

TOWN OF CHEEKTOWAGA
MEETING NO. 14
JULY 19, 2004

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19th day of July 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; Patricia Wojcik, Director of Senior Services Christine Ziemba, Chief of Police; and Captain Glascott.

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;

HUD CDBG FUND

FROM:	700-5003-0793	Depew-Senior Citizen Center Staff	\$ 2,441.94
	700-1003-2300	Temporary Relocation	3,000.00

TO:	700-5003-0780	Depew-Senior Citizen Van Driver	\$ 2,441.94
	700-1003-0603	Lead Hazard Testing	3,000.00

GENERAL FUND

FROM:	100-3120-3820	State Aid Police	\$ 370.00
TO:	100-3120-4001	Office Supplies	\$ 370.00

HIGHWAY FUND

FROM:	300-5130-2407	Misc. Highway Equipment	\$126,000.00
TO:	300-9501-9211	Bond Principal	\$126,000.00

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 July 16, 2004 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,440,517.16
RISK RETENTION FUND	133,495.45
DEBT SERVICE FUND	318,806.25
HUD HOUSING REHABILITATION	43,268.00
SPECIAL DISTRICTS FUND	1,207,058.23
HIGHWAY FUND	443,696.30
TRUST & AGENCY	9,642.21
HUD CDBG FUND	83,607.00
PART TOWN FUND	81,384.36
CAPITAL FUND	618,646.63
	<u>\$ 5,380,121.59</u>

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Item No. 3 Cont'd.

Upon roll call

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

Item No. 4 Motion by Councilmember Magierski; Seconded by Councilmember Jaworowicz AND
Seconded by Councilmember Johnson

WHEREAS, the Town Board of the Town of Cheektowaga, by resolution dated February 21, 1966, appointed seven individuals as members of the Planning Board of the Town of Cheektowaga, AND

WHEREAS, by Chapter 663 of the Laws of 1992, Section 271 of the Town Law was amended to provide that the town board of each town is authorized, by local law or ordinance, to create a planning board and enact related regulations concerning such planning board, AND

WHEREAS, the Planning Board, Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact a local law relating to the Planning Board, AND

WHEREAS, a draft of such amendment has been prepared by the Town Attorney's Office, AND

WHEREAS, a public hearing was held on the 21st day of June, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law Relating to the Planning Board", AND

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

WHEREAS, this Town Board feels it is in the public interest to adopt such local law,
NOW, THEREFORE, BE IT

RESOLVED, that the Local Law No. 4 of the Year 2004, entitled "A Local Law Relating to the Planning Board", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 4 of the Year 2004 shall take effect immediately upon filing with the Secretary of State.

Upon roll call

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

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Item No. 5 Motion by Councilmember Jaworowicz; Seconded by Councilmember Johnson

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

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

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

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

CHIPS State Aid (Expense)- #5714-5132-0002-\$225,158.54
CHIPS State Aid (Revenue)- #5714-5132-3089-\$225,158.54

Upon roll call

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

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

WHEREAS, the acceptance by the Town of the Parwood Subdivision included the posting of escrow monies by Bella Vista Group Inc. as outlined in a letter to the Town Board dated December 10, 1998, to guarantee the completion of various work items, AND

WHEREAS, a portion of said escrow funds in the amount of \$11,000 was posted to guarantee restoration of disturbed areas of Town owned lands on which the municipal golf course is to be developed, and which areas are to be enhanced and improved as part of the golf course development, no longer requiring restoration by Bella Vista Group Inc., NOW, THEREFORE, BE IT

RESOLVED, that the balance of remaining funds posted as escrow to provide for the restoration work outlined in Items No. 3 and No. 4 of the aforesaid letter totaling \$11,000 be returned to Bella Vista Inc., which together with the prior release of monies for Items No. 1 and No. 2 concludes the release of all monies placed in escrow with the Town.

Upon roll call

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

Item No. 7a 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 Allied Builders, Inc. for an amendment to a previously approved site plan for an additional driveway at 2501 Broadway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 10, 2004 is recommending the approval of the site plan, AND

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Item No. 7a Cont'd.

WHEREAS, the Town Traffic Safety Commission reviewed the request for the site plan modification at its meeting of June 15th, 2004, AND

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

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to the following:

1. The applicant obtain a work permit from the Highway Department and provide all required insurances for working within the town's highway.
2. The applicant satisfactorily re-plant any street trees to be displaced by the project and insure their successful growth by providing a written commitment to replace such street trees with trees of similar size and quality if such transplanted trees fail to thrive.
3. The applicant construct/ re-construct the driveway aprons consistent with the construction detail previously provided by the Town Engineer.

Upon roll call

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

Item No. 7b 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 Hoegel for the construction of a 672 square foot addition to an existing accessory building at 3790 Broadway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 13, 2004 is recommending the approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals issued a variance for the use of the accessory structure for dental prosthetic manufacturing as shown on the attached decision dated April 22, 2004, AND

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

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to the following:

1. The Town Engineer approve a 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

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Item No. 8a Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the furnishing and installation of one (1) Hexagon Shelter at Dartwood Park, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing and installation of one (1) Hexagon Shelter at Dartwood Park, 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 August 4, 2004 at 11:00 A.M., Local Time, at which time they will be publicly opened and read.



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 4th day of August, 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 a Hexagon Shelter at Dartwood Park, 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 for said project, 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, Union Road at Broadway, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk in the Town Hall, 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, Cheektowaga, New York 14227 and marked as "Hexagon Shelter at Dartwood Park".

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

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

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

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award. The successful bidder will also be required to furnish a payment bond acceptable to the Owner in an amount equal to the contract award.

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.

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Item No. 8a Cont'd.

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 60 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

BY ORDER OF
THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: July 19, 2004

PUBLISHED: July 22, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0



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Item No. 8b Motion by Councilmember Jaworowicz; Seconded by Councilmember Johnson

WHEREAS, The Town Clerk be and hereby is directed to publish a Notice to Bidders for the purpose of purchasing ONE (1) NEW AND UNUSED, 2004 MODEL OR NEWER, (35) TON CAPACITY LOWBOY TRAILER.

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

RESOLVED, That the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, August 4, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.



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 OR NEWER, (35) TON CAPACITY LOWBOY TRAILER. 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 August 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 ONE (1), NEW AND UNUSED 2004 MODEL OR NEWER, (35) TON CAPACITY LOWBOY TRAILER.

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: July 19, 2004

PUBLISHED: July 22, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0



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Item No. 9 Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz

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

WHEREAS, the HSBC Sports and Social Club has made application to hold its Co-Ed Softball Tournament in Stiglmeier Park on August 15, 2004 from 8:00 a.m. to 6:00 p.m., AND

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the HSBC Sports and Social Club for the aforementioned Co-Ed Softball Tourney to be held in Stiglmeier Park on August 15, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 10a Motion by Councilmember Magierski; Seconded by Councilmember Johnson

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 110 Aris Avenue, Cheektowaga, New York SBL# 113.70-7-6 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Ann Kick, 110 Aris Avenue, Buffalo, 14206, AND

WHEREAS, an inspection of such premises was conducted on 110 Aris Avenue by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

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Item No. 10a Cont'd.

Upon roll call

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

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

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 25 Hoerner Avenue, Cheektowaga, New York SBL# 101.60-5-29 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Edward & Gloria Walsh, [REDACTED], Buffalo, New York 14228, AND

WHEREAS, an inspection of such premises was conducted on 25 Hoerner Avenue, by the Housing and Neighborhood Preservation Office, AND

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

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

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others and abate all nuisances, 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 remove the stagnant water from the swimming pool. All costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

Item No. 10c Motion by Councilmember Magierski; Seconded by Councilmember Johnson

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 445 Cherokee Drive, Cheektowaga, New York SBL# 102.07-1-43 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Richard Struzyk & Shirley Boggs, [REDACTED], Cheektowaga, New York 14225, AND

WHEREAS, an inspection of such premises was conducted on 445 Cherokee by the Housing and Neighborhood Preservation Office, AND

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

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

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Item No. 10c Cont'd.

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

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

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, Blue Cross Blue Shield of Western New York, in conjunction with the Buffalo Bisons, is holding its annual Pitch, Hit & Run competition, and has requested permission to hold their competition in Stiglmeier Park, and

WHEREAS, the competition is designed to teach boys and girls ages 7-12 the fundamentals of baseball, such as how to pitch for accuracy, hit for distance and running for speed, NOW, THEREFORE, BE IT

RESOLVED, that Blue Cross Blue Shield of Western New York and the Buffalo Bisons be authorized the use of Stiglmeier Park, Diamond 1, to hold said competition on Monday, July 26, 2004, between the hours of 9:00-1:00 p.m.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 12a 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 and school recess periods that are important to the well being of young people and to the quality of life in our community; AND

WHEREAS, the Department, in conjunction with Erie County, the Boys and Girls Clubs of Buffalo and the Cleveland Hill School District have developed a plan to provide the necessary resources for a Summer Prime Time program to expand on its efforts to address this need ; AND

WHEREAS, the Boys and Girls Clubs of Buffalo has provided the Summer Prime Time program in neighboring communities and the school-year Cheektowaga Safe Places program, 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 June 28, 2004 and ending September 3, 2004, with the Town's share of the cost not to exceed \$3,250.

BUDGET LINE ITEM: 7310.4789

Upon roll call

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

NAYES: 0

ABSENT: 0

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Item No. 12b Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS, Grant monies in the amount of \$2,750 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund to purchase a microfilm reader/scanner for the Town Clerk's Office; AND

WHEREAS, The purchase of the microfilm reader/scanner will enable staff to scan Town Board Minutes from microfilm to electronic format which will allow Internet and Intranet users full text search capabilities thereby improving access to government; 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, Swiatek, Jankowiak,
 Mazur and Magierski
NAYES: 0
ABSENT: 0

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

WHEREAS, Grant monies in the amount of \$3,000 are available from Erie County Legislator Elise Cusack via the Erie County Public Benefit Fund to purchase a microfilm reader/scanner for the Town Clerk's Office; AND

WHEREAS, The purchase of the microfilm reader/scanner will enable staff to scan Town Board Minutes from microfilm to electronic format which will allow Internet and Intranet users full text search capabilities thereby improving access to government; 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, Swiatek, Jankowiak,
 Mazur and Magierski
NAYES: 0
ABSENT: 0

Item No. 12d Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS, Grant monies in the amount of \$2,000 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund to purchase furniture and computer equipment; AND

WHEREAS, the purchase of furniture and computer equipment will enhance facilities available to senior citizens utilizing the Computer Room at the Senior 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.

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Item No. 12d Cont'd.

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 Councilmember Johnson

WHEREAS, by resolution dated June 3, 2002, this Town Board awarded a bid to Mollenberg-Betz, Inc. for a preventative maintenance and service agreement for heat, ventilation, air conditioning and generators at various Town-owned buildings for June 10, 2002 through June 9, 2005, AND

WHEREAS, by resolutions dated September 15, 2003 and June 21, 2004, this Town Board approved a Performance Contracting Agreement and amendment with Johnson Controls, Inc. to implement various cost and energy savings measures for certain Town facilities and equipment, AND

WHEREAS, with the Performance Contracting Agreement with Johnson Controls, Inc., it became unnecessary and duplicative to continue to retain Mollenberg-Betz, Inc., AND

WHEREAS, Mollenberg-Betz was notified of the Town's intent to terminate its agreement with Mollenberg-Betz, effective June 9, 2004, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby terminates the Preventative Maintenance and Service Agreement with Mollenberg-Betz, Inc., effective June 9, 2004.

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

WHEREAS, Kate Barbati, was hired in the Department of Parks, Recreation & Youth Services' as a Recreation Leader (Physical Education Director) for our summer day camp program, AND

WHEREAS, Ms. Barbati unexpectedly resigned her position, effective July 1st, AND

WHEREAS, Sean Dalton, previously hired as a Recreation Attendant for the summer day camp, has expressed an interest and is qualified for the position vacated by Ms. Barbati, BE IT

RESOLVED that Mr. Dalton be elevated to the position of Recreation Leader (Physical Education Director) at a rate of \$7.15 per hour, retroactive to July 1, 2004, and BE IT FURTHER

RESOLVED that Brandon Lehman. [REDACTED] Cheektowaga, New York 14227, be and hereby is hired as a Lifeguard – (Level IV), at a rate of \$7.45 – per hour (7180.1903), effective immediately (seasonal).

Upon roll call

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

**MEETING NO. 14
JULY 19, 2004**

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

BE IT RESOLVED that the following individuals in the Department of Parks, Recreation & Youth Services, erroneously listed as seasonal employees, be and hereby are transferred to regular part-time status, effective immediately:

--Matt Bean
--Glenn Au, Jr.
--Joseph Ciesielski
--Brandon Hoerner

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 Magierski

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

SANITATION DEPARTMENT – Laborer - \$7.50 per hour

Nicholas Astyk	[REDACTED], Cheektowaga 14225	7/12/04 – 12/12/04
Vincent Martin	[REDACTED], Cheektowaga 14225	7/12/04 – 12/12/04
David Deuser	[REDACTED], Cheektowaga 14225	7/12/04 – 12/12/04

MAIN PUMP STATION – Laborer - \$7.25 per hour

Ron Strong	[REDACTED], Cheektowaga 14227	8/02/04 - 12/31/04
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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 Civil Service Laws and Rules as well as 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

Timothy Heath	[REDACTED], Cheektowaga 14227	7/14/04
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RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

EFFECTIVE

CENTRAL RECORDS

Jacqueline Carr		6/30/04
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SANITATION DEPARTMENT

Gerald Blady		6/21/04
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Upon roll call

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

Item No. 17a Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the position of Police Officer in the Town of Cheektowaga; AND

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

**MEETING NO. 14
JULY 19, 2004**


Item No. 17a Cont'd.

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

Neil Held of 825 Losson Road, Cheektowaga, NY 14227;

AND BE IT FURTHER

RESOLVED, that said appointments shall become effective July 20, 2004, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK; AND SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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

NAYES: 0

ABSENT: 0



WHEREAS, two (2) vacancies exists in the position of Police Officer in the Town of Cheektowaga; AND

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

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

Neil Held of [REDACTED], Cheektowaga, NY 14227; and
Joseph P. Carbone of [REDACTED], Cheektowaga, NY 14225
AND BE IT FURTHER

RESOLVED, that said appointments shall become effective July 20, 2004, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17b Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Senior Court Clerk in the Justice Court;
AND

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

WHEREAS, said title falls under the competitive class of Erie County Civil Service;
AND

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

**MEETING NO. 14
JULY 19, 2004**

Item No. 17b Cont'd.

WHEREAS, Constance M. Chojnacki, currently employed as a Senior Clerk Typist in the Justice Court, has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE BE IT

RESOLVED, Constance M. Chojnacki of [REDACTED], Cheektowaga, New York 14227, be and hereby is appointed provisionally to the position Senior Court Clerk in the Justice Court, pending the results of the civil service examination, and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association at the same wage as that established for the title of Senior Clerk Typist effective July 20, 2004.

Upon roll call

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

Item No. 17c Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

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

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

WHEREAS, John L. Ross, currently employed as a General Mechanic in the Parks Division, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that John L. Ross of [REDACTED], Cheektowaga, New York 14227, be and hereby is appointed to the position of Motor Equipment Operator – B in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 20, 2004.

Upon roll call

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

Item No. 17d Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

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

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

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

WHEREAS, Annette M. Zachowicz, currently employed as a Clerk Typist in the Police Department, appears on the existing Civil Service promotional list and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Annette M. Zachowicz of [REDACTED], Cheektowaga, New York 14206, be and hereby is appointed to the position of Senior Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 20, 2004.

**MEETING NO. 14
JULY 19, 2004**

Item No. 17d Cont'd.

Upon roll call

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

Item No. 18a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Office of Juvenile Justice and Delinquency Prevention and Fox Valley Technical College will host a seminar entitled Child Abuse and Exploitation Investigative Techniques,

WHEREAS, Lieutenant Gary Grieco and Detective Joseph Crean will learn to recognize the signs of physical/sexual abuse, evidence collection and preservation, case preparation for prosecution, interviewing victims, interrogation of offenders, and investigative techniques for abuse and missing persons cases. The Office of Juvenile Justice and Delinquency Prevention and Fox Valley Technical College will cover the cost of tuition, lodging, and student materials. The Police Department will be responsible for transportation and meal expenses which will amount to \$225.00 NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send Lt. Grieco and Det. Crean to this training and that the time they spend at this training be authorized as normal duty time. This expense will be charged to lines 100-3120-4085.

Upon roll call

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

Item No. 18b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a National Law Enforcement Explorer Conference is being held in Atlanta, Georgia, on July 19-24, 2004,

WHEREAS, Sergeant Laurie Ucasz, Police Officer John Daskocz, and Police Officer Kurt Spieler will accompany the Cheektowaga Police Explorer Post to a conference in which they will compete against other Post from around the country in scenarios such as responding to burglaries, domestic calls, hostage negotiation, etc. The Police Department will be responsible for registration, lodging, transportation costs, and meal expenses which will amount to \$1,671.00 NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send Sgt. Ucasz, PO Daskocz, and PO Spieler to this conference and that the time they spend at this conference be authorized as normal duty time. This expense will be charged to lines 100-3120-4085 and 100-3120-4093.

Upon roll call

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

Item No. 18c Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the New York State Police will host its 17th Annual Colonel Henry F. Williams Homicide Seminar,

WHEREAS, Lieutenant David Zack has been invited to attend this "invite only" seminar with presentations being given by leading experts in the field of forensic science and related subjects. The Police Department will be responsible for registration, lodging, transportation costs, and meal expenses which will amount to \$705.00 NOW, THEREFORE, BE IT

**MEETING NO. 14
JULY 19, 2004**

Item No. 18c Cont'd.

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send Lt. Zack to this training and that the time he spends at this training be authorized as normal duty time. This expense will be charged to lines 100-3120-4085 and 100-3120-4093.

Upon roll call

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



II. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Supervisor's Statement of Funds – May 2004
Received and Filed.

Item No. 20 Town of Cheektowaga Emergency Services Quarterly Report – April–June 2004
Received and Filed.

Item No. 21 Building Permits – June 2004
Received and Filed.

Item No. 22a Minutes: Cheektowaga Conservation Advisory Council – June 19, 2004
Received and Filed.

Item No. 22b Minutes: Cheektowaga Conservation Advisory Council – July 1, 2004
Received and Filed.

Item No. 22c Minutes: Town Environmental Advisory Committee – July 7, 2004
Received and Filed.

Item No. 22d Minutes: Traffic Safety Commission – June 15, 2004
Received and Filed.



III. GENERAL COMMUNICATIONS

Item No. 23a Summons & Complaint: David Loffredo 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. 23b Summons and Complaint:: Roy J. Loffredo 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.

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- Item No. 24a Notice Of Claim: Kathleen A. Brotz vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Engineering; Sewer and First Niagara Risk Management
Received and Filed.
- Item No. 24b Notice of Claim: Elizabeth Castoire 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. 24c Notice of Claim: Barbara Catanzaro vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sanitation and First Niagara Risk Management
Received and Filed.
- Item No. 24d Notice of Claim: Lynn & Jack Fick vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Engineering; Sewer and First Niagara Risk Management
Received and Filed.
- Item No. 24e Notice of Claim: Cynthia J. French 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. 24f Notice of Claim: Roman Konowka vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Engineering; Sewer and First Niagara Risk Management
Received and Filed.
- Item No. 24g Notice of Claim: Regina Maciejewski 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. 24h Notice of Claim: Linda Zielinski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sanitation and First Niagara Risk Management
Received and Filed.
- Item No. 25 Summons – Prudential Home Mortgage Co. Inc. vs. Michael Lahrs, Barbara Lahrs, the Town of Cheektowaga and Etal
Received and Filed.
- Item No. 26a NOTICE OF PETITION VS. THE BOARD OF ASSESSMENT REVIEW, THE TOWN ASSESSOR AND THE TOWN OF CHEEKTOWAGA: New York State Electric and Gas Corporation
Received and Filed.
- Item No. 26b NOTICE OF PETITION VS. THE BOARD OF ASSESSMENT REVIEW, THE TOWN ASSESSOR AND THE TOWN OF CHEEKTOWAGA vs. Aldi Inc.
Received and Filed.

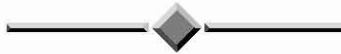
**MEETING NO. 14
JULY 19, 2004**



A MOTION WAS MADE BY COUNCILMEMBER MAZUR AND SECONDED BY COUNCILMEMBER MAGIERSKI 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



IV. SUSPENSION OF RULES

Item No. 27 Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga, through the Office of Community Development Housing Rehabilitation Loan Program, previously loaned moneys to Helen F. Zasowski for the purpose of making improvements to her property located at [REDACTED] in the Town, AND

WHEREAS, in exchange for such loan, Helen F. Zasowski executed a bond and mortgage and other documents pledging to re-pay such loan under certain circumstances, AND

WHEREAS, on January 13, 2004, Helen F. Zasowski died and, according to the terms of the documents she signed with the Town, the loan became due and payable at such time, AND

WHEREAS, the heirs of Helen F. Zasowski have refused and neglected to probate/administer the Estate of Helen F. Zasowski and, it appears, they do not intend to do so, AND

WHEREAS, in order to initiate any proceeding to collect all moneys owing from the Estate of Helen F. Zasowski, the Town of Cheektowaga will have to petition Surrogate's Court for Restricted Letters of Administration to authorize the Erie County Public Administrator to take charge of such estate and to take any and all action necessary (including the sale of [REDACTED]) to enable the Town of Cheektowaga to recover all amounts due from the Estate of Helen F. Zasowski, NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney's Office be and hereby is authorized and directed to initiate any and all proceedings in Surrogate's Court necessary to effectuate the above, and BE IT FURTHER

RESOLVED, that any moneys necessary to petition Surrogate's Court to accomplish the above shall be appropriated from Community Development funds.

UPON ROLL CALL

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

Item No. 28 Motion by Councilmember Magierski; Seconded by Councilmember Johnson

WHEREAS, Delta Sonic Car Wash Systems has made application and requested the rezoning of 6.32± acres of land located at 4910 and part of 4934-4940 Transit Road from C- Retail Business to MS – Motor Services for the construction of a 7,600 square foot car wash with a 5,890 square foot convenience store/waiting area, a 4,700 square foot detail shop and a 4,100 square foot oil lube shop, NOW, THEREFORE BE IT

**MEETING NO. 14
JULY 19, 2004**

Item No. 28 Cont'd.

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 16, 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

**MEETING NO. 14
JULY 19, 2004**

Item No. 29 Motion by Councilmember Johnson; Seconded by Councilmember Mazur

WHEREAS, in 1993, Hospice Association of Western New York, Inc. ("Hospice") obtained approval from the Town of Cheektowaga to construct its hospice and palliative care facility at 225 Como Park Boulevard in the Town, AND

WHEREAS, at such time, Hospice agreed to enter into a payment-in-lieu of taxes agreement with the Town of Cheektowaga for calendar years 1995 through 2004, AND

WHEREAS, pursuant to such PILOT agreement, Hospice would make an annual payment of \$10,000; said moneys would be applied to the Town General Lighting District, General Garbage District and Bellevue Fire District, AND

WHEREAS, the term of such PILOT agreement has now expired, AND

WHEREAS, Hospice has agreed to renew such agreement for the 2005 calendar year, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Payment in Lieu of Taxes Agreement with Hospice for the 2005 calendar year.

UPON ROLL CALL

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 14
JULY 19, 2004**

Item No. 30 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, the National Association of Towns and Townships is holding the 2004 Legislative and Educational Conference on September 8, 2004 through September 10, 2004 in Washington, D.C.; AND

WHEREAS, Supervisor Dennis Gabryszak and Councilmember Jeff Swiatek have expressed an interest in attending said conference; AND

WHEREAS, the total cost to the Town shall not exceed \$1,800; AND

WHEREAS, these expenses have been budgeted by the Office of the Town Supervisor and Council Office; NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Dennis Gabryszak and Councilmember Jeff Swiatek be and hereby are authorized to attend the 2004 Legislative and Educational Conference being held from September 8, 2004 through September 10, 2004 in Washington, D.C.

UPON ROLL CALL

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

NAYES: 0

ABSENT: 0

Item No. 31 Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson to adjourn the meeting at 8:40 P.M

MARY F. HOLTZ
Town Clerk

TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 15
AUGUST 10, 2004

Item No. 1 At an Executive Session of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 10th day of August 2004 at 6:00 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 was: Michael Stachowski, Town Attorney



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AT 6:00 P.M. AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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



I. RESOLUTIONS

Item No. 2a Motion by Unanimous; Seconded by Unanimous

WHEREAS, a claim was made by C & L Plumbing for alleged breach of contract in connection with certain water main and plumbing work performed at the Senior Center; AND

WHEREAS, the law firm of Hurwitz & Fine, P.C. was retained to represent the Town with regard to this claim; Paul J. Suozzi has negotiated a settlement with the claimants' attorney, and the Town Attorney believes that the proposed settlement is a fair and equitable resolution of this matter under all the circumstances, and strongly recommends that a settlement be approved;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim.

Upon roll call

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

EXECUTIVE SESSION
MEETING NO. 15
AUGUST 10, 2004

Item No. 2b Motion by Supervisor Gabryszak Seconded by Councilmember Mazur

WHEREAS, Derrick Manufacturing Corporation commenced an Article 7 proceeding against the Town, seeking a reduction in the assessment of properties owned by it; AND

WHEREAS, the Town Attorney and Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

Upon roll call

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

NAYES: 0

ABSENT: 0



Item No. 3 Motioned By Councilmember Mazur Seconded By Supervisor Gabryszak To Exit The Executive Session At 6:15 P.M. And Reconvene The Work Session.

Respectfully submitted,

Michael Stachowski
Town Attorney

:

**TOWN OF CHEEKTOWAGA
MEETING 16
AUGUST 16, 2004**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 16th August at 7:00, 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 Alice Magierski

ABSENT: Councilmember Jeff Swiatek
Councilmember James J. Jankowiak

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Bill Pugh, Town Engineer; Anthony Romano, Coordinator of Employee Relations; Salvatore LaGreca, Chairman of Planning Board; Brian Krause, Director of Finance and Administration; Kenneth Kopacz, Director of Parks, Recreation and Youth Services and Christine Ziemba, Police Chief.

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:

HUD CDBG FUND

FROM:	700-1002-5000	Removal of Architectural Barriers	\$ 2,200.00
	700-1096-2500	Pine Hill Improvements	29,866.00
	700-1097-2500	Pine Hill Improvements	16,518.13
	700-1099-2500	Pine Hill Improvements	2,017.54
TO:	700-1002-0723	Drainage & Sewer Improvements	\$ 2,200.00
	700-1096-0723	Drainage & Sewer Improvements	29,866.00
	700-1097-0723	Drainage & Sewer Improvements	16,518.13
	700-1099-0723	Drainage & Sewer Improvements	2,017.54

GENERAL FUND

FROM:	100-1315-4088	Travel Training & Conference	\$ 345.00
	100-7620-4627	Activity Groups	1,000.00
TO:	100-1910-4081	Municipal Association Dues	\$ 345.00
	100-7620-4624	Center Programs	1,000.00

Upon roll call

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

Item No. 3 Motion by Supervisor Gabryszak, Seconded by Councilmember Magierski

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to August 13, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$2,829,349.08
RISK RETENTION FUND	153,893.84
DEBT SERVICE FUND	514,945.32
HUD HOUSING REHABILITATION	27,169.38
SPECIAL DISTRICTS FUND	1,112,966.50
HIGHWAY FUND	530,433.39
TRUST & AGENCY	24,795.73
HUD CDBG FUND	18,051.56

MEETING NO. 16
AUGUST 16, 2004

Item No. 3 cont'd.

PART TOWN FUND	101,415.04
CAPITAL FUND	<u>394,447.04</u>
	\$5,707,466.88

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

Item No. 4 Motion by Councilmember Magierski, Seconded by Councilmember Johnson

WHEREAS, David M. Tosetto of Ederwood Senior Care has made application and requested the rezoning of 8.037± acres of land located at 151-171 Bennett Road from R-Residence District to RSC-Residential Senior Citizen District for the construction of a 36 unit senior housing development, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on September 7, 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, Mazur and Magierski
NAYES: 0
ABSENT: Councilmembers Swiatek and Jankowiak

AFFIDAVIT - NEXT PAGE

MEETING NO. 16
AUGUST 16, 2004

Item No. 5a Motion by Councilmember Jaworowicz, Seconded by Councilmember Johnson

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on August 4, 2004 for One (1) New and Unused, (2004) Model or Newer, (35) Ton Capacity Lowboy Trailer for use by the Town of Cheektowaga Highway Department as a result of advertisement, thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and reports, AND

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

RESOLVED, that the bid for One (1) New and Unused, (2004) Model or Newer, (35) Ton Capacity Lowboy Trailer be awarded to George and Swede Sales & Service, Inc., 7155 Big Tree Road, Pavilion, New York 14525, at total bid price \$28,177.00 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 Jaworowicz, Johnson, Mazur and Magierski
NAYES: 0
ABSENT: Councilmembers Swiatek and Jankowiak

Item No. 5b Motion by Councilmember Magierski, Seconded by Supervisor Gabryszak

WHEREAS, a Notice to Bidders was published for the receipt of bids for a Hexagon Shelter at Dartwood Park, which bids were duly received and opened on August 4, 2004 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Engineering Department dated August 10, 2004, AND

WHEREAS, said letter recommends the contract for a Hexagon Shelter at Dartwood Park be awarded to Titan Development, Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for a Hexagon Shelter at Dartwood Park be and hereby is awarded to Titan Development, Inc., 8534 Seaman Road, Gasport, New York 14067 for the bid price of \$44,675.00, being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Titan Development, Inc. for the aforesaid project.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 16
AUGUST 16, 2004

Item No. 6 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town wishes to amend its Annual Plan/Final Statements on the Use of Community Development Block Grant and HOME Investment Partnership Funds pertaining to various activities pursuant to the attached Program Amendment Report, AND

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

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

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

Upon roll call

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

NAYES: 0

ABSENT: Councilmembers Swiatek and Jankowiak

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 16
AUGUST 16, 2004**

Item No. 7 Motion by Supervisor Gabryszak, Seconded by Councilmember Magierski

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-2 which provides for various revisions and upgrades beyond the scope of the original contract as outlined in the Change Order Documents and as described in a letter from the Town Engineering Department to the Town Board dated August 10, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #GC-2 in the amount of \$25,209.64 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-2 on behalf of this Town Board AND, BE IT FURTHER

RESOLVED, that funding for Change Order #GC-2 shall be chargeable to Account #500-7620-2520-5122.

Upon roll call

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

Item No. 8 Motion by Councilmember Mazur, Seconded by Councilmember Magierski

WHEREAS, pursuant to Chapter 241 of the Code of the Town of Cheektowaga ("Vehicles, Removal and Storage"), towing companies may make application to the Town to become an authorized town tower, AND

WHEREAS, presently, the Town of Cheektowaga has approved several towing companies as authorized town towers in the town, AND

WHEREAS, Doc's Truck & Auto Center, Inc. submitted its letter resigning as an authorized town tower, resulting in a vacancy to be filled, AND

WHEREAS, Millers Towing has submitted an application to the Police Department to become an authorized town tower, AND

WHEREAS, the Police Department has reviewed the application of Miller's Towing, has determined that it meets the requirements of Chapter 241, and has recommended that it be approved as an authorized town tower, NOW, THEREFORE, BE IT

RESOLVED, that, upon remittance of the required annual license fee, Miller's Towing, 3214 Genesee Street, Cheektowaga, New York 14225 be and hereby is approved and designated as an authorized town tower under Chapter 241 of the Town Code and, BE IT FURTHER

RESOLVED, that Miller's Towing shall be assigned to the Airport Tow Zone in the Town of Cheektowaga.

Upon roll call

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

Item No. 9a Motion by Councilmember Mazur, Seconded by Councilmember Johnson

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

WHEREAS, South Cheektowaga Baseball Association has made application to hold its League Picnic in Stiglmeier Park on August 7, 2004, AND

MEETING NO. 16
AUGUST 16, 2004

Item No. 9a cont'd.

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of South Cheektowaga Baseball Association for the aforementioned League Picnic event to be held in Stiglmeier Park on August 7, 2004.

Upon roll call

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

Item No. 9b Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

WHEREAS, the HSBC Bank USA has made application to hold its HSBC Co-Ed Flag Football Tournament in the Cheektowaga Town Park on August 28, 2004 from 8:00 a.m. to 4:00 p.m., AND

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of HSBC Bank USA for the aforementioned HSBC Co-Ed Flag Football Tournament to be held in Cheektowaga Town Park on August 28th, 2004.

Upon roll call

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

MEETING NO. 16
AUGUST 16, 2004

Item No. 9c Motion by Councilmember Mazur, Seconded by Councilmember Johnson

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

WHEREAS, the Federation of German-American Societies has made application to hold its annual German Fest in Cheektowaga Town Park from September 4-5, 2004, AND

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Federation of German-American Societies for the aforementioned German Festival to be held in Cheektowaga Town Park on September 4-5, 2004.

Upon roll call

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

Item No. 9d Motion by Councilmember Mazur, Seconded by Councilmember Johnson

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

WHEREAS, the Cheektowaga Soccer Club has made application to hold a parade on Saturday, September 11, 2004, commencing at 12:00 P.M.; said parade route to start at the corner of George Urban Boulevard and Dick Road, then proceed west on George Urban Boulevard to Nagel Drive, then proceed north on Nagel Drive and ending at the Maryvale Primary School, AND

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retroactively approves the application of Cheektowaga Soccer Club for the aforementioned Parade, to be held on Saturday, September 11, 2004 and, BE IT FURTHER

MEETING NO. 16
AUGUST 16, 2004

Item No. 9d cont'd.

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, Mazur and Magierski
NAYES: 0
ABSENT: Councilmembers Swiatek and Jankowiak

Item No. 9e Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

WHEREAS, the PKD Foundation has made application to hold its Annual Walk to raise money for the research and education of Polycystic Kidney Disease on September 19, 2004 starting at Stiglmeier Park at 9:00 A.M., AND

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of the PKD Foundation for the aforementioned walk to be held on September 19th, 2004.

Upon roll call

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

Item No. 9f Motion by Councilmember Jaworowicz, 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, W.N.Y. Perinatal Bereavement Network has made application to hold a ceremonial Walk to Remember, Ceremony and Tree Planting (to remember babies families have lost) in Cheektowaga Town Park on September 19, 2004 beginning at 10:00 A.M., AND

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;

Item No. 9f cont'd.

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 WNY Perinatal Bereavement Network for the aforementioned ceremonial Walk to Remember, Ceremony and Tree Planting in Cheektowaga Town Park to be held on September 19, 2004.

Upon roll call

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

Item No. 10 Motion by Councilmember Johnson, Seconded by Councilmember Magierski

WHEREAS, the Benderson Development Company, Inc., as part of the development of an office/warehouse complex at #505 Duke Road, has submitted a Public Improvement Permit Application, plans and specifications and permit application fee for highway modifications and improvements to the Duke Road/Duke Road intersection, including installation of storm sewer improvements, the design of which is acceptable to the Highway Superintendent and Town Engineer, and detailed on design drawings prepared by FRA Engineering and Carmina & Wood P.C., AND

WHEREAS, the Benderson Development Company will be required to grant a permanent easement to the Town for the perpetual operation and maintenance of said storm sewer drainage system, and will further be required to convey a portion of lands for right-of-way purposes to accommodate the expanded Duke Road highway pavement width fronting said parcel, prior to final project acceptance, NOW, THEREFORE, BE IT

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

RESOLVED, that the permit fee in the amount of \$6,127.91 shall be deposited in the Public Improvement Permit Account established for receipt and disbursement of such fees.

Upon roll call

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

Item No. 11a 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 the Town of Cheektowaga Community Development Office for a (6) six lot residential realty subdivision for the construction of (6) six single family dwellings at 72 Randolph Avenue, AND

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

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the realty subdivision at its meeting held on July 8, 2004, AND

Item No. 11a cont'd.

WHEREAS, an area variance is pending before the Town of Cheektowaga Zoning Board of Appeals for a reduction in the minimum ground floor area of the dwellings, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA; and approves the realty subdivision, subject to:

1. The Town Engineer approving the drainage plan and sanitary sewer service for the dwellings.
2. The Town of Cheektowaga Zoning Board of Appeals approves the area variance.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 16
AUGUST 16, 2004

Item No. 11b 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 Art Keller, Sr. of Culinary Arts Specialties, Inc. for a revision to a previously approved site plan, for the construction of a 50,191 square foot food processing facility at 2272 Union Road and part of 2262 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 4, 2004 recommended a determination of non significance as shown in the attached memorandum dated August 5, 2004, AND

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

WHEREAS, on April 5, 2004 the Town of Cheektowaga Town Board previously approved a site plan for the food processing facility and issued a negative declaration pursuant to the State Environmental Quality Review Act (SEQR) as shown on the attached resolution, AND

WHEREAS, Federal Jurisdictional wetlands on the subject property were recently discovered and the revised site plan now avoids the disturbance to such natural resources, AND

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

Upon roll call

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

NAYES: 0

ABSENT: Councilmembers Swiatek and Jankowiak

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 16
AUGUST 16, 2004

Item No. 12 Motion by Councilmember Magierski, Seconded by Councilmember Johnson

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 58 Fath Drive, Cheektowaga, New York SBL# 102.08-10-32 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Dung Nguyen, [REDACTED], Michigan 49684, AND

WHEREAS, an inspection of such premises was conducted on 58 Fath Drive, by the Housing and Neighborhood Preservation Office, AND

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

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

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

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

Upon roll call

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

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

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

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

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

WHEREAS, an application for a permit was submitted by the New Creation Fellowship to conduct an open fire on August 8, 2004 on the property located at 3325 Genesee Street and this event was cancelled due to inclement weather, AND

WHEREAS, the applicant wishes to schedule this event for August 15, 2004 with a rain date of August 22, 2004 to conduct a bonfire, with the assistance of the U-Crest Fire Department, for youth activity programs, AND

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

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

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

MEETING NO. 16
AUGUST 16, 2004

Item No. 13 cont'd.

Upon roll call

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

Item No. 14 Motion by Supervisor Gabryszak, Seconded by Councilmember Magierski

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, Mazur and Magierski
NAYES: 0
ABSENT: Councilmembers Swiatek and Jankowiak

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 16
AUGUST 16, 2004

Item No. 15a Motion by Councilmember Mazur, Seconded by Councilmember Johnson

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):

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Cultural Society	\$2,150.00

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, Mazur and Magierski
NAYES: 0
ABSENT: Councilmembers Swiatek and Jankowiak

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 15b Motion by Councilmember Johnson, Seconded by Councilmember Mazur

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes to reconstruct Genesee Street, SH 1212, within the Town between the easterly entrance to the Buffalo Niagara International Airport and Holtz Road under PIN 5512.45, AND

WHEREAS, as part of the aforesaid project the NYSDOT proposes to install a street lighting system consisting of:

Underground duct system, including conduits, pull boxes, hand holes and drainage pockets

1. Ducts, pull boxes and anchor bolts on structures
2. Foundation for light standards
3. Light standards and bracket arms
4. Luminaries, wiring switches and ballasts and all other components necessary to complete the lighting system,

which lighting system provides for a total of eight (8) standards on Genesee Street and Sonwil Drive at the relocated intersection of Sonwil Drive and a portion of which system replaces former utility owned equipment recently removed as part of the BNIA expansion project, AND

WHEREAS, the Town desires to have the above described highway lighting system constructed by NYSDOT to maintain the uniformity of lighting on Genesee Street, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga agrees to maintain, repair and energize such highway lighting system for a period of ten (10) years or until such time as the Commissioner, in his discretion, determines that such lighting and/or the maintenance of such lighting system is no longer necessary for said highways AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the State of New York and through the Commissioner of Transportation to commit the Town of Cheektowaga to maintain, at its own expense, the lighting system on the above identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electric current for the lighting system AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to transmit five (5) certified copies of this resolution to:

Mr. Thomas S. Messana
Acting Regional Design Engineer
New York State Department of Transportation
125 Main Street
Buffalo, New York 14203

Upon roll call

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

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

WHEREAS, grant monies are available from the COPS Office, COPS Secure Our Schools Grant, AND

WHEREAS, the Town of Cheektowaga Police Department seeks grant monies to cover the purchase of audio and video monitoring equipment to be utilized at the main entrances of the eight school buildings in the Town of Cheektowaga, NOW, THEREFORE, BE IT

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.

Item No. 15c cont'd.

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

Item No. 15d Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga has previously engaged Troy & Banks consulting firm to audit the Town's utility accounts to determine that the Town is being properly charged for the Town's utility billings which includes billings by New York State Electric & Gas Corporation ("NYSEG"), AND

WHEREAS, based on the work Troy & Banks has performed, NYSEG has offered a refund settlement, and they believe it would be a prudent and beneficial outcome to accept the settlement for the Town of Cheektowaga and its taxpayers, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign a release and all other documents that may be required to effect the said settlement.

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

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

WHEREAS, New Opportunities Housing Development Corporation, a not-for-profit housing agency, has agreed to purchase property located at 72 Randolph Street from the Town of Cheektowaga for the purpose of constructing six new single family houses for sale to income-eligible home buyers, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with New Opportunities Housing Development Corporation, 1195 Main Street, Buffalo, New York 14209, and any other documents, including deeds to the premises and loan agreements, subject to approval by the Town Attorney, for the purpose of selling and conveying title to property at 72 Randolph Street per a legal description to be provided by the Town Attorney's Office and made part of this Resolution by reference for the sum of One Dollar (\$1.00) and, BE IT FURTHER

RESOLVED, that the sale of said property is authorized subject to a Permissive Referendum as provided by law and, BE IT FURTHER

RESOLVED, that the sale and conveyance be made subject to easements and rights-of-way of record, if any and, BE IT FURTHER

RESOLVED, that notice of adoption of this resolution be given within 10 days in accordance with Town Law by posting and publishing a notice which shall set forth the date of the adoption of the resolution and contain an abstract of said resolution, such notice to be published in the Cheektowaga Times.



NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, on August 16, 2004, adopted a resolution authorizing the Town of Cheektowaga to sell and convey title to property at 72 Randolph Street for the sum of \$1.00, to New Opportunities Housing Development Corporation, for the purpose of constructing six new single family houses for sale to income-eligible home buyers.

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Item No. 15e cont'd.

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

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

DATED: 16 August 2004

MARY F. HOLTZ
Town Clerk



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

AFFIDAVIT - NEXT PAGE

MEETING NO. 16
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Item No. 16 Motion by Councilmember Mazur, Seconded by Councilmember Johnson

BE IT RESOLVED, this Town Board hereby adopts the attached Travel Policy effective August 17, 2004.

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 16
AUGUST 16, 2004**

Item No. 17 Motion by Unanimous, Seconded by Unanimous

BE IT RESOLVED, that Ronald Moleski currently employed as a Laborer in the Highway Department be and hereby be terminated effective August 11, 2004.

Upon roll call

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

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

WHEREAS, this Town Board appointed Constance M. Chojnacki to the provisional position of Senior Court Clerk in the Justice Clerk effective July 20, 2004, AND

WHEREAS, Ms. Chojnacki has submitted a letter of request to Coordinator of Employee Relations Anthony M. Romano that states her wish to return to her former duties under the title of Senior Clerk Typist in the Justice Court, AND

WHEREAS, the Senior Clerk Typist position in the Justice Court has not yet been filled, NOW, THEREFORE, BE IT

RESOLVED, Constance M. Chojnacki of Cheektowaga, New York, be and hereby is appointed to the position of Senior Clerk Typist in the Justice Court, in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 20, 2004.

Upon roll call

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

Item No. 19 Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, this Town Board appointed Police Officers Neil Held and Joseph Carbone effective July 20, 2004, AND

WHEREAS, the Police Officers should have been hired effective July 29, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Neil Held of Cheektowaga, New York and Joseph Carbone of Cheektowaga, New York be and hereby are appointed to the position of Police Officer to a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club effective July 29, 2004.

Upon roll call

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

Item No. 20a Motion by Councilmember Mazur, Seconded by Councilmember Magierski

BE IT RESOLVED, the Town Board hereby creates the positions of Supervising Code Enforcement Officer, Code Enforcement Officer and Assistant Code Enforcement Officer pursuant to Civil Service Laws and Rules, effective August 17, 2004.

Upon roll call

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

**MEETING NO. 16
AUGUST 16, 2004**

Item No. 20b Motion by Councilmember Mazur, Seconded by Councilmember Magierski

BE IT RESOLVED, the Town Board hereby creates the title of Computer Support Assistant pursuant to Civil Service Laws and Rules, effective August 17, 2004.

Upon roll call

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

Item No. 20c Motion by Councilmember Mazur, Seconded by Councilmember Magierski

BE IT RESOLVED, the Town Board hereby creates three (3) positions of the title Records Inventory Clerk pursuant to Civil Service Laws and Rules, effective August 9, 2004.

Upon roll call

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

Item No. 21 Motion by Councilmember Mazur, Seconded by Councilmember Magierski

WHEREAS, the Erie County Department of Personnel has notified the Town that effective immediately they have discontinued the use of the Competitive Building Inspector series of titles, AND

WHEREAS, the Competitive Building Inspector titles have been consolidated under the Competitive Code Enforcement Officer series, NOW, THEREFORE, BE IT

RESOLVED, the following employees be and hereby are assigned the appropriate titles under the Competitive Code Enforcement Officer series pursuant to Erie County Department of Personnel guidelines effective August 17, 2004:

Former Supervising Building and Plumbing Inspector Thomas Adamczak of Cheektowaga, New York, shall be classified as the Supervising Code Enforcement Officer.

Former Building Inspector Gary Parks of Cheektowaga, New York, shall be classified as Code Enforcement Officer.

Former Assistant Building Inspector Gail Milburth of Cheektowaga, New York, shall be classified as Assistant Code Enforcement Officer.

Former Assistant Building Inspector Mark Radecki of Depew, New York, shall be classified as Assistant Code Enforcement Officer.

Upon roll call

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

Item No. 22a Motion by Councilmember Mazur, Seconded by Councilmember Magierski

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

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

WHEREAS, Edward Fialkowski, currently employed as a Laborer in the Highway Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

MEETING NO. 16
AUGUST 16, 2004

Item No. 22a cont'd.

RESOLVED, that Edward Fialkowski of Cheektowaga, New York, be and hereby is appointed to the temporary position of Motor Equipment Operator in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective July 26, 2004.

Upon roll call

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

Item No. 22b Motion by Unanimous, Seconded by Unanimous

BE IT RESOLVED, Alfred Wnek, Jr., currently employed as a Working Crew Chief in the Highway Department be and hereby is appointed to the position of Laborer in the Highway Department, in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective September 1, 2004.

Upon roll call

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

Item No. 22c Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Laborer in the Highway Department,
AND

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

WHEREAS, James Dalka, currently employed as a Laborer in the Sanitation Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that James Dalka of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective July 12, 2004.

Upon roll call

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

Item No. 22d Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Laborer 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, Dale Matecki, currently employed as a temporary Laborer in the Sanitation Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Dale Matecki of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective, July 12, 2004.

MEETING NO. 16
AUGUST 16, 2004

Item No. 22d cont'd.

Upon roll call

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

Item No. 22e Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Senior Court Clerk in the Justice Court,
AND

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

WHEREAS, said title falls under the competitive class of Erie County Civil Service;
AND

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

WHEREAS, Kathleen Maciejewski, currently employed as a Senior Clerk in the Justice
Court, has applied for said position and meets all the necessary qualifications for provisional
appointment, NOW, THEREFORE BE IT

RESOLVED, Kathleen Maciejewski of Cheektowaga, New York, be and hereby is
appointed provisionally to the position Senior Court Clerk in the Justice Court, pending the results of the
civil service examination, and in accordance with the terms and conditions of the Town's collective
bargaining agreement with the Town of Cheektowaga Employees Association at the same wage as that
established for the title of Senior Clerk Typist, effective July 27, 2004.

Upon roll call

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

Item No. 22f Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

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

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

WHEREAS, Rose Marie Paa, currently employed as a Clerk Typist in the Justice
Court, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Rose Marie Paa of Cheektowaga, New York, be and hereby is
appointed to the position of Clerk Typist in the Police Department in accordance with the terms and
conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees
Association, effective August 9, 2004.

Upon roll call

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

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Item No. 22g Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Clerk Typist in the Justice Court, AND

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

WHEREAS, Rose Marie Paa, currently employed as a Clerk Typist in the Police Department, meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Rose Marie Paa of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Justice Court in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective August 12, 2004.

Upon roll call

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

Item No. 23 Motion by Councilmember Mazur, Seconded by Councilmember Jaworowicz

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

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT</u>	
Eugene Willard, Jr. Cheektowaga, New York	7/12/04

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

	<u>EFFECTIVE</u>
<u>JUSTICE COURT – Court Officer (Temporary) - \$13.61 per hour</u>	
Kimberly Kent-Chojnicki Cheektowaga, New York	7/26/04
<u>PARKS DIVISION – Laborer - \$6.50 per hour</u>	
Daniel Olejniczak Cheektowaga, New York	8/16/04

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

	<u>EFFECTIVE</u>
<u>PARKS DIVISION</u>	
Michael Slawek	8/17/04
Matthew Dusing	8/17/04
Gary Rupert	8/17/04
Michael Slawek	8/17/04
Patrick O'Hare	8/17/04
James Rogowski	8/17/04
Jeffrey Rogowski	8/17/04
<u>MAIN PUMP STATION</u>	
Leroy Linkner	8/01/04
<u>SANITATION DEPARTMENT</u>	
Bryan Kazmierczak	7/09/04
Darren Kazmierczak	"
Matthew Rich	"
Jeffrey Speaker	"

Item No. 23 cont'd.

POLICE DEPARTMENT (Police Attendant)

Kimberly Kent-Chojnicki

7/25/04

Upon roll call

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

Item No. 24 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

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

Recreation Instructor - \$10.25 (Crew Supervisor)
Youth Conservation Corps (YCC) – 7310.1811

Robert Dominiak
267 S Huxley Drive
Cheektowaga, New York 14225

Upon roll call

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

Item No. 25a Motion by Councilmember Mazur, Seconded by Councilmember Magierski

WHEREAS, the New York State Conference of Mayors and Municipal Officials will be holding a seminar Municipal Disability Benefits for Police Officers on August 16, 2004 in Akron, New York, AND

WHEREAS, Coordinator of Employee Relations Anthony M. Romano and Police Captain John Glascott have requested permission to attend said seminar, AND

WHEREAS, the Personnel 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 \$100, AND

WHEREAS, these expenses have been budgeted by the Personnel and Police Departments, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are authorized to attend the New York State Conference of Mayors and Municipal Officials seminar regarding Municipal Disability Benefits for Police Officers on August 16, 2004 in Akron, New York.

Upon roll call

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

Item No. 25b Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the National Center for Missing and Exploited Children is hosting a seminar entitled "Protecting Children Online" from September 27, 2004 through October 1, 2004 in Rochester, New York, AND

WHEREAS, Detective Michael Hockwater and Detective Daniel Conley will be provided with an understanding of the key issues for the effective investigation, prosecution, intervention, and prevention of computer-facilitated crimes against children. The National Center for Missing and Exploited Children will cover the cost of the seminar, student materials, and lodging. The Police Department will be responsible for transportation costs and meal expenses not to exceed \$230.00, NOW, THEREFORE, BE IT

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Item No. 25b cont'd.

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send Det. Hockwater and Det. Conley to this training and that the time they spend at this training be authorized as normal duty time. This expense will be charged to lines 100-3120-4085.

Upon roll call

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

Item No. 25c Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Wilmington Police Department's K-9 Unit is hosting the Eastern Police Canine Association 2004 Delaware State Fall Workshop in Wilmington, Delaware, on October 18-22, 2004, AND

WHEREAS, Police Officer John Daskocz and his K-9 will learn explosives detection, narcotics detection, tactical advancement, tracking, vehicle stops, agility, obedience, and multiple suspect apprehensions. The Police Department will be responsible for registration, lodging, transportation costs, and meal expenses not to exceed \$746.00, NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send Police Officer Daskocz to this training and that the time he spends at this training be authorized as normal duty time. This expense will be charged to lines 100-3120-4095.

Upon roll call

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 26 Building Permits
Received and filed.

Item No. 27 Supervisor's Statement of Funds – June 2004
Received and filed.

Item No. 28 Comprehensive Annual Financial Report – Fiscal Year Ended December 31, 2003
Received and filed.

Item No. 29a Minutes of Cheektowaga Planning Board – March 11, 2004
Received and filed.

Item No. 29b Minutes of Cheektowaga Planning Board – April 8, 2004
Received and filed.

Item No. 29c Minutes of Cheektowaga Conservation Advisory Council – July 17, 2004
Received and filed.

Item No. 29d Minutes of Traffic Safety Commission – July 20, 2004
Received and filed.

Item No. 29e Minutes of Town Environmental Advisory Committee – July 21, 2004
Received and filed.

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Item No. 29f Minutes of Town Environmental Advisory Committee – August 4, 2004
Received and filed.

III. GENERAL COMMUNICATIONS

Item No. 30a Summons and Complaint: Cimato Brothers Construction, Inc. vs. the 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. 30b Summons and Complaint: Gordon Barbasz vs. the Town of Cheektowaga and John Dros and Ruth Dros
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks Recreation and Youth Services; Highway and First Niagara Risk Management.
Received and Filed.

Item No. 30c Summons and Complaint: Nationwide Mutual Insurance Co. vs. the Town of Cheektowaga and Timothy Jaworowicz
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and First Niagara Risk Management.
Received and Filed.

Item No. 30d Summons and Complaint: Mary Wotherspoon and Thomas Wotherspoon vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation and Youth Services; Highway and First Niagara Risk Management.
Received and Filed.

Item No. 31a Notice of Claim: Jerome Weber vs. the 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. 31b Notice of Claim: Willie R. Rogers, Jr. vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and First Niagara Risk Management.
Received and Filed.

Item No. 31c Notice of Claim: Martin LaMartina vs. the 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. 31d Notice of Claim: Tenique Davis vs. the 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. 31e Notice of Claim: Christine Newman vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.

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- Item No. 31f Notice of Claim: Linda Heller vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.
- Item No. 31g Notice of Claim: Ernest Kohler vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and First Niagara Risk Management.
Received and Filed.
- Item No. 31h Notice of Claim: Rogers Hick vs. the Town of Cheektowaga and Town of Cheektowaga Police Department
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and First Niagara Risk Management.
Received and Filed.
- Item No. 31i Notice of Claim: Katie Watt/One Beacon Insurance a/s/o Leonard J. Zak vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and First Niagara Risk Management.
Received and Filed.
- Item No. 31j Notice of Claim: Ruth J. Kubiak vs. the 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. 31k Notice of Claim: Patricia Dick vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation and Youth Services and First Niagara Risk Management.
Received and Filed.
- Item No. 31l Notice of Claim: Nationwide Mutual Insurance Company/Joanne T. O'Brien vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.
- Item No. 31m Notice of Claim: Nationwide Mutual Insurance Company/Catherine Cammarata vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.
- Item No. 31n Notice of Claim: Nationwide Mutual Insurance Company/Rosalind Davis vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.
- Item No. 31o Notice of Claim: Nationwide Mutual Insurance Company/Geraldine M. Deblasi vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.

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- Item No. 31p Notice of Claim: Nationwide Mutual Insurance Company/Stanislaus Nicpon and Patricia Stresing vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.
- Item No. 31q Notice of Claim: Nationwide Mutual Insurance Company/Monida Koczon vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer and First Niagara Risk Management.
Received and Filed.
- Item No. 31r Notice of Claim: Raymond Lechowicz vs. the 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. 31s Notice of Claim: Dino V. Clay vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and First Niagara Risk Management.
Received and Filed.
- Item No. 31t Notice of Claim: Daniel Kashuba vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and First Niagara Risk Management.
Received and Filed.
- Item No. 31u Notice of Claim: Richard Janik vs. the 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. 32a Notice of Petition: ATA Associates vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to Assessor.
Received and filed.
- Item No. 32b Notice of Petition: Alden State Bank vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to Assessor.
Received and filed.
- Item No. 32c Notice of Petition: LaSalle Bank National Association vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to Assessor.
Received and filed.
- Item No. 32d Notice of Petition: Claudette R.M. Musarra-Eggert, Diane M.F. Schwach, Arthur F. DuC Musarra, and DMFS Trust vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to Assessor.
Received and filed.
- Item No. 32e Notice of Petition: Pepsi Cola Bottling Group vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to Assessor.
Received and filed.

MEETING NO. 16
AUGUST 16, 2004

Item No. 32f Notice of Petition: Vanguard Corporation vs. the Board of Assessment Review; the Assessor and the Town of Cheektowaga
Copies were sent to Assessor.
Received and filed.

Item No. 32g Notice of Petition: Verizon New York, Inc. vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to Assessor.
Received and filed.

Item No. 33a Request to Speak: Wayne Sherer (Sheds and Fences in Tiorunda Area)
Received and filed.

Item No. 33b Request to Speak: Lynn Dearmyer (Fire Hydrants in Town and on Chapel Avenue)
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, Mazur and Magierski
NAYES: 0
ABSENT: Councilmembers Swiatek and Jankowiak



IV. SUSPENSION OF RULES

Item No. 34 Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously provided Housing Rehabilitation Loans to the owner of the property at 1268 Cleveland Drive, Cheektowaga, New York, AND

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

WHEREAS, the Director of Community Development 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 Subordination Agreements with Charter One Bank, F.S.B., with offices at 10561 Telegraph Road, Glen Allen, Virginia 23059, pertaining to the Town's Housing Rehabilitation Loan secured by mortgages on the property located at 1268 Cleveland Drive, Cheektowaga, New York.

Upon roll call

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

Item No. 35 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the Town Board of the Town of Cheektowaga had previously approved the development of a golf course to be located between Sonwil Drive and Rehm Road, AND

Item No. 35 cont'd.

WHEREAS, the golf course was redesigned based upon the findings of additional wetlands on the site, AND

WHEREAS, after further review it may be in the interest of the town and developer to abandon a portion of Rehm Road and connect the Parwood Subdivision with Sonwil Drive, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said proposal on September 7, 2004 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.



NOTICE OF PUBLIC HEARING
ON
ABANDONMENT/TERMINATION OF A PORTION OF REHM ROAD

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga will hold a public hearing on the 7th day of September, 2004 at 6:30 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed abandonment/termination of a portion of Rehm Road, beginning at a point at the westerly terminus of Rehm Road (where it enters the Parwood Subdivision), and continuing easterly for a distance of 950 feet, more or less, where Rehm Road touches the northwest corner of 85 Rehm Road.

At such hearing, the public will be given an opportunity to comment on this proposed abandonment/termination of Rehm Road.

Dated: August 16, 2004

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

MARY F. HOLTZ
Town Clerk



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

AFFIDAVIT - NEXT PAGE

MEETING NO. 16
AUGUST 16, 2004

Item No. 36 Motion by Councilmember Johnson, Seconded by Councilmember Magierski

WHEREAS, \$3.0 million in funding was previously appropriated through Congressman Jack Quinn's office through Public Law 105-178, Subtitle F, Section 1602 for traffic mitigation work in the Town of Cheektowaga, AND

WHEREAS, in the Fiscal Year 2004 Consolidated Appropriations Bill Public Law 108-199, these moneys were to be appropriated between the following items:

- To study and implement mitigation and diversion options for William Street and Broadway, I-90 Corridor Study; Interchange 53 to Interchange 49, PIN 552830 (Thruway ramp study for Broadway)
- For an enhancement to the Rails to Historic Trails Project, an alternative means to vehicular transportation (PIN 575508)

AND,

WHEREAS, the above are good projects for the Town of Cheektowaga and will assist in the alleviation of the traffic congestion in the town, AND

WHEREAS, discussions were had between representatives of the town, the New York State Department of Transportation, the Thruway Authority and Assemblyman Jack Quinn's office to review these appropriations, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby endorses and supports the above projects and the following federal appropriation of moneys for the listed projects:

- PIN 552830 (Broadway ramp study) - \$1.7 million
- PIN 575508 (Rails to Historic Trails) - \$1.3 million

and, BE IT FURTHER

RESOLVED, that matching funds in the amount of 20% for the enhancement to the Rails to Historic Trails project (PIN 575508) shall be appropriated from miscellaneous town budget line items and, BE IT FURTHER

RESOLVED, that Grantmakers Advantage, the town's grants consultant, be and hereby is directed to complete the forms necessary to secure this funding and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to obtain this funding.

Upon roll call

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

Item No. 37 Motion by Councilmember Magierski, Seconded by Councilmember Johnson

WHEREAS, previously, the Town of Cheektowaga adopted fees for the review by the Planning Board, etc. of developments/construction being proposed within the town, AND

WHEREAS, due to increased costs to the town, it was recommended by the Building Inspections Department, Planning Board and Zoning and Petitions Committee to increase fees for the review of applications for developments within the town, NOW, THEREFORE, BE IT

RESOLVED, that, effective September 1, 2004, following fees shall be charged to individuals and businesses submitting a Development Review Application for developments/construction being proposed within the Town of Cheektowaga:

<u>Size of Property Being Developed</u>	<u>New Fee</u>
0-5 acres	\$150.00
5.01 – 10 acres	\$300.00
10.01 acres +	\$400.00

Item No. 37 cont'd.

Upon roll call

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

Item No. 38 Motion by Councilmember Magierski, Seconded by Councilmember Mazur

WHEREAS, by Town Board resolution dated October 1, 1979, Local Law No. 1 of the Year 1979, entitled "Law for Administration and Enforcement of State Building Construction Code" for the Town of Cheektowaga was enacted, AND

WHEREAS, due to changes in the State law, it is now necessary to repeal Local Law No. 1 of the Year 1979, and to enact a new local law for building construction administration, AND

WHEREAS, the Office of Building Inspections has drafted a proposed "Law for Administration and Enforcement of the Codes of New York State" to replace Local law No. 1 of the Year 1979, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 7th day of September, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2004-5, entitled "A Local Law Repealing Local Law No. 1 of the Year 1979 and Adopting A Law for Administration and Enforcement of the Codes of New York State" 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.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 7th day of September, 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 proposed repeal of Local Law No. 1 of the Year 1979, entitled "Law for Administration and Enforcement of State Building Construction Code" and the enactment of Local Law Intro No. 2004-5 of the Year 2004, entitled "A Local Law for Administration and Enforcement of the Codes of New York State". Following is a brief summary of the proposed Local Law Intro No. 2004-5:

Local Law Intro No. 2004-5 of the Year 2004
A Local Law Repealing Local Law No. 1 of the Year 1979
And Adopting
A Law for Administration and Enforcement of the
Codes of New York State

This local law would repeal the existing Town of Cheektowaga law providing for administration and enforcement of the State Building Construction Code and replace it with a new local law providing for the administration and enforcement of the Building Code of New York State, Residential Code of New York State, Energy Code of New York State, Mechanical Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Plumbing Code of New York State and Property Maintenance Code of New York State.

A copy of the complete text of the existing Local Law Intro No. 2004-5 which repeals Local Law No. 1 of the Year 1979 and adopts the proposed Law for Administration and Enforcement of the Codes of New York State is on file in the Town Clerk's Office where the same may be viewed during regular business hours

Dated: August 16, 2004

Item No. 38 cont'd.

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

MARY F. HOLTZ
Town Clerk



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

AFFIDAVIT - NEXT PAGE

**MEETING NO. 16
AUGUST 16, 2004**

Item No. 39 Motion by Councilmember Johnson, Seconded by Councilmember Mazur to adjourn this meeting. This meeting was adjourned at 8:55 P.M.

Mary F. Holtz
Town Clerk

TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 17
AUGUST 31, 2004

Item No. 1 At an Executive Session of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 31st day of August 2004 at 6:00 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

ABSENT: Councilmember Thomas J. Mazur
Councilmember Alice Magierski

Also present was: Mary F. Holtz, Town Clerk; and Michael Stachowski, Town Attorney



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER JAWOROWICZ TO ENTER INTO EXECUTIVE SESSION AT 6:00 P.M. AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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



I. RESOLUTIONS

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

WHEREAS, by resolution dated June 21, 2004, this Town Board authorized the town to appeal a State Supreme Court decision in Huron Group, Inc. v. Pataki, et al., AND

WHEREAS, a Notice of Appeal on this matter has been duly filed, AND

WHEREAS, the Seneca Gaming Corporation is interested in this litigation, and has offered to assist the Town in terms of the cost of the legal defense of this matter, NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and approves the Supervisor and/or Town Attorney to execute any and all documents in connection with this appeal, the use of outside counsel and reimbursement from the Seneca Gaming Corporation, including the following, all subject, however, to prior approval by the Town Attorney's Office:

1. Engagement letter with outside counsel acceptable to the Town Attorney;
2. Reimbursement/legal expense trust fund agreement with Seneca Gaming Corporation and/or its affiliates;
3. Conflict of waiver agreement(s) with outside counsel and any other entity.

Upon roll call

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

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 17
AUGUST 31, 2004**

Item No. 3 Motioned By Councilmember Jaworowicz, Seconded By Supervisor Gabryszak To Exit The Executive Session At 6:10 P.M. And Reconvene The Work Session.

Respectfully submitted,

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 18
SEPTEMBER 7, 2004**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th day of September 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; Patricia Wojcik, Director of Senior Services; Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services; Salvatore LaGreca, Planning Board Chairman; Anthony Romano, Coordinator of Employee Relations; Christine Ziembra, Chief of Police; and Captain Glascott.

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 Intro No. 2004-5 of the Year 2004 entitled, "A Local Law to Repeal Local Law No. 1 of the Year 1979 and Adopt a Law for Administration and Enforcement of the Codes of New York State" of said Town hereinafter more particularly described. The Supervisor directed the Town Clerk to present such notice has been duly published and posed; upon the order of the Supervisor such proof was duly filed. Said proposed Local Law is attached.

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

*SEE NEXT PAGE FOR ATTACHMENT

II. RESOLUTIONS

Item No. 3 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants, Submitted to the Town of Cheektowaga prior to September 3, 2004 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,475,224.58
RISK RETENTION FUND	54,355.56
DEBT SERVICE FUND	197,282.75
HUD HOUSING REHABILITATION	17,675.00
SPECIAL DISTRICTS FUND	749,895.16
HIGHWAY FUND	606,549.94
TRUST & AGENCY	23,862.13
HUD CDBG FUND	19,215.56
PART TOWN FUND	79,843.52
CAPITAL FUND	<u>677,280.17</u>
	\$ 5,901,184.37

Upon roll call

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

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

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

SPECIAL DISTRICTS FUND

FROM:	400-8140-4588	Ditch & Tributary Fertilization	\$ 3,000.00
	400-8140-4430	Detention Basin Maint	2,500.00
	400-8140-4581	Consulting Engineer	6,000.00
	400-8140-9101	Bond Principal	17,100.00
	400-8140-9201	Bond Interest	19,400.00
	400-1910-2799	Appropriated Fund Balance	23,500.00
TO:	400-8140-4543	Ditch & Creek Maint.	\$ 11,500.00
	400-8140-4432	Maintenance & Repairs	60,000.00

GENERAL FUND

FROM:	100-1315-4011	Printed Forms	\$ 600.00
	100-3020-4022	Maintenance Contracts	2,000.00
TO	100-1910-4081	Municipal Association Dues	\$ 600.00
	100-3020-4431	Equipment Repairs & Maint.	2,000.00

RISK RETENTION FUND

FROM:	101-1930-4703	Judgement & Claims Workers Comp.	\$ 7,000.00
TO:	101-1710-4525	Claims Admin.WC Assessments	\$ 7,000.00

PART TOWN FUND

FROM:	800-1910-4711	Contingency	\$ 40,000.00
	800-9010-8975	Retirement Buyouts	10,000.00
TO:	800-3620-1902	Overtime	\$ 9,000.00
	800-3620-4561	Contracted Services	41,000.00

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 4 Cont'd.

Upon roll call

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

Item No. 5 Motion by Councilmember Magierski; Seconded by Councilmember Jaworowicz

WHEREAS, by Town Board resolution dated October 1, 1979, Local Law No. 1 of the Year 1979, entitled "Law for Administration and Enforcement of State Building Construction Code" for the Town of Cheektowaga was enacted, AND

WHEREAS, due to changes in the State law, it is now necessary to repeal Local Law No. 1 of the Year 1979, and to enact a new local law for building construction administration, AND

WHEREAS, the Office of Building Inspections has drafted a proposed "Law for Administration and Enforcement of the Codes of New York State" to replace Local Law No. 1 of the Year 1979, AND

WHEREAS, a public hearing was held on the 7th day of September, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2004-5, entitled "A Local Law Repealing Local Law No. 1 of the Year 1979 and Adopting A Law for Administration and Enforcement of the Codes of New York State", AND

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

WHEREAS, this Town Board feels it is in the public interest to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED, that the Local Law No. 5 of the Year 2004, entitled "A Local Repealing Local Law No. 1 of the Year 1979 and Adopting A Law for Administration and Enforcement of the Codes of the State of New York", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 1 of the Year 1979 be and hereby is repealed, effective October 1, 2004, and BE IT FURTHER

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

RESOLVED, that Local Law No. 4 of the Year 2004 shall take effect after filing with the Secretary of State on October 1, 2004.

Upon roll call

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

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 18
SEPTEMBER 7, 2004

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

WHEREAS, the Town wishes to amend its Annual Plan/Final Statements on the Use of Community Development Block Grant and HOME Investment Partnership Funds pertaining to various activities pursuant to the attached Program Amendment Report, AND

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

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

RESOLVED, that the Town Board hereby amends the Town of Cheektowaga's Annual Plan/Final Statement on the Use of Community Development Block Grant and HOME Investment Partnership Funds for the affected program year pursuant to the attached Annual Plan/Final Statement Amendment Report, said amendment effective as of August 21, 2004

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 18
SEPTEMBER 7, 2004

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

WHEREAS, pursuant to Chapter 56 of the Laws of 2004, the NYS Legislature enacted Section 1809-d of the Vehicle and Traffic Law of the State of New York, AND

WHEREAS, this law authorizes municipalities to adopt a local law to impose a surcharge of up to ten dollars (\$10.00) on convictions rendered in the municipal court between September 1, 2004 and September 1, 2005 for traffic violations under the Vehicle and Traffic Law of the State of New York, AND

WHEREAS, a local law has been drafted to impose this surcharge on traffic violations ,
NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 20th day of September, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2004-6, entitled "A Local Law Imposing a Local Surcharge on Traffic Tickets", 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.

Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT – NEXT PAGE

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 8 Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the contract for Bid Sections "A", "B", "C" and "D" for the Installation of Drainage Improvements to Various Town Highways was previously awarded to S. St. George Enterprises by Town Board resolution dated June 7, 2004, AND

WHEREAS, S. St. George Enterprises has notified the Town that it may not be able to complete the contract as awarded due to disaster relief work in Florida resulting from hurricane Charley, AND

WHEREAS, it is in order to re-bid and re-advertise for Bid Sections "A" - Garden Road, "B" - Jean Terrace, "C" - Vegola Avenue and "D" Fonda Drive for the Installation of Drainage Improvements, 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 Drainage Improvements to Garden Road, Jean Terrace, Vegola Avenue and Fonda Drive, said notice to be published in THE BUFFALO NEWS AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 15th day of September, 2004 at 11:00A.M., Eastern Daylight Savings 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 15th day of September, 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 Drainage Improvements to Garden Road, Jean Terrace, Vegola Avenue and Fonda Drive, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instruction 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 and 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 "Drainage Improvements to Garden Road, Jean Terrace, Vegola Avenue and Fonda Drive".

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

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 8 Cont'd.

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.

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 construction 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.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: September 7, 2004

PUBLISHED: September 10, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT – NEXT PAGE

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 9 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 R. Coyle Sheet Metal for the construction of a 774 square foot addition to an existing custom shop at 3200 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of August 12, 2004 is recommending the approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals issued a variance for the location of the addition as shown on the attached decision dated July 22, 2004, AND

WHEREAS, this Town Board has reviewed the development review application, the recommendation made by the Planning Board and the Zoning Board's decision, NOW THEREFORE, BE IT

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

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 10 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 Dean Sutton Architects for the construction of a 4,392 square foot dental office at 1026 French Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 25, 2004 recommended a determination of non significance as shown in the attached memorandum dated August 30, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the revised site plan at its meeting held on August 12, 2004, AND

WHEREAS, an application is pending before the Town of Cheektowaga Zoning Board of Appeals for relief from the Town of Cheektowaga Flood Damage Prevention Law with the support of the Town Engineer, AND

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

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

1. The Town Engineer approving the drainage plan and grading plan.
2. The Zoning Board of Appeals issues a variance from the Flood Damage Prevention

Law.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 18
SEPTEMBER 7, 2004

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

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 3600 Harlem Road, Cheektowaga, New York SBL# 91.05-2-51 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Safe Harbour Health Care Properties Ltd., 100 South Elmwood Avenue, Buffalo, New York 14202, AND

WHEREAS, an inspection of such premises was conducted on 3600 Harlem Road by the Housing and Neighborhood Preservation Office, AND

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

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

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

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the New York State Division of Criminal Justice Services has made funds available to the Town of Cheektowaga for the 2004-2005 year to fund a Motor Vehicle Theft and Insurance Fraud Prevention program to reduce the number of stolen vehicles in the Town and increase the recovery of those cars that are stolen; AND

WHEREAS, the Town of Cheektowaga Police Department desires to apply for such funding for between \$35,000 and \$70,000 to conduct this program in the Town of Cheektowaga; AND

WHEREAS, there are no matching Town funds involved in this program; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department and/or Grantmakers Advantage, Inc., the Town's grants consultant, to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 12b Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS: Grant monies in the amount of \$6,000 are available from Erie County Legislator Michael Ranzenhofer via the Erie County Public Benefit Fund toward the purchase of a microfilm scanner and to improve the Town's website to allow the general public to conduct full text searches of Town Board Minutes; AND

WHEREAS: the purchase of the microfilm scanner and website improvements will enhance public access to local government 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 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, Swiatek, Jankowiak, Mazur and Magierski

NAYES: 0

ABSENT: 0

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

WHEREAS: Grant monies in the amount of \$1,500 are available from Erie County Legislator Timothy Wroblewski via the Erie County Public Benefit Fund toward the purchase of a microfilm scanner and computer; AND

WHEREAS: the purchase of this equipment will enhance public access to local government 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 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, Swiatek, Jankowiak, Mazur and Magierski

NAYES: 0

ABSENT: 0

Item No. 12d Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the New York State Department of Transportation is in the process of reconstructing Genesee Street between the easterly entrance to the Buffalo Niagara International Airport and Holtz Road in the Town, AND

WHEREAS, property located at 4455 Genesee Street owned by General Dynamics is on the south side of Genesee Street in the area of this road reconstruction, AND

WHEREAS, 4455 Genesee Street abuts Dean Road, a Town highway, on the south side of the property, AND

WHEREAS, General Dynamics, after meeting with representatives of the New York State Department of Transportation, concluded that it could relieve some of the congestion along Genesee Street if it utilized Dean Road during the course of the Genesee Street reconstruction project, AND

WHEREAS, General Dynamics has notified the Town that it would utilize Dean Road on a restricted basis during the Genesee Street reconstruction project, AND

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 12d Cont'd.

WHEREAS, the Town wishes to memorialize the terms of the use of Dean Road by General Dynamics in a written agreement, AND

WHEREAS, a written agreement has been prepared by the Town on this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the terms of the attached agreement, and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 18
SEPTEMBER 7, 2004

Item No. 12e Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the New York State Department of Transportation proposes the December 2004 letting for the reconstruction of Genesee Street from the easterly entrance drive to the Buffalo Niagara International Airport to Holtz Road identified as PIN 5512.45, AND

WHEREAS, as part of said highway reconstruction project there is a need to perform adjustments and modifications to Town sanitary sewer district facilities located within the State highway right-of-way, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, in its capacity as the Board of Managers for the Town Consolidated Sanitary Sewer District, hereby grants permission to the NYSDOT to perform the necessary modifications to sanitary sewer facilities providing that such modifications, as designed and constructed, meet the approval of the Town Engineer so as to insure continued proper and uninterrupted functioning of said system, AND, BE IT FURTHER

RESOLVED, that all costs associated with the adjustment and modification to sewer district facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the Public Utility Work Agreement HC-140, submitted by the New York State Department of Transportation, which provides for sanitary sewer district facilities modification and adjustment.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 12f Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes the December 2004 letting for the reconstruction of Genesee Street from the easterly entrance drive to the Buffalo Niagara International Airport to Holtz Road, identified as PIN 5512.45, AND

WHEREAS, as part of the aforesaid project the NYSDOT proposes to install a street lighting system which provides for a total of thirteen standards on the south side of Genesee Street, the relocated portion of Sonwil Drive, and on the access management road as detailed on project design drawings, AND

WHEREAS, the Town desires to have the above described highway lighting system constructed by the NYSDOT to maintain the uniformity of lighting on Genesee Street, NOW, THEREFORE, BE IT

RESOLVED, that all costs associated with the installation of the aforesaid lighting facilities are to be borne by the NYSDOT as part of said highway reconstruction project, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the Public Utility Work Agreement HC-140, submitted by the New York State Department of Transportation, which provides for street lighting facilities installation.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13a Motion by Unanimous; Seconded by Unanimous

WHEREAS, the New York State Legislature enacted and the Governor signed into law Chapter 56 of the Laws of 2004, AND

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Item No. 13a Cont'd.

WHEREAS, as part of this law (Part G, Section 1), fines which are imposed for moving traffic violations which are pled down in town courts to nonmoving violations will no longer be deposited into the town budgets but must be transmitted to the state, AND

WHEREAS, as a result of this legislation, more than \$12-22 million in fine moneys will be shifted to the State from local governments, AND

WHEREAS, this recent an unexpected change in the way traffic fines are distributed will create a shortfall in 2004 in the town budgets across the state, AND

WHEREAS, 95% of the tickets processed in our town are written by the Town Police Department, AND

WHEREAS, the revenue derived from these fines pay for a large share of the cost for the operation of our courts, AND

WHEREAS, this legislation will also cause municipalities to increase property taxes significantly to make up the difference in expected income from traffic fines, AND

WHEREAS, this change may also discourage local judges from approving plea bargains that reduce moving violations to nonmoving violations, AND

WHEREAS, this Board is very displeased with this legislation and see it as another attempt from the State to burden local governments with increased costs of operation, and to transfer the burden to the real property tax, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board calls upon the State Legislature and Governor to take immediate action to repeal the above referenced legislation and to return these fine moneys to the local governments, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, Senator William T. Stachowski, Governor George Pataki and the Majority Leaders of the State Senate and Assembly and Speaker of the State Assembly

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13b Motion by Councilmember Magierski

And Councilmember Jaworowicz; Seconded by Supervisor Gabryszak

WHEREAS, in the past few months, the County of Erie, the Town of Cheektowaga and several other communities in Erie County have experienced a significant increase in the number of complaints concerning rats, AND

WHEREAS, according to the Erie County Health department, the rats are starting to spread out into the suburbs, AND

WHEREAS, it appears that a combination of road construction and heavy rains this summer have flooded the rats' dens in low-lying areas, causing them to move to drier ground, AND

WHEREAS, with female rats being able to have 4-6 litters per year, and rats being able to reproduce by the time they are 2 months old, the rat population has been steadily increasing, AND

WHEREAS, although the Erie County Department of Health is the main government agency responsible for responding to rat complaints, it is battling thousands of complaints this year, AND

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WHEREAS, other communities, including the Town of Cheektowaga, are becoming involved in hiring private exterminating companies to assist in the control of rats, AND

Item No. 13b Cont'd.

WHEREAS, it appears that the elimination of the rat problem has become a regional problem and it needs a regional solution, NOW, THEREFORE, BE IT

RESOLVED, that, in the interest of the public health, safety and general welfare, this Town Board hereby calls upon the County of Erie to make the control of rats a regional priority for all of the municipalities in Erie County, and to invite all municipalities from Erie County to participate in a regional conference/work session to try to come up with a solution to this problem, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Erie County Department of Health, Clerk of the Erie County Legislature and to all legislators in Erie County serving the Town of Cheektowaga.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilmember Johnson; Seconded by Councilmember Magierski

WHEREAS, the Town of Cheektowaga previously received a Federal ISTE A grant for the purpose of constructing the Rails to Historic Trails bicycle path in the Town, AND

WHEREAS, the Town Attorney's Office and the Town Engineering Office have been working with owners of land along the proposed bicycle path to obtain the necessary easements and approvals to construct such bike path on their properties, AND

WHEREAS, the Town has requested Gateway Recycling, Inc., which owns land on the east side of Union Road south of the Norfolk Southern railroad lines to convey a small portion of its property to the town for a portion of the bike path and entrance to a parking lot, AND

WHEREAS, Gateway Recycling, Inc. has reviewed the Town's plans and has agreed to convey to the Town a portion of its property for such project on the condition that the town install a privacy fence to separate a portion of the trail system from Gateway's property, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the deed from Gateway Recycling, Inc., and agrees to install the requested fence along Gateway's property as part of the Rails to Trails project, and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, in an effort to respond to a house fire at 33 Chapel Avenue, the U-Crest Fire District utilized a nearby fire hydrant on Chapel Avenue, AND

WHEREAS, the fire hydrant at this location was served by a 4 inch diameter water line, which line may have been flow-restricted, AND

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WHEREAS, this Town Board and the U-Crest Fire District are concerned that the water line serving this hydrant and others in the area may be corroded and may hamper firefighting in the future, NOW, THEREFORE, BE IT

Item No. 15 Cont'd.

RESOLVED, that this Town Board hereby requests the Erie County Water Authority to investigate the water line serving fire hydrants in this area, particularly the line in the area of 33 Chapel Avenue, to ascertain whether any flow deficiencies exist, and BE IT FURTHER

RESOLVED, that, if flow deficiencies do exist, this Town Board hereby requests that such lines be replaced with eight (8) inch lines compatible with adjoining sections serving other hydrants in the town, and BE IT FURTHER

RESOLVED, that this Town Board hereby also requests the Erie County Water Authority to consider surveying older smaller diameter lines in the town in concert with the respective District fire companies for both pressure and sustained flows.

Upon roll call

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

Item No. 16 Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS, the Cleveland Hill School District has requested permission to utilize a portion of Cheektowaga Town Park on Tuesday, September 28, 2004 and Tuesday, October 12, 2004, beginning at 4:30 P.M. for its home cross-county track meets, AND

WHEREAS, the Director of the Department of Parks, Recreation and Youth Services has reviewed such request and has no objection to same, AND

WHEREAS, Cleveland Hill School District has provided the Town with the necessary insurance coverage for such track meets, AND

WHEREAS, this Town Board, in the spirit of cooperation, wishes to approve this request, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the use of Cheektowaga Town Park on Tuesday, September 28, 2004 and Tuesday, October 12, 2004 for the Cleveland Hill Cross Country Track meets, and BE IT FURTHER

RESOLVED, that the Director of the Department of Health, Physical Education and Athletics of the Cleveland Hill School shall coordinate with the Director of the Department of Parks, Recreation and Youth Services concerning these track meets.

Upon roll call

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

Item No. 17a Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

BE IT RESOLVED, the Town Board hereby creates the following positions pursuant to Civil Service Laws and Rules effective September 8, 2004:

<u>POSITION</u>	<u>NUMBER OF POSITIONS</u>
Senior Clerk	1
School Crossing Guard (PT)	2
Laborer (PT)	10
Lifeguard (PT)	4

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Upon roll call

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

Item No. 17b Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

BE IT RESOLVED, the Town Board hereby creates the title of Clerk Typist pursuant to Civil Service Laws and Rules effective August 30, 2004.

Upon roll call

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

Item No. 17c Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

BE IT RESOLVED, the Town Board hereby creates the position of Assistant Code Enforcement Officer pursuant to Civil Service Laws and Rules effective August 17, 2004.

Upon roll call

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



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH THE READING OF NAMES FOR 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



Item No. 18 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are upgraded and/or transferred as indicated, in the Department of Parks, Recreation & Youth Services, effective immediately:

Part-time
Recreation Instructor
\$8.65
Joy Donnelly-Smith

Regular part-time
Recreation Instructor
\$9.40
Camille Russell

Part-time
Recreation Attendant (XI)
\$7.65
Nancy Fumarelle

Regular part-time
Recreation Attendant (IV)
\$5.90
Samantha Cycon

Part-time
Recreation Attendant (XII)
\$7.90
Elizabeth Pazderski

Regular part-time
Recreation Attendant (III)
\$5.65
Amanda Kostran

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Part-time
Recreation Attendant (X)
\$7.40
Michelle Radlich

Regular part-time
Recreation Instructor
\$10.65
Mary Beth Seivert

Item No. 18 Cont'd.

Part-time
Recreation Attendant
\$7.90
Sandra Suwalski

Regular part-time
\$10.40
Laila Desjardins

Part-time
Recreation Attendant
\$6.15
Kristie Gammack

Regular part-time
Recreation Attendant
\$8.15
Ann Sheldon

Regular part-time
Recreation Attendant (VII)
\$6.65
Rob Swiatowski

Regular Part-time
Recreation Attendant (II)
\$5.40
Tiffany Gasiecki

BE IT FURTHER RESOLVED that the individuals listed below be and hereby are transferred from seasonal to regular part-time:

Sara Passafiume
Kristen Brunetto
Christopher Spencer
Sara Stortz
Meghan Tutko
Dana Machajewski
Tom Mahoney
Kelsey Zamoyski

Joelle Brunetto
John Gryzmala
Julie Stumm
Brian Collett
Julie Kujawinski
Samantha Long
Lauren Malicki

From Recreation Leader to Recreation Attendant
Regular part-time
Sean Dalton

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 19 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

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

Part-time
Pre-K – 7140.1664
Recreation Attendant - \$6.90
Mary Beth Lunghino

Regular part-time
Recreation Attendant - \$9.15
Camille Suszek

Regular part-time

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7180.1903
Lifeguards (Level I) - \$6.50
Daniel Polino
Andrew Zicarelli

Item No. 19 Cont'd.

Upon roll call

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

Item No. 20 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

	<u>EFFECTIVE</u>
<u>SENIOR SERVICES – Recreation Attendant - \$7.25 per hour</u>	
Genevieve Bialy Cheektowaga, New York	8/30/04
<u>PARKS DEPARTMENT – Laborer - \$6.50 per hour</u>	
Mark Stucke, Sr. Cheektowaga, New York	9/8/04

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

	<u>EFFECTIVE</u>
<u>MAIN PUMP STATION</u>	
Christopher Wszalek	8/14/04
<u>SENIOR SERVICES</u>	
Norma Hoffman	8/27/04
<u>LAW DEPARTMENT</u>	
Patricia Georger	8/27/04
<u>SANITATION DEPARTMENT</u>	
Nicholas Astyk	8/23/04
Corey Wroblewski	8/24/04
<u>PARKS DEPARTMENT</u>	
Jason Wartinger	9/8/04
Daniel Lysiak	"
Derek Wiech	"
Brian Wielinski	"
James Tucholski	"
Jeffrey McGill	"
Mark Kistner	9/6/04
Daniel Wagner	"

Upon roll call

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

Item No. 21 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, the Erie County Department of Personnel has notified the Town that effective immediately they have discontinued the use of the Competitive Building Inspector series of titles; AND

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WHEREAS, the Competitive Building Inspector titles have been consolidated under the Competitive Code Enforcement Officer series; NOW, THEREFORE, BE IT

Item No. 21 Cont'd.

RESOLVED, the following employee be and hereby is assigned the appropriate title under the Competitive Code Enforcement Officer series pursuant to Erie County Department of Personnel guidelines effective August 17, 2004:

Former Assistant Building Inspector Ronald Stepnick, Sr. of Cheektowaga, New York, shall be classified as Assistant Code Enforcement Officer.

Upon roll call

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

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

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

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

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

WHEREAS, Phyllis Carney, currently employed as an Administrative Clerk in the Parks, Recreation and Youth Services Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Phyllis Carney of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective August 30, 2004.

Upon roll call

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

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

WHEREAS, a vacancy exists in the position of Senior Recreation Supervisor in the Parks, Recreation and Youth Services Department; AND

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

WHEREAS, Ellen M. Fischer, currently employed as a Program Coordinator – Youth Board in the Parks, Recreation and Youth Services Department, appears on the existing Civil Service list and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Ellen M. Fischer of Cheektowaga, New York, be and hereby is appointed to the position of Senior Recreation Supervisor in the Parks, Recreation and Youth Services Department effective September 8, 2004.

Upon roll call

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

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NAYES: 0
ABSENT: 0

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

WHEREAS, a vacancy exists in the title of Recreation Leader in the Parks, Recreation and Youth Services Department; AND

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

WHEREAS, said title falls under the competitive class of Erie County Civil Service; AND

WHEREAS, a current Erie County Civil Service list exists for said title; AND

WHEREAS, said list was canvassed; AND

WHEREAS, Timothy M. White appears on said list and meets all the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Timothy M. White of Hamburg, New York 14075, be and hereby is appointed to the position of Recreation Leader in the Parks, Recreation and Youth Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 5, 2004; AND, BE IT FURTHER

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Timothy M. White be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution.

Upon roll call

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

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

WHEREAS, a vacancy exists in the position of Laborer in the Highway Department; AND

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

WHEREAS, Ricky Zawadzki, currently employed as a General Mechanic in the Parks Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Ricky Zawadzki of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective September 8, 2004.

Upon roll call

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

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

MEETING NO. 18
SEPTEMBER 7, 2004

WHEREAS, The Town of Cheektowaga has received a State Archives Grant with a sunset provision of June 30, 2005; AND

WHEREAS, four (4) temporary vacancies currently exist in the title of Records Inventory Clerk in the Records Center as a result of the grant; AND

Item No. 22e Cont'd.

WHEREAS, said title falls under the competitive class of Erie County Civil Service;
AND

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

WHEREAS, the following individuals have applied for said positions and meet all the necessary qualifications for provisional appointment; NOW, THEREFORE BE IT

RESOLVED, the following individuals be and hereby are appointed provisionally to the temporary position of Records Inventory Clerk in the Records Center, pending the results of the civil service examination, and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

Paul Matuszewski of Cheektowaga, New York at the hourly rate of \$9.10 per hour effective September 8, 2004.

Michael McQuade of Depew, New York at the hourly rate of \$8.30 per hour effective September 8, 2004.

Cassie Olsen of Kenmore, New York at the hourly rate of \$8.30 per hour effective September 8, 2004.

Kenneth J. Silvestri of Franklinville, New York at the hourly rate of \$8.30 per hour effective September 8, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 23a Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, there will be a Drug Abuse Resistance Education Instructor Seminar that will instruct officers on how to teach the D.A.R.E. program to any school at the elementary and middle school level on September 20, 2004 through October 1, 2004 in Binghamton, New York; AND

WHEREAS, Officers Brian Gould and Paul Nazzarett of the Police Department expressed an interest in attending this seminar; AND

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

WHEREAS, cost of said seminar including transportation shall not exceed \$300; AND

WHEREAS, money has been budgeted to the Police Department to cover these expenses; NOW, THEREFORE, BE IT

RESOLVED, that Officers Brian Gould and Paul Nazzarett of the Police Department be and hereby are authorized to attend the Drug Abuse Resistance Education Instructor Seminar to be held September 20, 2004 through October 1, 2004 Binghamton, New York.

Upon roll call

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

NAYES: 0

MEETING NO. 18
SEPTEMBER 7, 2004

ABSENT: 0

Item No. 23b Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, New York State will be holding their Disaster Preparedness Conference along with the annual meeting of the New York State Emergency Management Association on October 13, 2004 through October 15, 2004 at the Holiday Inn – Turf in Albany, New York; AND

WHEREAS, Natural Disaster Coordinator Earl Loder of the Town Supervisor's Office has expressed an interest in attending this conference; AND

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

WHEREAS, cost of said seminar including transportation shall not exceed \$550; AND

WHEREAS, money has been budgeted to the Town Supervisor's Office to cover these expenses; NOW, THEREFORE, BE IT

RESOLVED, that Natural Disaster Coordinator Earl Loder be and hereby is authorized to attend the New York State Disaster Preparedness Conference along with the annual meeting of the New York State Emergency Management Association to be held October 13, 2004 through October 15, 2004 at the Holiday Inn – Turf in Albany, New York.

Upon roll call

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

NAYES: 0

ABSENT: 0

DEPARTMENTAL COMMUNICATIONS

Item No. 24 Supervisor's Statement of Funds – July 2004
Received and Filed.

Item No. 25 Building Permits – August 2004
Received and Filed.

Item No. 26a Minutes - Cheektowaga Planning Board – August 12, 2004
Received and Filed.

Item No. 26b Minutes - Cheektowaga Conservation Advisory Council – July 17, 2004
Received and Filed.

Item No. 26c Minutes - Cheektowaga Conservation Advisory Council - August 5, 2004
Received and Filed.

Item No. 26d Minutes - Town Environmental Advisory Committee – August 25, 2004
Received and Filed.

GENERAL COMMUNICATIONS

Item No. 27a Notice of Petition: Global Crossing North American Networks, Inc. vs. State

MEETING NO. 18
SEPTEMBER 7, 2004

Board of Real Property Services and the Town of Cheektowaga
Received and Filed.

Item No. 27b Notice of Petition: New York State Electric and Gas vs. State Board of Real Property Services and the Town of Cheektowaga
Received and Filed.

Item No. 28a Notice of Claim - Irene J. Baase 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. 28b Notice of Claim: James/Barbara Borzillieri vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sewer, Engineering and First Niagara Risk Management
Received and Filed.

Item No. 28c Notice of Claim: Therese Karam vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sanitation and First Niagara Risk Management
Received and Filed.

Item No. 28d Notice of Claim: Timothy K. Lee vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sanitation and First Niagara Risk Management
Received and Filed.

Item No. 28e Notice of Claim: Timothy/Cheryl Oddo vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sewer, Engineering and First Niagara Risk Management
Received and Filed.

Item No. 28f Notice of Claim: Carol S. Ott vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Highway, Sanitation and First Niagara Risk Management
Received and Filed.

Item No. 28g Notice of Claim: Jacqualyynn Pilat vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sewer, Engineering and First Niagara Risk Management
Received and Filed.

Item No. 29 Town of Cheektowaga Wastewater Collection System Report
Received and Filed.

Item No. 30 Request to Speak Regarding Sewage & Rat Problem
Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK; SECONDED BY COUNCILMEMBER MAZUR TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS. AND THE VOTING WENT AS FOLLOWS:

Upon roll call

MEETING NO. 18
SEPTEMBER 7, 2004

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



SUSPENSION OF RULES

Item No. 31 Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the development of #505 Duke Road by the Benderson Development Company includes a portion of the former Duke Road right-of-way which contains an Erie County Water Authority waterline and two (2) public hydrants identified as J10-D41 and D42, AND

WHEREAS, a private fire service and hydrants are being installed for fire protection purposes for said office/warehouse development, enabling the removal of the aforesaid hydrants D41 and D42, whose annual maintenance fees have been funded through a Town hydrant district, AND

WHEREAS, the Board of Fire Commissioners of the Forks Fire District No. 3, by letter dated August 31, 2004, supports the removal of the subject hydrants, AND

WHEREAS, the Benderson Development Company has committed by letter dated August 24, 2004 to fund the cost of hydrant removal by the Erie County Water Authority, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority be and hereby is authorized to remove hydrants D41 and D42, with removal costs to be borne by the Benderson Development Company, and with annual hydrant maintenance charges for said hydrants to be terminated upon removal, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is requested and directed to submit a certified copy of this resolution to the attention of:

Mr. Richard Rosenberry, P.E.
Director of Engineering
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

Upon roll call

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

Item No. 32 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

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

WHEREAS, the Community Development Office has requested the Town Board to authorize housing rehabilitation loan funds to the owner of the property at 90 Wheaton Drive, Cheektowaga, New York, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a housing rehabilitation loan agreement with the owner of 90 Wheaton Drive, Cheektowaga, New York, for housing rehabilitation loan funds in an amount not to exceed \$42,000.00.

Upon roll call

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

MEETING NO. 18
SEPTEMBER 7, 2004

NAYES: 0
ABSENT: 0

Item No. 33 A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER MAZUR TO ADJOURN THE MEETING AT 8:50 P.M.

**TOWN OF CHEEKTOWAGA
MEETING 19
SEPTEMBER 20, 2004**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of September, 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; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Bill Pugh, Town Engineer; Patricia Wojcik, Director of Senior Services; Anthony Romano, Coordinator of Employee Relations; Salvatore LaGreca, Chairman of Planning Board; Brian Krause, Director of Finance and Administration; Christine Ziemba, Chief of Police; Kenneth Kopacz, Director of Parks, Recreation and Youth Services and Earl Loder, Disaster Coordinator.

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 Intro No. 2004-6 of the Year 2004 entitled, "A Local Law Imposing a Local Surcharge on Traffic Tickets" 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 Local Law is as follows:



**A LOCAL LAW IMPOSING LOCAL SURCHARGE
ON TRAFFIC TICKETS**

Section 1. Purpose and Authority.

This law is enacted pursuant to authority of Section 1809-d of the Vehicle and Traffic Law of the State of New York to impose a local surcharge on convictions rendered for violations of certain traffic offenses.

Section 2. Surcharge Imposed.

There is hereby imposed a surcharge in the amount of ten dollars (\$10.00) on convictions rendered in the Cheektowaga Justice Court for violations committed between September 1, 2004 and September 1, 2005, which convictions are subject to the mandatory surcharge imposed pursuant to section 1809 of the Vehicle and Traffic Law of the State of New York.

Such surcharge shall be in addition to any sentence required or permitted by law. Provided, however, that no surcharge authorized by this chapter shall be imposed where a conviction is not subject to the mandatory surcharge pursuant to the provisions of section 1809 of the Vehicle and Traffic Law of the State of New York.

Section 3. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.



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

II. RESOLUTIONS

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

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

GENERAL FUND

FROM:	100-1415-3500	State Aid Archive Grant	\$ 86,906.00
TO:	100-1415-1971	Payroll	\$ 54,400.00
	100-1415-4001	Contractual Services	28,000.00
	100-1415-4008	Travel	72.00
	100-9010-8121	Employee Benefits	4,434.00

HUD CDBG FUND

FROM:	700-1004-0704	Contingency	\$ 776.25
TO:	700-1004-0679	Summer Day Camp	\$ 776.25

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 4 Motion By Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to September 17, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$2,189,845.69
RISK RETENTION FUND	92,752.49
DEBT SERVICE FUND	1,370,162.28
HUD HOUSING REHABILITATION	58,761.50
SPECIAL DISTRICTS FUND	823,454.21
HIGHWAY FUND	390,417.60
TRUST & AGENCY	2,078.74
HUD CDBG FUND	38,234.23
PART TOWN FUND	84,835.08
CAPITAL FUND	18,440.88
	<u>\$5,068,982.70</u>

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, pursuant to Chapter 56 of the Laws of 2004, the NYS Legislature enacted Section 1809-d of the Vehicle and Traffic Law of the State of New York, AND

WHEREAS, this law authorizes municipalities to adopt a local law to impose a surcharge of up to ten dollars (\$10.00) on convictions rendered in the municipal court between September 1, 2004 and September 1, 2005 for traffic violations under the Vehicle and Traffic Law of the State of New York, AND

WHEREAS, a local law has been drafted to impose this surcharge on traffic violations, AND

WHEREAS, a public hearing was held on the 20th day of September, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2004-6, entitled "A Local Law Imposing a Local Surcharge on Traffic Tickets", AND

MEETING NO. 19
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Item No. 5 cont'd.

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

WHEREAS, this Town Board feels it is in the public interest to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED, that the Local Law No. 6 of the Year 2004, entitled "A Local Law Imposing a Local Surcharge on Traffic Tickets", 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. 6 of the Year 2004 shall take effect upon filing with the Secretary of State.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 19
SEPTEMBER 20, 2004**

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

WHEREAS, the contract for Bid Sections "A", "B", "C" and "D" for the installation of Drainage Improvements to Various Town Highways was previously awarded to S St. George Enterprises by Town Board resolution, AND

WHEREAS, based on a letter from S St. George that it may not be able to complete the contract as awarded, this Town Board, by resolution dated September 7, 2004 decided to re-bid this contract, AND

WHEREAS, a Notice to Bidders was published for the receipt of bids for Drainage Improvements to Garden Road, Jean Terrace, Vegola Avenue and Fonda Drive, which bids were duly received and opened on September 15, 2004 by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Engineering Department dated September 15, 2004, AND

WHEREAS, said letter recommends that the contract for Drainage Improvements to Garden Road, Jean Terrace, Vegola Avenue and Fonda Drive be awarded to Mar-Wal Construction Company, Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for Drainage Improvements to Garden Road, Jean Terrace, Vegola Avenue and Fonda Drive be and hereby is awarded to Mar-Wal Construction Company, Inc., 440 Gould Avenue, Depew, New York 14043 for the bid price of \$160,240.00, being the lowest bid meeting the requirements of the specifications and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute a contract with Mar-Wal Construction Company, Inc. for the aforesaid project, and any and all other documents necessary to effectuate the award to Mar-Wal Construction Company, Inc. and, BE IT FURTHER

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

RESOLVED, that the aforementioned prior bid awarded to S St. George Enterprises shall be released by this Town Board, and this award of bid to Mar-Wal Construction Company, Inc. shall be contingent upon:

1. Receipt of the Release of Funds from the U.S. Department of Housing and Urban Development.
2. Receipt by the Town of a release from S St. George Enterprises of the bid award dated June 7, 2004 in a form 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

MEETING NO. 19
SEPTEMBER 20, 2004

Item No. 7 Motion by Councilmember Jankowiak, Seconded by Councilmember Johnson

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

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

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Engineering Department to purchase one (1) 2005 Chevrolet Express Cargo Van in the amount of \$13,673.15 from:

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

(585) 586-7373

Upon roll call

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

Item No. 8a Motion by Councilmember Magierski, Seconded by Councilmember Johnson

WHEREAS, Charles R. Keller made application and requested the rezoning of land located at 3600-3622 Genesee Street and SBL No. 91.16-2-59.112 from CM-General Commercial District to MS-Motor Services District for the construction of a parking area extension at the existing Keller Chevrolet automobile dealership, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 4th, 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

MEETING NO. 19
SEPTEMBER 20, 2004

Item No. 8b Motion by Councilmember Magierski, Seconded by Councilmember Johnson

WHEREAS, Anthony Delmaro made application and requested the rezoning of land located at 3993 Union Road from R-Residence District to NS-Neighborhood Services District for a psychic reading studio, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 4th, 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

MEETING NO. 19
SEPTEMBER 20, 2004

Item No. 8c Motion by Councilmember Magierski, Seconded by Councilmember Johnson

WHEREAS, by Town Board resolution dated September 7, 2004, Local Law No. 5 of the Year 2004, entitled "A Local Law Repealing Local Law No. 1 of the Year 1979 and Adopting A Local Law for Administration and Enforcement of the Codes of the State of New York" for the Town of Cheektowaga was enacted, AND

WHEREAS, due to changes in the State law, it is also now necessary to repeal the following local laws and ordinances of the Town of Cheektowaga:

- A Local Law for Commercial Property Maintenance (Chapter 82 of the Town Codes)
- Fire Prevention Code/Ordinance (Chapter 120 of the Town Codes)
- Housing Standards Code/Ordinance (Chapter 146 of the Town Codes)
- Swimming Pools Ordinance (Chapter 214 of the Town Codes)

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 4th day of October, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2004-7, entitled "A Local Law to Repeal the Town of Cheektowaga Local Law for Commercial Property Maintenance, Fire Prevention Code/Ordinance, Housing Standards Code/Ordinance and Swimming Pools Ordinance" 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.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 4th day of October, 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 Local Law Intro No. 2004-7 of the Year 2004, entitled "A Local Law to Repeal the Town of Cheektowaga Local Law for Commercial Property Maintenance, Fire Prevention Code/Ordinance, Housing Standards Code/Ordinance and Swimming Pools Ordinance".

Following is a brief summary of the proposed Local Law Intro No. 2004- 7:

Local Law Intro No. 2004-7 of the Year 2004

A Local Law to Repeal the Town of Cheektowaga Local Law for Commercial Property Maintenance, Fire Prevention Code/Ordinance, Housing Standards Code/Ordinance and Swimming Pools Ordinance

This local law would repeal the existing Town of Cheektowaga laws (Chapters 82, 120, 146 and 214) relating to commercial property maintenance, fire prevention standards, housing standards and maintenance, and requirements for swimming pools.

These laws were previously replaced by the Building Code of New York State, Residential Code of New York State, Energy Code of New York State, Mechanical Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Plumbing Code of New York State and the Property Maintenance Code of New York State.

Copies of the complete text of the above mentioned town codes being repealed and the New York State Codes replacing them are on file in the Town Clerk's Office where the same may be viewed during regular business hours.

Dated: September 20, 2004

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

Item No. 8c cont'd.

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

MEETING NO. 19
SEPTEMBER 20, 2004

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

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purpose of purchasing new trees for the Town's planting in the Spring of 2005.

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 A.M. and 4:30 P.M., Monday through Friday, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, October 6, 2004, at 11:00 A.M., in the Council Chambers of the Cheektowaga Town Hall.



NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT
CHEEKTOWAGA, NEW YORK

FOR THE PURCHASE OF
NEW TREES FOR SPRING 2005 PLANTING

Sealed bids for the purchase of the above mentioned by the Town of Cheektowaga Highway Department will be received by the Town of Cheektowaga until Wednesday, October 6, 2004 at 11:00 A.M. All bids will then be publicly opened and read aloud in the Council Chambers in the Cheektowaga Town Hall, located on the corner of Broadway and Union Roads, Cheektowaga, New York, at such time.

Specifications and other contract or bid documents may be further examined and/or obtained at the Town Clerk's Office, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

Each bid shall be accompanied by a bid bond and/or certified check or treasurer's check payable to the "Town of Cheektowaga". For purposes of this bid, the bid security shall be in the amount of \$500.00.

No bidders may withdraw his bid for a period of forty-five (45) days after the date of the opening of the bid.

Complete instructions for filing bids are included in the information for bidders and the instructions for bidders.

The Town of Cheektowaga reserves the right to waive any informality in or to reject any and all bids if deemed to be in the best interest of the Town.



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

**MEETING NO. 19
SEPTEMBER 20, 2004**

Item No. 10a 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 William Dimming of Autistic Services, Inc. for the construction of a 5 unit apartment building at 865 Maryvale Drive, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 15, 2004 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 9, 2004, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals approved a variance for the location of the building as shown on the attached resolution dated August 19, 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, THEREFORE, BE IT

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

1. The Town Engineer approving the drainage plan and grading plan.
2. The premises being perpetually used by individuals with developmental disabilities or similar disabilities.
3. The Town Attorney and the Town's Assessor reviewing and approving a P.I.L.O.T agreement .

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 19
SEPTEMBER 20, 2004**

Item No. 10b 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 David J. Szyjka of St. Stanislaus R.C. Cemetery for the construction of a 9,316 square foot mausoleum at the St. Stanislaus R.C. Cemetery, 700 Pine Ridge Heritage Boulevard, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 15, 2004 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 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 determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and approves the site plan subject to:

1. The Town Engineer approving the drainage plan and grading plan.
2. The applicant meeting the requirements of section 508.5 of the NYS Fire Code for fire protection water supplies.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 10c 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 construction of a 8,550 square foot retail plaza with restaurant at 3896-3900 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 15, 2004 recommended a determination of non significance, AND

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

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Item No. 10c cont'd.

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

1. The Town Engineer approving the drainage plan and grading plan.
2. The plan amended to have a pedestrian link between buildings

Upon roll call

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

Item No. 10d 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 James Boy, Architect for 2550 Walden Avenue Associates, LLC for the construction of a 35,910 square foot office complex with a 7,800 square foot storage building at 2550 and 2570 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 15, 2004 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 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 determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and approves the site plan subject to:

1. The Town Engineer approving the drainage plan and grading plan.
2. Any traffic safety concerns identified by the Town Traffic Safety Commission
3. Approval of a zoning board variance for the property line bisecting the parking area.

Upon roll call

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

Item No. 11a 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

Item No. 11a cont'd.

WHEREAS, Kideney Architects, Project Architect, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the completed project for Electrical Work and directs the Supervisor to sign the final contract acceptance documents with O'Connell Electric Company, 929B Ransom Road, Lancaster, New York 14086.

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 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, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the completed project for Fire Protection Work and directs the Supervisor to sign the final contract acceptance documents with Davis Fire Protection and Services, LLC, 120 West Tupper Street, Buffalo, New York 14201.

Upon roll call

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

Item No. 11c Authorize Supervisor to Sign Final Contract Acceptance Documents (HVAC-Senior Center)
This item was withdrawn.

Item No. 11d Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak

WHEREAS, the contract for the installation of traffic signal improvements at the intersections of Cleveland Drive @ Lamarck Drive and Cleveland Drive @ Ravenswood Terrace was awarded by Town Board Resolution dated January 21, 2003 to Omer Construction Company, Inc. in the amount of \$169,051.00, AND

WHEREAS, FRA Engineering, the Project Traffic Consultant, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, and further recommend approval of Change Order No. 1 (final) which provides for adjustment to final contract quantities and a credit to the Town for furnishing various materials as detailed in the change order document, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby accepts the completed project and directs the Supervisor to sign the final contract acceptance documents with Omer Construction Company, Inc., 621 Aero Drive, Cheektowaga, New York 14225, including Change Order No. 1 (final) which provides for a decrease to the aforesaid contract in the amount of \$22,658.50.

Upon roll call

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

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Item No. 12a Create Two (2) Positions Entitled "Parks Maintenance Worker II
This item was withdrawn.

Item No. 12b Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

BE IT RESOLVED, the Town Board hereby creates twenty-five (25) positions entitled Recreation Aide (Part-Time) pursuant to Civil Service Laws and Rules effective September 21, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0



MOTION BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER JAWOROWICZ TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 13, 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. 13 Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

	<u>EFFECTIVE</u>
<u>SENIOR SERVICES – Recreation Attendant - \$7.25 per hour</u>	
Mary Ann Gorski Cheektowaga, New York	10/15/04
<u>POLICE DEPARTMENT – Dog Control – Laborer - \$7.00 per hour</u>	
Lindsey M. Styborski Depew, New York	9/21/04
<u>PARKS DIVISION – Laborer - \$7.00 per hour</u>	
Shawn M. McCann Depew, New York	9/23/04
Charles Gies Depew, New York	9/21/04

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

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT</u>	
Donald Bzibziak	8/27/04
Jamie Smith	8/27/04
Jay Morosey	9/03/04
<u>SENIOR SERVICES</u>	
Eleanor Gerlach	10/15/04
<u>MANAGEMENT INFORMATION SYSTEMS</u>	
Richard McKay	9/21/04

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Item No. 13 cont'd.

POLICE DEPARTMENT – Dog Control

Heather Fedchak 8/18/04

PARKS DIVISION

Erik Cummings 8/28/04

Richard Gramza 9/19/04

Robert Haas 9/19/04

Justin Henzler 8/29/04

Adam Mez 8/27/04

Adam Nowicki 9/01/04

Edward Pozdyn 9/12/04

Nicholas Schanne 8/30/04

Jeffrey Smietana 8/24/04

James T. Smith 9/04/04

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 14 Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individual be and hereby is hired in the Department of Parks, Recreation & Youth Services effective September 21, 2004:

Part-Time

Rink Personnel – 7140.1611

Recreation Aide - \$5.15

Bryan Chapman

Upon roll call

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

NAYES: 0

ABSENT: 0



MOTION BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER JAWOROWICZ TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 15, 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. 15 Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following employees in the Department of Parks, Recreation & Youth Services be and hereby are transferred, as indicated, effective 9/21/04:

Part-Time

Recreation Aide

Tiffany Gasecki

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Shauna Krege
Item No. 15 cont'd.

From Summer Day Camp to Adapted Recreation Program – 7310.1803

Regular Part-Time

Recreation Specialists

Deborah Fleetwood
Barbara Walters
Victor Nosal
Amy McMahon

Recreation Instructors

Pamelq Szeffler
Nicholas Czaplicki
Kristin Mills
Sean Dalton
Lauren Filipink

Recreation Attendants

Laura Gabryszak
Nina Lipowicz
Deyonca Porter
Kristen Stadelmeyer
Maribeth Stadelmeyer
Kacey Wodowski
Amy Wroblewski
Mark Hannon
Hillary Szydlowski

Part-Time

Recreation Aides

Matthew Hanley
Kylie Mars
Krystine Root
Sally Sponholz
Sara Stanley

Sean Trapper
Kelly Walters
Jacob Wodowski
Predolino Zelasko

Upon roll call

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED, the following individuals currently employed in the Sewer Maintenance Department under the title of Sewer Maintenance Worker, be and hereby are appointed to the title of Senior Sewer Maintenance Worker in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 1, 2004:

<u>NAME</u>	<u>RESIDENCE</u>
John Banas	Depew, New York
Mark Bessing	Cheektowaga, New York
Raymond Bobeck	Cheektowaga, New York
Richard Burst	Cheektowaga, New York
Joseph Cartenuto	Cheektowaga, New York

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Gene Dudek Cheektowaga, New York

Item No. 16a cont'd.

Peter Dudek	Cheektowaga, New York
Ronald Golas	Cheektowaga, New York
Thomas Klosko	Cheektowaga, New York
Marc Meyers	West Seneca, New York
George Ross	Sloan, New York
Paul Stallone	Cheektowaga, New York

Upon roll call

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

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

WHEREAS, a vacancy exists in the position of Clerk Typist in the Parks, Recreation, and Youth Services Department, AND

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

WHEREAS, said title falls under the competitive class of Erie County Civil Service, AND

WHEREAS, Angela L. Ruchalski, currently employed as a Clerk Typist in the Erie County Department of Social Services, has expressed an interest in transferring into the Town and meets all the necessary qualifications for appointment, NOW, THEREFORE BE IT

RESOLVED, that Angela L. Ruchalski of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Parks, Recreation, and Youth Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 1, 2004.

Upon roll call

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

Item No. 16c Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the title of Computer Support Assistant in the Management Information Systems Department, AND

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

WHEREAS, said title falls under the competitive class of Erie County Civil Service, AND

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

WHEREAS, Richard C. McKay, currently employed as a part-time Computer Support Technician in the Management Information Systems Department, has applied for said position and meets all the necessary qualifications for provisional appointment, NOW, THEREFORE BE IT

RESOLVED, Richard C. McKay of Cheektowaga, New York, be and hereby is appointed provisionally to the position of Computer Support Assistant in the Management Information Systems Department, pending the results of the civil service examination, and in accordance with the

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terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association at the hourly wage of \$17, effective September 21, 2004.

Item No. 16c cont'd.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17a Motion by Councilmember Mazur, Seconded by Councilmember Magierski

WHEREAS, the Office of Community Development in the Town of Cheektowaga, utilizing CDBG funding, periodically grants loans to low-income homeowners to repair and renovate their homes, AND

WHEREAS, usually, the Town of Cheektowaga holds a secondary mortgage interest in the property, and a lending institution/bank holds the first mortgage, AND

WHEREAS, on occasion, the first mortgage lender commences a mortgage foreclosure proceeding against the property owner for non-payment, etc., and the Town of Cheektowaga, as a secondary lender, is notified of the foreclosure proceeding, AND

WHEREAS, in the event the primary mortgage lender proceeds with the foreclosure on the property, the Town of Cheektowaga stands to lose all of its investment in the property, AND

WHEREAS, depending on the amount of money owed to the Town of Cheektowaga as a second mortgage, the Town of Cheektowaga/Office of Community Development might be interested in bidding on the property at a foreclosure sale, NOW, THEREFORE, BE IT

RESOLVED, that the Director of Community Development be and hereby is authorized to attend any mortgage foreclosure sale where the Town of Cheektowaga has a secondary mortgage interest in a piece of property if the Director so deems it prudent or necessary to attempt to bid on the property, and BE IT FURTHER

RESOLVED, that the Director of Community Development be and hereby is authorized to commit to the expenditure of moneys which, in his judgment, are prudent to be expended to protect the Town's interest in the property.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17b Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, the 45th Annual International Drug Conference and Training Program is being held October 18 through October 22, 2004 at the Marina Marriott Hotel in Fort Lauderdale, Florida, AND

WHEREAS, Police Chief Christine Ziemba, has requested authorization for Police Officer Robert Laskowski to attend said conference and training program, AND

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

WHEREAS, the total cost to the Town shall not exceed \$100, AND

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

RESOLVED, that Police Officer Robert Laskowski be and hereby is authorized to attend the 45th Annual International Drug Conference and Training Program from October 18 through October 22, 2004 in Fort Lauderdale, Florida.

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Item No. 17b cont'd.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17c Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, the New York State Fire Marshals and Inspectors Annual Seminar is being held September 28 through September 30, 2004 at the New York State Fire Academy in Montour Falls, New York, AND

WHEREAS, Supervising Building and Plumbing Inspector Thomas Adamczak, has requested authorization for Fire Inspector Edward Saturnus to attend said seminar, AND

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

WHEREAS, the total cost to the Town shall not exceed \$156, AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Fire Inspector Edward Saturnus be and hereby is authorized to attend the New York State Fire Marshals and Inspectors Annual Seminar being held September 28 through September 30, 2004 in Montour Falls, New York.

Upon roll call

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

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 18 2005 Preliminary Benefit Basis Budget
Received and filed.

Item No. 19 Minutes of Cheektowaga Conservation Advisory Council – September 2, 2004
Received and filed.

IV. GENERAL COMMUNICATIONS

Item No. 20 Summons & Complaint: Camille C. Waters vs. the Town of Cheektowaga, Christian Wachowiak and R. Roll
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police Department and First Niagara Risk Management.
Received and Filed.

Item No. 21a Notice of Claim: Louis and Ginnie Rauth vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering Department; Sewer Department and First Niagara Risk Management.
Received and Filed.

Item No. 21b Notice of Claim: Mirella Troncone vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation Department and First Niagara Risk Management.

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Received and Filed.

Item No. 21c Notice of Claim: John and Joan Costello vs. the 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.

Item No. 21d Notice of Claim: Mary Ann Helenbrook 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. 21e Notice of Claim: David B. Crone/State Farm Insurance
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer Department and First Niagara Risk Management.
Received and Filed.

Item No. 22 Designation of Restricted Highway: A Portion of New York 130, Broadway, beginning approximately 230 m west of Dick Road and ending 500 m west of Borden Road. Also, a portion of Dick Road between Walden Avenue and New York Route 310, Broadway
Received and filed.

Item No. 23 Request to Speak: Michael Cavalieri – Identifying the “Vales” Area with Signage
Received and filed.



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

Upon roll call

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

NAYES: 0

ABSENT: 0



V. SUSPENSION OF RULES

Item No. 24 Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

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

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

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

WHEREAS, an application for a permit was submitted by the Maryvale Schools to conduct a open fire on October 19, 2004 on the property located at School Athletic Field, AND

WHEREAS, the applicant intends Bonfire for home coming activities, AND

Item No. 24 cont'd.

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

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

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

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, by resolution dated January 2, 2001, this Town Board adopted an amended Personnel Policy for Non-Union Department Heads, AND

WHEREAS, the Town Board wishes to revise said policy, NOW, THEREFORE, BE IT

RESOLVED, the Personnel Policy for Non-Union Department Heads adopted on January 2, 2001, be and hereby is revised as follows:

- 3) Vacation – Such employees shall be entitled to annual vacation, with pay, as follows:

1 year of continuous service 15 work days

and, BE IT FURTHER

RESOLVED, that the aforementioned changes shall become effective September 21, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 26 Motion by Councilmember Johnson, Seconded by Councilmember Jaworowicz
Councilmember Magierski

WHEREAS, the Dr. Victor Reinstein Woods (the "Preserve"), a 269+ acre parcel of land located on the south side of Como Park Boulevard at Honorine Drive, was conveyed to the State of New York in 1986 under the Will of Dr. Victor Reinstein to be managed as a "nature sanctuary, forever preserving the same in its natural state, for the benefit of the public", AND

WHEREAS, in 1989, the Preserve was dedicated to the State Nature and Historic Preserve pursuant to Section 45-0117(2)(g) of the State Environmental Conservation Law, AND

WHEREAS, since the State of New York acquired the Preserve, it has been managed and maintained by the New York State Department of Environmental Conservation on behalf of the State, AND

WHEREAS, the New York State Department of Environmental Conservation is planning on constructing an education and visitors center in the Preserve, AND

WHEREAS, presently, public access to the Preserve is restricted to guided tours two days per week, AND

Item No. 26 cont'd.

WHEREAS, the New York State Department of Environmental Conservation has now proposed implementing a Unit Management Plan for the Preserve, which plan would open the Preserve from dawn to dusk to anyone without guided tours and with no supervision, AND

WHEREAS, the New York State Department of Environmental Conservation has also indicated that there will no longer be a fence separating the preserve from John C. Stiglmeier Park, AND

WHEREAS, the New York State Department of Environmental Conservation might also decide, in the future, to construct additional buildings in the Preserve, AND

WHEREAS, the Friends of the Woods, Ltd., the Stiglmeier Park Steering Committee and the Depew/Cheektowaga Taxpayers Association, Inc. have voiced their strong opposition to the plans by the New York State Department of Environmental Conservation to open the Preserve for unguided tours and to eliminate the fencing which separates the Preserve from Stiglmeier Park, AND

WHEREAS, this Board wants the New York State Department of Environmental Conservation to honor the wishes of the late Dr. Reinstein to maintain the fragile ecology of the Preserve in its natural state and as a sanctuary for wild life and botanical purposes, and to allow the public in "to observe, appreciate, study and enjoy the same with proper policing and supervision", NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby voices its support for the construction by the New York State Department of Environmental Conservation of a Education and Visitors Center at the Preserve and, BE IT FURTHER

RESOLVED, that, however, this Town Board hereby expresses its opposition to any expanded opening of the Preserve to the public, but rather wish it to be open only on a limited basis so as not to disturb the wildlife and vegetation in the Preserve and, BE IT FURTHER

RESOLVED, that this Town Board hereby requests that the New York State Department of Environmental Conservation maintain and extend the fencing that presently separates the Preserve from Stiglmeier Park as a means to protect the Preserve and to protect the safety of the public from attractive nuisances (i.e., ponds) which exist in the Preserve, AND

RESOLVED, that this Town Board hereby also expresses its opposition to the construction of any additional buildings at the Preserve or any additional actions which might affect the pristine character of the Preserve and, BE IT FURTHER

RESOLVED, that this Town Board hereby requests State Assemblyman Paul A. Tokasz and Senate William T. Stachowski to assist the Town in this matter by requesting the New York State Department of Environmental Conservation to cancel its plans to further open the Preserve as indicated above and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the New York State Department of Environmental Conservation, Region 9, 270 Michigan Avenue, Buffalo, New York 14203; and to Assemblyman Tokasz and Senator Stachowski.

Upon roll call

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

NAYES: 0

Item No. 27 Authorize Supervisor to Execute Amended Agreement with Wendel for Rails to Trails Project
This item was withdrawn.

Item No. 28 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

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new/renewal license applications for driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, NOW, THEREFORE BE IT

Item No. 28 cont'd.

RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 29 Motion by Councilmember Johnson, Seconded by Councilmember Mazur to adjourn this meeting. This meeting adjourned at 7:45 P.M.

Mary F. Holtz
Town clerk