vs. Town of Cheektowaga

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

Attorney; Council; Highway and First Niagara Risk Management.

Received and Filed.

Item No. 18c Notice of Claim: David Lewandowski vs. Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Building & Plumbing; Sewer Department and First Niagara Risk

Management. Received and Filed.

Item No. 18d Notice of Claim: Philomena McCoy vs. Town of Cheektowaga

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

Attorney; Council; Police Department and First Niagara Risk Management.

Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER JOHNSON; SECONDED BY COUNCILMEMBER MAZUR TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS, AND THE VOTING WENT AS FOLLOWS:

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0



<u>Item No. 19</u> Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

BE IT RESOLVED, that the following individual be and hereby is hired as 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:

MIS DEPARTMENT - Computer Support Technician - \$12.00 per hour

Marty Malinowski , Cheektowaga, NY 14225

3/02/04

<u>EFFECTIVE</u>

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the various departments

### Item No. 19 Cont'd.

listed and in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

**EFFECTIVE** 

PARKS DIVISION - Laborer - \$7.00 per hour

Justin Tricoli , Cheektowaga, NY 14227

3/02/04

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

**EFFECTIVE** 

MIS DEPARTMENT

Rick McCay 2/2404

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

<u>Item No. 20</u> Motion by Unanimous; Seconded by Unanimous

WHEREAS, an Invitation to Bid was published for the receipt of bids for the Administration of a Recycling Program in the Town, which bids were duly received and opened on February 18, 2004, by the Town Clerk; AND

WHEREAS, said bids were referred to the Highway and Sanitation Committee and Town Attorney for analysis, tabulation and report; AND

WHEREAS, the Chairman of the Sanitation Committee and the Town Attorney recommend that the contract for the Administration of a Recycling Program in the Town of Cheektowaga be awarded to BFI, 2321 Kenmore Avenue, Kenmore, New York, 14217, for its submission of the lowest responsible bid; NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Administration of a Recycling Program be and hereby is awarded to BFI, 2321 Kenmore Avenue, Kenmore, New York, 14217, for the bid price of \$29.16 per unit based on 28,000 units, together with payment to the Town of \$10.00 per ton for all recyclables collected, said bid being the lowest responsible bid meeting the requirements of the specifications for said bid item; all recyclables will be picked up each week which will result in an enhancement of service from prior levels when source separation was mandatory; AND BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute a contract with BFI for the aforesaid service, subject to the approval of said contract by the Town Attorney's Office.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 21 Motion by Unanimous; Seconded by Unanimous

WHEREAS, by Local Law No. 2002-3 of the year 2002, 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. 2004-2 of the Year 2004 will be prepared to so amend Chapter 206 of the Town Code, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 15<sup>th</sup> day of March, 2004, at 7:00 P.M. at the Bellevue Fire Hall, 511 Como Park Blvd., Cheektowaga, New York for the purpose of considering

Item No. 21 Cont'd.

the adoption of Local Law Intro No. 2004-2 of the Year 2004, entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", and BE IT FURTHER

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



#### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 15<sup>th</sup> day of March, 2004, at 7:00 P.M. at the Bellevue Fire Hall, 511 Como Park Blvd., Cheektowaga, New York to consider and discuss and, if need be, act upon a proposed Local Law amending Chapter 206 of the Town Code, entitled "Solid Waste";

Local Law Intro No. 2004-2 of the Year 2004

A Local Law To Amend the

Solid Waste Law of the Town of Cheektowaga

This local law would amend Section 206 of the Code of the Town of Cheektowaga ("Solid Waste Law") to include source separation and the collection recyclables in the Town.

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

Dated: Cheektowaga, New York

March 1, 2004

MARY F. HOLTZ Town Clerk



Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

Item No. 22 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, the Career Internship Coordinator at Maryvale Senior High School has requested that the Town participate in its Career Exploration Internship Program, which is an unpaid fifty-four hour job shadowing program, offering students the opportunity to interact with professionals having expertise in certain areas while earning school credit; AND

WHEREAS, Erica Robinson, a Senior at Maryvale Senior High School, is a participant in said program and is interested in an internship in the Town Attorney's Office, beginning March 3, 2004 and ending June 25, 2004, for a total of fifty-fours of on the job, non-paid internship experience, AND

WHEREAS, the Town Attorney's Office has interviewed Ms. Robinson and is desirous of participating in the program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and herby is authorized to execute the Memorandum of Agreement with Maryvale Senior High School, allowing Erica Robinson to participate in the Career Exploration Internship Program, under the terms and conditions of said Agreement.

Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

Item No. 23 Motion by Councilmember Jaworowicz; Seconded by Councilmember Johnson

WHEREAS, by resolution dated February 2, 2004, this Town Board advertised for bids for the purchase of One (1) New and Unused, 2004 Model, Aerial Lift Truck with a Dumping Wood-Chip Box (Designed for Tree Trimming), AND

WHEREAS, bids were duly opened for such vehicle on February 18, 2004, AND

WHEREAS, due to confusion amongst bidders, the Town Superintendent of Highways has recommended that the Town reject all bids received and re-advertise for this vehicle, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rejects all bids received and opened on February 18, 2004 for the purchase of One (1) New and Unused 2004 Model, Aerial Lift Truck with a Dumping Wood-Chip Box, AND BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders for the purchase of One (1) New and Unused Aerial Lift Truck with a Dumping Wood-Chip Box (Designed for Tree Trimming) in the CHEEKTOWGA TIMES, AND BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at a public bid opening to be held on Wednesday, March 10, 2004 at 11:00 A.M. in the Council Chambers of the Cheektowaga Town Hall.



### TOWN OF CHEEKTOWAGA

## NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga will receive bids for the purchase of ONE (1) NEW AND UNUSED, 2004 MODEL, AERIAL LIFT TRUCK WITH A DUMPING WOOD-CHIP BOX (DESIGNED FOR TREE TRIMMING) for use by the Town of Cheektowaga

Highway Department, at a public bid opening to be held on Wednesday, March 10, 2004 at 11:00 A.M. in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227.

Information for Bidders and Specifications for this vehicle may be obtained from the Office of Mary F. Holtz, Town Clerk, at the Cheektowaga Town Hall, Cheektowaga, New York 14227 during regular business hours.

Non-Collusion forms must be signed and submitted with each bid.

The Town of Cheektowaga reserves the right to reject any and all bids received if deemed in the best interest of the Town.

MARY F. HOLTZ Town Clerk

Dated: March 1, 2004

Published: March 4, 2004

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Upon roll call ....

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

Mazur and Magierski

NAYES: 0 ABSENT: 0

AFFIDAVIT NEXT PAGE

Item No. 24 Motion by Councilmember Johnson; Seconded by Councilmember Mazur to adjourn the meeting. The next scheduled meeting will be at Bellevue Fire Hall at 511 Como Park Blvd., Cheektowaga. Time of adjournment was 7:20 P.M.

MARY F. HOLTZ TOWN CLERK

### TOWN OF CHEEKTOWAGA MEETING 6 MARCH 15, 2004

<u>Item No. 1</u> At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of March, 2004 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak

Councilmember Patricia A. Jaworowicz Councilmember Thomas M. Johnson, Jr. Councilmember Thomas J. Mazur Councilmember James J. Jankowiak Councilmember Alice Magierski

ABSENT: Councilmember Jeff Swiatek

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

#### I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the proposed adoption of Local Law 2004-2 of the Year 2004 entitled, "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga" of said Town hereinafter more particularly described. The Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed. Said proposed amendments are attached.

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

### **II. RESOLUTIONS**

Item No. 3a 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

#### SPECIAL DISTRICTS FUND

From: 150-1910-4711 Contingency \$207,920.00 150-8160-4468 Composting 186,477.00 150-8160-8141 Employee Medical Insurance 1,640.00

To: 150-8160-4469 Landfill Costs \$394,397.00

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

part hereof:

2004

### **HUD CDBG FUND**

From: 700-1002-5000 Removal of Architectural Barriers \$2,000.00

To: 700-1002-4440 Cedargrove Heights Entrance \$2,000.00

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to March 12, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$	528,572.46
RISK RETENTION FUND		76,614.80
HUD HOUSING REHABILITATION		11,283.00
SPECIAL DISTRICTS FUND		397,909.68
HIGHWAY FUND		123,544.12
TRUST & AGENCY		(2,246.81)
HUD CDBG FUND		4,672.50
PART TOWN FUND		13,392.71
CAPITAL FUND		198,188.95
	\$1	,351,931.41

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

### <u>Item No. 5</u> Motion by Unanimous, seconded by Unanimous

WHEREAS, a public hearing was held on the 15<sup>th</sup> day of March, 2004 at 7:00 P.M., at the Bellevue Fire Hall, 511 Como Park Boulevard, Cheektowaga, New York to consider the advisability of adopting a local law to amend Chapter 206 of the Town Code to provide for the administration of a recycling program in the Town, AND

WHEREAS, at such public hearing, the public was given an opportunity to comment on such proposed local law, AND

WHEREAS, this Town Board feels it is in the public interest to adopt such local law, NOW, THEREFORE BE IT

RESOLVED, that Local Law Intro No. 2004-2 of the Year 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) copy with the Secretary of State and, BE IT FURTHER

RESOLVED, that Local Law Intro No. 2004-2 of the Year 2004 shall take effect immediately upon filing with the Secretary of State.

Upon roll call ....

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

Magierski

NAYES: C

ABSENT: Councilmember Swiatek

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

WHEREAS, bids were duly received by this Town Board at a public bid opening held, March 10, 2004 for the purchase on ONE (1) NEW AND UNUSED, 2004 MODEL, AERIAL LIFT TRUCK WITH A DUMPING WOOD-CHIP BOX. As a result of advertisement, such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid for the purchase of ONE (1) NEW AND UNUSED, 2004 MODEL AERIAL LIFT TRUCK WITH A DUMPING WOOD-CHIP BOX, be awarded to ALTEC INDUSTRIES, INC., 250 Laird Street, Plains, Pennsylvania 18705, at a total bid price of \$82,500.00. Said bidder being the lowest responsible bidder meeting specifications and, BE IT FURTHER

RESOLVED, General Motors has offered the Town a Fleet/Government Entity Certificate for \$1,000.00, where this amount may be deducted from the total price of bid. The monies should be charged to line item 500-5130-2407-5420.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

BE IT RESOLVED, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of TOPSOIL by the Cheektowaga Highway Department and various departments in the Town, AND

WHEREAS, information for bidders and specifications may be obtained from the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York 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 items at a public bid opening to be held on Wednesday, March 31, 2004, at 11:00 A.M., in the Council Chambers of the Cheektowaga Town Hall.



### NOTICE TO BIDDERS

#### TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on March 31, 2004 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: March 15, 2004

# Item No. 7a cont'd.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 7b Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, it is in order that bids be advertised for the Furnishing of One (1) 2004 High Velocity Sewer Cleaner to be mounted on a truck chassis supplied by the Town for the Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Furnishing of One (1) 2004 High Velocity Sewer Cleaner, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on March 31, 2004 at 11:00 A.M., local time, at the Town Hall, at which time they will be publicly opened and read.



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 31, 2004 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the purchase of One (1) 2004 High Velocity Sewer Cleaner.

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.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the attorney for the Town of Cheektowaga, New York.

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

Mary F. Holtz Town Clerk

DATED: March 15, 2004

**\_\_\_** 

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 7c Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, it is in order that bids be advertised for the furnishing of storm sewer flap gates for drainage improvements in Town Park, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of storm sewer flap gates, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on March 31, 2004 at 11:00 A.M., local time, at the Town Hall, at which time they will be publicly opened and read.



### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 31, 2004 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of Storm Sewer Flap Gates.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing Storm Sewer Flap Gates" and submitted to the Town Clerk prior to bid opening.

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

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

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

Mary F. Holtz Town Clerk

DATED: March 15, 2004

<del>----</del>

Upon roll call ...

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, it is in order that bids be advertised for the Site and Building Demolition of the Rescue Volunteer Hose Company No. 1 Banquet Hall in the Town of Cheektowaga, AND

WHEREAS, the Cheektowaga Engineering Department has prepared plans and specifications for the aforesaid project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Site and Building Demolition of the Rescue Volunteer Hose Company No. 1 Banquet Hall, said notice to be published in the BUFFALO NEWS, the CHEEKTOWAGA TIMES and the BUFFALO CRITERION and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 31<sup>st</sup> day of March, 2004 at 11:00 A.M., local time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



#### NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 31st day of March, 2004 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for Site and Building Demolition of the Rescue Volunteer Hose Company No. 1 Banquet Hall, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

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

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

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 and marked Site and Building Demolition of the Rescue Volunteer Hose Company No. 1 Banquet Hall.

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

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

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

### Item No. 7d cont'd.

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

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

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

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

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

A pre-bid inspection and walk through will be held at the demolition site at 72 Randolph Avenue, Cheektowaga, New York 14211 on March 26, 2004 at 10:00 A.M. All contractors are encouraged to attend. Cameras and flashlights are welcome.

BY ORDER OF: THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: March 15, 2004

PUBLISHED: March 18, 2004

<del>\_\_\_\_</del>\_\_\_

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

### Item No. 8 Motion by Councilmember Johnson, seconded by Councilmember Mazur

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

WHEREAS, the War of 1812 Cemetery Board of Trustees has made application to hold a parade and commemoration ceremony on Sunday, June 13, 2003 beginning at 11:30 A.M. as follows:

- Parade will assemble at the corner of Aero Drive and Wehrle Drive, and proceed down Aero Drive to the War of 1812 Cemetery, where the ceremonies will be held, AND

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

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

- 1. Submittal of plan for sanitary facilities;
- 2. Submittal of site plan;
- 3. Submittal of Security Plan;
- 4. Submittal of Fire Prevention/Emergency Services Plan;

### NOW, THERFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the War of 1812 Cemetery Board of Trustees for the aforementioned parade and commemoration ceremony to be held on June 13, 2004 and, BE IT FURTHER

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

Upon roll call ....

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

Magierski

NAYES:

ABSENT: Councilmember Swiatek

### <u>Item No. 9</u> Motion by Councilmember Magierski, seconded by Councilmember Jankowiak

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4,300 local governments, AND

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, AND

WHEREAS, the New York State Legislature in 1995 has twice extended the sunset date, most recently to December 31, 2005, AND

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, AND

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, AND

WHEREAS, the Town of Cheektowaga has benefited from technical assistance, training, publications and 16 grants totaling \$438,106.00, not including one cooperative grant, which were supported by the LGRMIF, AND

### Item No. 9 cont'd.

WHEREAS, the LGRMIF continues to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Cheektowaga, NOW, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga supports the elimination of said sunset provision of December 31, 2005 in order to make the LGRMIF permanent.

Upon roll call ....

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

Magierski

NAYES: C

ABSENT: Councilmember Swiatek

<u>Item No. 10</u> Motion by Councilmember Magierski, 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 Joseph Jacobi of Atlas Self Storage, LLC for the approval of an amendment to an approved site plan for a construction of a nine (9) building self storage facility totaling 91,050 square feet in area at 550 Cayuga Road, AND

WHEREAS, the applicant's proposed amendment to the site plan involves the reorientation of several buildings by rotating the buildings 90 degrees without an increase in total square footage, AND

WHEREAS, the Town Board on January 20, 2004 previously approved the site plan for the subject project and issued a determination of non significance pursuant to the State Environmental Quality Review Act (SEQRA) as shown on the attached resolution, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of March 11, 2004 recommended its approval of the amended 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 approves the amendment to project site plan.

Upon roll call ....

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

Magierski

NAYES: C

ABSENT: Councilmember Swiatek

Item No. 11 Motion by Councilmember Johnson, seconded by Councilmember Magierski

WHEREAS, McLaughlin Street is a "paper street", running north-south located between William Street and Dingens Street, west of Medina Street in the Town of Cheektowaga, AND

WHEREAS, McLaughlin Street originally appeared on a subdivision map cover filed in the Erie County Clerk's Office under Cover No. 395 in 1890, AND

WHEREAS, under New York State law, the depiction of a street on a map cover filed in a County Clerk's Office is considered to be an offer of dedication of such street to the municipality and can be accepted at any time, AND

WHEREAS, no deed to McLaughlin Street was ever tendered to the Town of Cheektowaga by the developer or its successors and assigns, AND

WHEREAS, the Town of Cheektowaga is now desirous of accepting McLaughlin Street as an unpaved right-of-way for its proposed Rails to Historic Trails Pathway, NOW, THEREFORE, BE IT

RESOLVED, that McLaughlin Street, as it is shown on Subdivision Map Cover Number 395, as filed in the Erie County Clerk's Office, be and the same is hereby accepted by this Town Board, to be utilized by the Town for its Rails to Historic Trails Pathway system and for any and all other municipally-related purposes as to the Town seems fit and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file a certified copy of this resolution in the Erie County Clerk's Office.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 12a Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, the Police Department regularly receives property that has been recovered or found or was the subject of a criminal investigation, AND

WHEREAS, a large amount of property is being held by the Police Department which has remained unclaimed for a number of years, AND

WHEREAS, pursuant to State law, unclaimed property held for a number of years by a municipal police department becomes the property of the municipality, AND

WHEREAS, the unclaimed property described on the attached list is now considered town property and is surplus to the needs of the town, and, as such, can be disposed of by the town, AND

WHEREAS, PropertyBureau.com, Inc. is a private company which auctions and disposes of personal property on behalf of private and public entities utilizing the internet, AND

WHEREAS, PropertyBureau.com. Inc. has submitted a proposal to the Town to dispose of surplus Town property, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Property Disposition Services Agreement with PropertyBureau.com, Inc. for the disposition of surplus Town property held by the Police Department as unclaimed property and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate the sale of such unclaimed property through PropertyBureau.com, Inc. and, BE IT FUTHER

RESOLVED, that this Town Board hereby approves the sale through PropertyBureau.com, Inc. of the unclaimed property described on the attached list.

# Item No. 12a cont'd.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, the Town, in its 2004 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):

Cultural/Not-For-Profit Organization

**Funding Approved** 

Cheektowaga Arts Society

\$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 2004 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

WHEREAS, grant monies in the amount of \$5,000 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund toward the purchase chairs for use in the main lobby of the Town Justice Court, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to purchase the new chairs, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

#### Item No. 13a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

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

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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

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

RESOLVED, that the Town Board, pursuant to Section 52-5 of the Code of the Town of Cheektowaga accept the recommendations of the Emergency Medical Services Board, and approve the attached list of vehicles and, BE IT FURTHER

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

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

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

BE IT RESOLVED, that the following employees be and hereby are terminated from the Department of Parks, Recreation & Youth Services, effective immediately (Part-Time):

Shannon Cultrara Zachary Porterfield Ashley Reformat

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 15</u> Motion by Councilmember Jankowiak, seconded by Councilmember Magierski

BE IT RESOLVED, that the following individual be and hereby is hired as 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:

MIS DEPARTMENT - Computer Support Technician - \$12.00 per hour
Richard McKay , Cheektowaga, NY 14227 3/16/04

POLICE DEPARTMENT - Clerk - \$6.00 per hour
Shannon M. Lease , Depew, NY 14043 3/16/04

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

<u>EFFECTIVE</u>

MIS DEPARTMENT

Martin Malinowski 3/16/04

JUSTICE COURT

Peter Gullo
John Lewandowski

James Martina

"
John Stronka

"
James Williams

"
"

POLICE DEPARTMENT

Lynn Martinez 2/20/04

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 16 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, three (3) vacancies exist in the title of Court Officer (Part-Time) in the Justice Court, AND

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

WHEREAS, the current list established for the Court Officer title was canvassed, AND

WHEREAS, three (3) candidates were interviewed and meet the necessary qualifications for appointment, THERFORE, BE IT

Item No. 16 cont'd.

RESOLVED, that Martin Rafferty, Jr. of 14225, Michael Menth of Cheektowaga, New York 14225, and Michael Owczarzak of Cheektowaga, New York 14227, be and hereby are appointed to the position of Court Officer (Part-Time) in the Justice Court and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 16, 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 17a</u> Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Public Agency Training Council is holding a training seminar regarding Criminal Investigations Case Management on April 6 – 8, 2004 in Atlantic City, New Jersey, AND

WHEREAS, Chief Christine Ziemba is requesting authorization to send Capt. James Morath to this seminar. The seminar will cover various topics such as tactics, techniques and procedures in supervising and managing criminal investigations with prosecutorial merit. The Police Department will be responsible of tuition, lodging, travel and meals amounting to approximately \$741.00. Capt. Morath will use his Cheektowaga Police Vehicle for travel to and from this training, NOW, THEREFORE BE IT

RESOLVED, Capt. Morath is authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be charged to 100-3120-4093 and 100-3120-4085.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 17b</u> Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the International Municipal Signal Association (IMSA) is offering a certification program on March 28 thru April 2, 2004 in Burlington, Ontario, Canada, AND

WHEREAS, Chief Christine Ziemba is requesting authorization to send Signal Technician Christopher Taber, Jr. to this certification program. Topics to be covered will be Justification and Signal Study Requirements, Planning and Design, Layout Design, System Concepts, Signal Installation and Signal Maintenance to name a few. Also, a certification exam is required at the end of this study program. The Police Department will be responsible for tuition, lodging, meals and travel expenses amounting to approximately \$1,819.00 CND. Please note that the estimated expense is quoted in Canadian Funds, NOW, THEREFORE BE IT

RESOLVED, Christopher Taber, Jr. is authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be charged to 100-3310-4093.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

Item No. 17c Motion by Councilmember Jankowiak, seconded by Councilmember Magierski

WHEREAS, a supervisory training seminar is being offered entitled, "Dealing Effectively with Unacceptable Employee Behavior" on March 26, 2004, at the Holiday Inn located in Buffalo, New York, AND

#### Item No. 17c cont'd.

WHEREAS, Parks, Recreation and Youth Services Director Kenneth Kopacz has requested authorization for temporary General Crew Chief William Lawicki to attend said seminar, AND

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

WHEREAS, the total cost to the Town shall not exceed \$150, AND

WHEREAS, these expenses have been budgeted by the Parks Division, NOW, THEREFORE, BE IT

RESOLVED, that temporary General Crew Chief William Lawicki of the Parks Division be and hereby is authorized to attend the supervisory training seminar entitled, "Dealing Effectively with Unacceptable Employee Behavior" on March 26, 2004 at the Holiday Inn located in Buffalo, New York.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

## Item No. 17d Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, Service Education, Inc. will be conducting training relating to Court Room Reporting on March 22, 2004, in the Sheridan Town Court, AND

WHEREAS, Town Justice Thomas Kolbert has requested authorization for Clerk to the Justice Court Stephanie Lewandowski, Clerk to the Town Justice Judith Smith, and Court Clerk Roger Martens, Jr. to attend said seminar, AND

WHEREAS, the Justice Court has submitted a request for travel authorization along with the proper paperwork in a timely manner, AND

WHEREAS, the total cost to the Town shall not exceed \$65, AND

WHEREAS, these expenses have been budgeted by the Justice Court, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are authorized to attend the Court Room Reporting on March 22, 2004, in the Sheridan Town Court.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

# <u>Item No. 18</u> Motion by Councilmember Jankowiak, seconded by Councilmember Magierski Councilmember Johnson

WHEREAS, by resolution dated January 5, 2004, this Town Board agreed to retain the services of Deloitte & Touche, CPAs to perform certain audit, accounting and budget services for the Town of Cheektowaga in 2004, AND

WHEREAS, the Town wishes to change the provider of audit and accounting services to the Town for 2004, AND

WHEREAS, the services of Deloitte & Touche, CPA's will no longer be required as of April 3, 2004, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board terminates the services of Deloitte & Touche, CPA's for the services as described in the aforesaid Town Board resolution dated January 5, 2004, effective April 3, 2004.

#### Item No. 18 cont'd.

Upon roll call ....

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

Magierski

NAYES: C

ABSENT: Councilmember Swiatek

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

WHEREAS, the Town Board desires the services of Certified Public Accountants that are knowledgeable of New York State, Federal and Town rules and regulations; knowledgeable of New York State Uniform System of Accounting for Towns; experienced in implementing Governmental Accounting Standards Board Statements; established as Government Finance Officer Association Certificate Program reviewers; and, familiar with the Town's policies, accounting procedures and operations in order to effectively and efficiently perform services in the areas of:

- A. <u>Annual Audit</u> 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, 2003.
  - 3. Preparation of management letter relative to regular audit.
- B. <u>Single Audit</u> Conduct audit of Town's Federal financial assistance for compliance with applicable federal laws and regulations in accordance with OMB Circular A-133.
- C. <u>Consultative Services</u> 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 preparations of the 2005 benefit basis budget. Will assist in compiling the special district rates for submission to Erie County to assist in the preparations of individual property tax bills.
- E. <u>Ad Valorem Budget Consultation</u> will read the tentative 2005 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 100 hours).
- F. <u>Audit of Town Clerk, Tax Receiver, and town Justice Budgets</u>. Will compile financial statements of these departments on the cash basis of accounting.
- G. <u>Comprehensive Annual Financial Report</u> Will aid the Town in the preparation of the Comprehensive Annual Financial Report to be submitted to the Government Finance Officers Association for review in the Certificate of Excellence in Financial Reporting Program.
- H. Compilation of Detailed Budget Presentation Document.

WHEREAS, Messrs. Wayne W. Drescher, C.P.A. and Thomas P. Malecki, C.P.A. possess the aforementioned attributes and are available to perform the services listed above effective April 5, 2004.

WHEREAS, this Town Board desires to retain the services of Messrs. Wayne W. Drescher, C.P.A. and Thomas P. Malecki, C.P.A. effective April 5, 2004 to perform the services listed above, NOW, THEREFORE, BE IT

#### Item No. 19 cont'd.

RESOLVED, that Mssrs. Wayne W. Drescher, C.P.A. and Thomas P. Malecki, C.P.A. be retained to perform the aforementioned services for the Town of Cheektowaga for the year 2004 (which would entail audits of the year ended 2003) for a fee not to exceed \$85,000, effective April 5, 2004.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

#### III. DEPARTMENTAL COMMUNICATIONS

Item No. 20a Minutes of Cheektowaga Public Library Board - January 21, 2004

Received and Filed.

Item No. 20b Minutes of Cheektowaga Conservation Advisory Council - February 21, 2004

Received and Filed.

Item No. 20c Minutes of Town Environmental Advisory Committee - February 25, 2004

Received and Filed.

Item No. 21 Records & Management Year End Report

Received and Filed.

#### **IV. GENERAL COMMUNICATIONS**

Item No. 22 Summons: Bank of New York, as Trustee for National Finance Corporation Home

Equity Loan Trust Asset Backed Certificates Series 1998-1 vs. Rose Mary Lawrence,

Susan M. Lawrence, the Town of Cheektowaga, etal

Copies were sent to: Michael Stachowski, Town Attorney and Community

Development.

Received and Filed.

Item No. 23a Notice of Claim: Jason Toth vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 23b Notice of Claim: Robert Zielinski vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

<u>Item No. 23c</u> Notice of Claim: Kevin Vullo vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 23d Notice of Claim: Terrence R. Pierson vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 23e Notice of Claim: Sheryl A. Alessi vs. the Town of Cheektowaga

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

Attorney; Council; Highway Department and First Niagara Risk Management.

Received and Filed.



MOTION BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER MAGIERSKI 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, Jankowiak, Mazur and

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek



#### V. SUSPENSION OF RULES

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

BE IT RESOLVED, that a public hearing on a proposed amendment to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on April 5, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendment, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 18th day of March, 2004, said amendment 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 April 5, 2004 at 7:00 P.M. to consider the advisability of adopting an amendment to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendment being as follows:

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

Direction

Stop Sign on Traffic Stops At Intersection Of

Deer Trail North Rowley Road

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

Dated: March 15, 2004

MARY F. HOLTZ
Town Clerk

# Item No. 24 cont'd.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

AFFIDAVIT - NEXT PAGE(S)

Item No. 25 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the property located at 195 East Grand Boulevard in the Town of Cheektowaga was acquired from the Department of Housing & Urban Development for \$1 for the purpose of rehabilitating said single-family house for sale to an income-eligible homebuyer, AND

WHEREAS, it has been determined that the structure at 195 East Grand Boulevard must be demolished due to the extent of deterioration that exists and a new single-family structure reconstructed on the site, AND

WHEREAS, said demolition and reconstruction will be accomplished by an eligible not-for-profit corporation, New Opportunities Community Housing Development Corporation, a related entity of Belmont Shelter Corp., utilizing HOME Investment Partnership Funds and Community Development Block Grant Funds, NOW, THEREFORE, BE IT

RESOLVED, that CDBG funds in the amount of \$16,000 be provided to New Opportunities Community Housing Development Corporation for the demolition of the existing structure at 195 East Grand Boulevard and administrative costs associated with the project and up to \$122,285 in HOME Investment Partnership funds for construction and related developer services for the new single-family structure at said location, said funds to be recovered to the greatest extent possible following the sale of the single-family house at 195 East Grand Boulevard.

Upon roll call ....

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

Magierski

NAYES: 0

ABSENT: Councilmember Swiatek

<u>Item No. 25</u> Motion by Councilmember Jankowiak, seconded by Councilmember Mazur to adjourn this meeting in memory of Edward T. Swiatek, Father of former Supervisor Frank E. Swiatek and Stanley Bystrak, former Highway Superintendent. This meeting was adjourned at 8:00 P.M.

Mary F. Holtz Town Clerk