

**TOWN OF CHEEKTOWAGA
MEETING NO 20
OCTOBER 4, 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 4th day of October 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, and Salvatore LaGreca, Planning Board Chairman.

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. 2004-7 of the Year 2004 entitled, "A Local Law to Repeal Local Law for Commercial Property Maintenance, Fire Prevention Code/Ordinance, Housing Standards Code/Ordinance and Swimming Pools Ordinance" 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

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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;

SPECIAL DISTRICTS FUND

FROM:	255-8135-2512	Building Improvements	\$ 25,000.00
	255-8135-4142	Chemicals & Odor Control	1,500.00
	255-8125-1951	Seasonal Payroll	25,000.00
	255-8125-4217	Utilities	5,000.00
	255-8125-2500	Sewer Maintenance Equipment	15,000.00

TO:	255-8135-2500	Pump Station Equipment	\$ 25,000.00
	255-8135-4164	Gas Oil & Grease	1,500.00
	255-8125-1902	Overtime Payroll	25,000.00
	255-8125-4163	Gas, Oil & Grease	5,000.00
	255-8125-4438	Sewer Repairs	15,000.00

GENERAL FUND

FROM:	100-3120-4508	Medical Expenses	\$ 5,000.00
	100-7510-4088	Travel	265.00
	100-7510-4375	Historical Observance	962.02

TO:	100-3120-4031	Prisoner Meals	\$ 5,000.00
	100-7510-4043	Maps, Records, Supplies	1,227.02

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 October 1, 2004 are hereby approved and made a part hereof;

GENERAL FUND	\$ 654,607.75
RISK RETENTION FUND	53,640.40
HUD HOUSING REHABILITATION	1,921.00
SPECIAL DISTRICTS FUND	372,536.53
HIGHWAY FUND	173,696.07
TRUST & AGENCY	15,669.87
HUD CDBG FUND	14,020.43
PART TOWN FUND	12,158.77
CAPITAL FUND	50,840.93
	<u>\$ 1,349,091.75</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 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

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Item No. 5 Cont'd.

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)

AND

WHEREAS, a public hearing was 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

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. 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", 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. 7 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 FOR ATTACHMENT

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Item No. 6a 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 Tossetto of Elderwood Senior Care for the rezoning of 151-171 Bennett Road from R- Residence to RSC- Senior Citizen Housing District to permit the construction of 36 single family townhome units for individuals of 62 years of age or older, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 15, 2004 recommended a determination of non significance as shown on the attached memorandum dated September 16, 2004, AND

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

WHEREAS, the applicant has addressed the Town's concerns for the preservation of archaeological and natural resources and, impacts to the Cayuga Creek flood plane by providing a

conservation easement to the Town of Cheektowaga for approximately 45 percent of the project acreage, which, encompasses those lands south of the 100 year flood plane line, AND

WHEREAS, the applicant conducted a wetland delineation and a state threatened and endangered flora study which, discounted the presence of jurisdictional wetlands and threatened or endangered plant species, AND

WHEREAS, the applicant has made project changes to provide for pedestrian mobility improvements between the proposed project and the neighboring nursing home , as well as, a public walk fronting Bennett Road, AND

WHEREAS, the applicant requires relief from the Town of Cheektowaga Zoning Board of Appeals for the required 30 foot setback between the two interior buildings, 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 Town of Cheektowaga Zoning Board of Appeals approves required setback variance.
3. Applicant shall discuss additional access to the property with the Bellevue Fire District.



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Item No. 6a Cont'd.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MAGIERSKI TO AMEND THE ABOVE RESOLUTION, ITEM NO. 6A, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



AMENDED

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 Tossetto of Elderwood Senior Care for the rezoning of 151-171 Bennett Road from R- Residence to RSC- Senior Citizen Housing District to permit the construction of 36 single family townhome units for individuals of 62 years of age or older, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 15, 2004 recommended a determination of non significance as shown on the attached memorandum dated September 16, 2004, AND

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

WHEREAS, the applicant has addressed the Town's concerns for the preservation of archaeological and natural resources and, impacts to the Cayuga Creek flood plane by providing a conservation easement to the Town of Cheektowaga for approximately 45 percent of the project acreage, which, encompasses those lands south of the 100 year flood plane line, AND

WHEREAS, the applicant conducted a wetland delineation and a state threatened and endangered flora study which, discounted the presence of jurisdictional wetlands and threatened or endangered plant species, AND

WHEREAS, the applicant has made project changes to provide for pedestrian mobility improvements between the proposed project and the neighboring nursing home , as well as, a public walk fronting Bennett Road, AND

WHEREAS, the applicant requires relief from the Town of Cheektowaga Zoning Board of Appeals for the required 30 foot setback between the two interior buildings, 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 Town of Cheektowaga Zoning Board of Appeals approves required setback variance.

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3. Applicant shall meet with representatives of the Town of Cheektowaga and Bellevue Fire District to resolve the issue of internal road access within the property..

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. 6b Issue Negative Declaration & Accept Site Plan for 4934-4940 Transit Road
This item was withdrawn.

Item No. 7a Motion by Councilmember Magierski; Seconded by Councilmember Johnson

WHEREAS, David Tosetto of Elderwood Senior Care petitioned for a rezoning of 8.037± acres of land from R-Residence District to RSC-Residential Senior Citizen Housing District for property owned by it and located at 151-171 Bennett Road, Cheektowaga, New York for the construction of a 36-unit senior citizen housing development, AND

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

WHEREAS, a public hearing on such petition was held before this Town Board on the 7th day of September, 2004 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, this Board wishes to consider only the rezoning of approximately 4+ acres of this land as described on the attached legal description; and the developer has committed to granting the Town of Cheektowaga a conservation easement for the lands south of the floodplain, AND

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

RESOLVED, that the application of David Tosetto of Elderwood Senior Care for the rezoning from R-Residence District to RSC-Residential Senior Citizen Housing District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. Applicant convey a conservation easement to the Town;
2. Applicant obtain the necessary variance(s) from the Zoning Board of Appeals

and, BE IT FUTHER

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



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MAGIERSKI TO AMEND THE ABOVE RESOLUTION, ITEM NO. 7A, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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

NAYES: 0

ABSENT: 0



AMENDED

WHEREAS, David Tosetto of Elderwood Senior Care petitioned for a rezoning of 8.037± acres of land from R-Residence District to RSC-Residential Senior Citizen Housing District for property owned by it and located at 151-171 Bennett Road, Cheektowaga, New York for the construction of a 36-unit senior citizen housing development, AND

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

WHEREAS, a public hearing on such petition was held before this Town Board on the

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7th day of September, 2004 at 6:30 P.M., after publication and service of the notices required by the

Item No. 7a Cont'd.

provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, this Board wishes to consider only the rezoning of approximately 4+ acres of this land as described on the attached legal description; and the developer has committed to granting the Town of Cheektowaga a conservation easement for the lands south of the floodplain, AND

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

RESOLVED, that the application of David Tosetto of Elderwood Senior Care for the rezoning from R-Residence District to RSC-Residential Senior Citizen Housing District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. Applicant convey a conservation easement to the Town;
2. Applicant obtain the necessary variance(s) from the Zoning Board of Appeals,
3. Applicant shall meet with representatives of the Town of Cheektowaga and Bellevue Fire District to resolve the internal road access within the property.

AND, BE IT FUTHER

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

Upon roll call

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

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Item No. 7b Decision on Rezoning for 4934-4940 Transit Road
This item was withdrawn.

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

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2005 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

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

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

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

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 13th day of October 2004 for the purpose of hold a public Hearing upon such estimates and assessment rolls, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give notice of such Public Hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the Cheektowaga Times, the official Town newspaper on October 7, 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 Supervisor Gabryszak; Seconded by Councilmember Jankowiak

RESOLVED, that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1st day of January, 2004, the itemized statement of estimated revenues and expenditures hereto attached and made a part of this resolution, and also an itemized statement of estimated revenues and expenditures of the Lighting Districts and Consolidated Garbage District hereto attached and made a part of this resolution, AND, BE IT FURTHER

RESOLVED, that such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets shall be filed in the Office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, effective October 5, 2004, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 13th day of October, 2004, for the purpose of holding a Public Hearing upon such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District budgets, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give Notice of such Public Hearing in the manner provided in Section 108 of the Town Law and that such Notice be published in the CHEEKTOWAGA TIMES, the official Town newspaper on October 7, 2004, and post same on the signboard maintained by the Town Clerk.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on October 18, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 7th day of October, 2004, said amendments being set forth in the Notice of Hearing.

Upon roll call

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

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on October 18, 2004 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V, Schedules, Section 235-55, Schedule XVI: No Parking Certain Hours, shall be amended by adding thereto the following:

§235-55. Schedule XVI: No Parking Certain Hours.

In accordance with the provisions of §235-39, no person shall park a vehicle between the times specified upon any of the following described streets or parts of streets:

HELEN STREET – East Side: from the south curb line of William Street to a point 75 feet south, No Parking School Days – 7:00 A.M. to 4:00 P.M.

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

Dated: October 4, 2004

MARY F. HOLTZ

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

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

NOW, THEREFORE, BE IT RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, the Town of Cheektowaga has previously provided Housing Rehabilitation Loans to the owners of the property at 55 Awood Place, Cheektowaga, New York, AND

WHEREAS, the owners of said property have applied for a mortgage loan from Champion Mortgage, 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 Champion Mortgage, 2 Gatehall Drive, Parisppany, NJ 07054, pertaining to the Town's Housing Rehabilitation Loan secured by mortgages on the property located at 55 Awood Place, Cheektowaga, New York.

Upon roll call

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

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

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

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

RESOLVED, that Sunday, October 31, 2004 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6 PM to 8 PM. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them, and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

Upon roll call

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

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Item No. 12a 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 Central High School Senior Student Council has made application to hold its Homecoming Parade on October 15, 2004, starting at 6:00 P.M. as follows:

- Parade will assemble on South Creek Drive, and proceed down West Nantucket to Zoerb Avenue to Union Road, and end at the Cheektowaga Central School grounds; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga 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. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan. NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of the Cheektowaga Central High School Senior Student Council for the aforementioned parade to be held on October 15, 2004; and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 12b 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 Cheektowaga Central Schools to conduct a open fire on October 14, 2004 on the property located at School Athletic Field AND

WHEREAS, the applicant intends a Bonfire for home coming activities, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been meet. 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 Cheektowaga Central Schools and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

Item No. 12b Cont'd.

Upon roll call

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

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

WHEREAS, the contract for Heating, Ventilating and Air Conditioning Work for the Additions and Alterations to the Cheektowaga Senior Citizen Center was awarded by Town Board resolution dated June 25, 2003 to Tri-R Mechanical Services in the amount of \$270,350.00, AND

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

WHEREAS, Kideney Architects has also submitted and recommends the approval of Change Order #2 (Final) which provides for the modification of a heating duct in the Exercise Room, as outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the completed project for Heating, Ventilating and Air Conditioning Work and directs the Supervisor to sign the final contract acceptance documents with Tri-R Mechanical Services, 25 Ransier Drive, West Seneca, New York 14224, including Change Order #2 (Final) which provides for an increase to the aforesaid contract in the amount of \$338.28, AND, BE IT FURTHER

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

Upon roll call

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

Item No. 13 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

BE IT RESOLVED, the Town Board hereby creates two (2) positions entitled Parks Maintenance Worker II pursuant to Civil Service Laws and Rules effective October 5, 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, Andrea Dueser was transferred to the position of Recreation Specialist (Softball Coordinator), on a temporary basis, due to the departure of another employee, BE IT

RESOLVED that Ms. Dueser be and hereby is transferred back to her original position of Recreation Attendant (VIII), regular part-time, in the Department of Parks, Recreation & Youth Services, at a rate of \$7.15 per hour, effective immediately, and BE IT FURTHER

RESOLVED that the following individual be and hereby is transferred, effective immediately:

Regular part-time

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From 7310.1816 to 7310.1630
Amanda Cendrowski

Item No. 14 Cont'd.

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 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>
LAW DEPARTMENT – Clerk - \$10 per hour	
Patricia A. Wiles Cheektowaga, New York	10/05/04
SEWER DEPARTMENT – Laborer - \$7 per hour	
Frank A. Latchford Depew, New York	10/05/04

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

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT</u>	
Mohamed Almorabi	9/25/04
Kevin Menchini	“
Patrick Gleason	“
Michael Full	“
Kenneth Piatek	“

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 Supervisor Gabryszak

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

Recreation Attendant (I) - \$5.15
Regular Part-Time
7310.1614
Amanda Trembowicz

Upon roll call

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

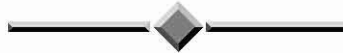


TOWN OF CHEEKTOWAGA
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MOTION BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER JANKOWIAK TO WAIVE THE READING OF NAMES FOR THE FOLLOWING RESOLUTION, ITEM NO. 17, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



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

BE IT RESOLVED that the individuals listed below be and hereby are terminated from the Department of Parks, Recreation & Youth Services, effective immediately (part-time/regular part-time/seasonal):

Michelle Bane	Ryan Szczygiel
Nicholas Carter	Kristen Conner
Chantel Cheatom	Zachary Porterfield
Robert Dominiak	Katherine Grzedzicki
Daniel Elliott	David Schnettler
Rachel Gabryszak	Corey Miller
Gary Golab, II	Amber Dziekan
Justin Golas	Lindsay Lehman
Andrew Hall	Timothy Roma
Stephen Gospodarski	Timothy Zgliczynski
Jeffrey Kaluzny	Barbara Czaplicki
Andrew Kaun	Neal Esford
Justin Klein	Joe Bender
Steven Kline	Michael Flierl
John Kruse	Stephanie Gretch
Stephen Lach	Lisa Witman
Matthew Machtel	Shawn McAdams
Jillian Mertz	Lindsay Gabryszak
Brett Mikoll	Ashley Witman
Michael Orlowski	Kurt Hansen
Mark Puto	Brian Hansen (effective 10/24/04)
Andrew Saskowski	William Swiat
Jennifer Serniuk	David Yates
Steven Saskowski	Joey Zelasko
Timothy Zielinski	Paul Ziolo

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 Councilmember Mazur

WHEREAS, The Town of Cheektowaga has received a State Archives Grant with a sunset provision of June 30, 2005; AND

WHEREAS, one (1) temporary vacancy currently exists in the title of Records Inventory Clerk in the Records Center as a result of the grant; AND

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

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Item No. 18 Cont'd.

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

WHEREAS, the following individual has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE BE IT

RESOLVED, Angelo Nati of Cheektowaga, New York, be and hereby is 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 at the hourly rate of \$8.30 effective October 5, 2004.

Upon roll call

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

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

WHEREAS, the term of Casimir Kozminski as member of the Board of Assessment Review expired on September 30, 2004, AND

WHEREAS, Mr. Casimir Kozminski has performed his duties as a member of the Board of Assessment Review in an exemplary manner, AND

WHEREAS, this Board is desirous of reappointing Mr. Casimir Kozminski as a member of the Board of Assessment Review, NOW, THEREFORE, BE IT

RESOLVED, that Casimir Kozminski be and hereby is reappointed as a member of the Board of Assessment Review for a term effective from October 1, 2004 through September 30, 2009.

Upon roll call

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20a Minutes - Town Environmental Advisory Council – September 15, 2004
Received and Filed.

Item No. 20b Minutes - Cheektowaga Planning Board – September 9, 2004
Received and Filed.

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

Item No. 22 Supervisor's Statement of Funds – August 2004
Received and Filed.

Item No. 23 Town of Cheektowaga 2005 Preliminary Ad Valorem Budget
Received and Filed.

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Item No. 24 Statement of Changes in Cash Balances and Statements of Cash Receipts and Disbursements of the Receiver of Taxes and Assessments, Town Clerk and the Town Justices for the Year Ended December 31, 2003 and Independent Auditors' Report Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 25a Notice Of Claim: Tamara D. Blakely 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. 25b Notice of Claim: Christopher Dobiesz 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. 25c Notice of Claim: Juli Krzemien 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. 25d Notice of Claim: Raymond Marzec 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. 25e Notice of Claim: Valerie A. Meyers vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sewer, Engineering, T. Johnson and First Niagara Risk Management
Received and Filed.

Item No. 25f Notice of Claim: Mary Lou Miller vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Highway and First Niagara Risk Management
Received and Filed.

Item No. 25g Notice of Claim: Geraldine Milewski 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. 25h 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. 25i Notice of Claim: Laurette Picone 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.

**TOWN OF CHEEKTOWAGA
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- Item No. 25j Notice of Claim: Brian/Rose Slavinski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sewer, Engineering, T. Johnson & First Niagara Risk Management Received and Filed.
- Item No. 25k Notice of Claim: Brian/Rose Slavinski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Sewer, Engineering, T. Johnson & First Niagara Risk Management Received and Filed.
- Item No. 25l Notice of Claim: Joanna Urbaniak vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Police Department and First Niagara Risk Management Received and Filed.
- Item No. 25m Notice of Claim: Doreen M. Watt, Individually and as Parent of Katie Watt vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Police Department and First Niagara Risk Management Received and Filed.
- Item No. 26 Petition Regarding "Save the Victor Reinstein Nature Preserve"
Received and Filed.



A MOTION WAS MADY BY COUNCILMEMBER MAZUR, 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



V. SUSPENSION OF RULES

Item No. 27 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 John F. Kennedy Parents Sports Club to conduct a open fire on October 8, 2004 on the property located at School Athletic Field , 305 Cayuga Creek Rd., AND

TOWN OF CHEEKTOWAGA
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WHEREAS, the applicant intends a Bonfire for home coming activities, AND

Item No. 27 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 John F. Kennedy 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. 28 Motion by Councilmember Jaworowicz; Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga is subject to the guidelines set forth in the New York State Constitution, Article VIII, Sec.1; AND

WHEREAS, the Management Information Systems (MIS) Department of the Town has gathered certain computers, hard drives, networking equipment (all of which has been electronically "wiped" in accordance with federal security standards and operating systems have been removed in accordance with license agreements), keyboards, printers, desktop copiers, fax machines, and related surplus office equipment no longer in use by any department in the Town and is surplus to the needs of the Town; AND

WHEREAS, the MIS Department is requesting authorization to dispose of this surplus equipment through a public sale and/or auction to be held on October 16, 2004 at 10:00 A.M., and any equipment which is not sold or auctioned to the public will be properly recycled and/or disposed of; NOW, THEREFORE BE IT

RESOLVED, that the Management Information Systems Department is hereby directed and authorized to remove the aforesaid equipment from Town buildings and make same available for public sale and/or auction on October 16, 2004, for fair market value, and any proceeds from the sale and/or auction shall be transferred to the Town's General Fund; and BE IT FURTHER

RESOLVED, that notice of said public sale and/or auction shall be publicized in The Cheektowaga Times; and BE IT FURTHER

RESOLVED, that the sale of each piece of equipment shall be final, shall be sold "as is" with no warranties, express or implied, guarantees, technical support, transporting, training, programming or any other support services provided; and BE IT FURTHER

RESOLVED, that Town Network Coordinator Mark Orzechowski is hereby authorized to publicize, arrange and hold such sale and/or public auction, and legally recycle or destroy any equipment as he shall determine which is not sold or auctioned, and he shall maintain an inventory of all equipment disposed of in such manner; and BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute any and all documents that may be required to effectuate the sale, auction, recycling or destruction said equipment.

Upon roll call

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

**TOWN OF CHEEKTOWAGA
MEETING NO 20
OCTOBER 4, 2004**

Item No. 29 A motion was made by Councilmember Johnson, Seconded by Councilmember Mazur to adjourn the meeting. Time of adjournment was 7:25 P.M.

MARY F. HOLTZ
Town Clerk

TOWN OF CHEEKTOWAGA
SPECIAL MEETING NO. 21
OCTOBER 13, 2004

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 13th day of October 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 were: Mary F. Holtz, Town Clerk, Michael Stachowski, Town Attorney; Christopher J. Kowal, Highway Superintendent; Brian Krause, Director of Administration and Finance; Christine Ziemba, Chief of Police; Patricia Wojcik, Director of Senior Services; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector and Anthony Romano, Coordinator of Employee Relations.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised to consider the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2005. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

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

(The Preliminary Ad Valorem Budget for 2005 is on file in the Town Clerk's Office.)

Item No. 3 This being the time and place advertised to consider the Preliminary Benefit Basis Budget of the Town of Cheektowaga for the year 2005. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

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

(The 2005 Preliminary Benefit Basis Budget is on file in the Town Clerk's Office.)

Item No. 4 A motion was made by Councilmember Jankowiak; Seconded by Councilmember Mazur to adjourn the meeting at 7:00 P.M.

MARY F. HOLTZ
TOWN CLERK

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 22
OCTOBER 13, 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 13th day of October 2004 at 7:15 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: Michael Stachowski, Town Attorney, Mary F. Holtz, Town Clerk and Anthony Romano, Coordinator of Employee Relations.



*DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD A MOTION WAS MADE BY COUNCILMEMBER JOHNSON AND SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AS 7:15 P.M. AND THE VOTING WENT AS FOLLOWS:

UPON ROLL CALL:

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



I. RESOLUTIONS

Item No. 2 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, an action was commenced by Thomas Stadler against the Town on or about March 19, 2002; AND

WHEREAS, the law firm of Phillips Lytle, LLP (William P. Keefer, Esq., of counsel) was retained to represent the Town with regard to this claim, and a settlement has been negotiated with the claimant's attorneys, Hogan & Willig, PLLC for the amount of \$6,000.00; Mr. Keefer and the Town Attorney believe that the proposed settlement is a fair and equitable resolution of this matter under all the circumstances, and strongly recommend that a settlement be approved; NOW THEREFORE, BE IT

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

UPON ROLL CALL:

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

Item No. 3 Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak to adjourn the meeting at 7:30 P.M.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 23
OCTOBER 18, 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 18th day of October, 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; Anthony Romano, Coordinator of Employee Relations; Brian Krause, Director of Finance and Administration; Christine Ziemba, Chief of Police and Kenneth Kopacz, Director of Parks, Recreation and Youth Services.

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 amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), Art. V, Section 235-55, Schedules XVI, "No Parking Certain Hours – Helen Street" 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 amendment is as follows:



ARTICLE V, Schedules, Section 235-55, Schedule XVI: No Parking Certain Hours, shall be amended by adding thereto the following:

§235-55. Schedule XVI: No Parking Certain Hours.
In accordance with the provisions of §235-39, no person shall park a vehicle between the times specified upon any of the following described streets or parts of streets:

HELEN STREET – East Side: from the south curb line of William Street to a point 75 feet south, No Parking School Days – 7:00 A.M. to 4:00 P.M.



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:

<u>GENERAL FUND</u>			
FROM:	100-1910-3095	Misc. County Aid	\$5,000.00
	100-7620-2041	AARP-Safe Driving Revenues	1,300.00
TO:	100-3510-4432	Dog Kennel Repairs & Maint.	\$5,000.00
	100-7620-4641	AARP-Safe Driving Expense	1,300.00

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OCTOBER 18, 2004

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 Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to October 15, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$1,755,766.43
RISK RETENTION FUND	71,245.64
HUD HOUSING REHABILITATION	58,856.50
SPECIAL DISTRICTS FUND	695,620.31
HIGHWAY FUND	283,169.21
TRUST & AGENCY	4,453.32
HUD CDBG FUND	6,425.85
PART TOWN FUND	74,210.79
CAPITAL FUND	<u>120,565.20</u>
	\$3,070,313.25

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 Magierski

WHEREAS, this Town Board held a public hearing on October 18, 2004 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

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

ARTICLE V, Schedules, Section 235-55, Schedule XVI: No Parking Certain Hours, shall be amended by adding thereto the following:

§235-55. Schedule XVI: No Parking Certain Hours.

In accordance with the provisions of §235-39, no person shall park a vehicle between the times specified upon any of the following described streets or parts of streets:

HELEN STREET – East Side: from the south curb line of William Street to a point 75 feet south, No Parking School Days – 7:00 A.M. to 4:00 P.M.

Section 2. Time to Take Effect

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

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

Item No. 5 cont'd.

Section 3. Territorial Application

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

Section 4. Publication

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

Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

MEETING NO. 23
OCTOBER 18, 2004

Item No. 6a Motion by Supervisor Gabryszak, Seconded by Councilmember Magierski

HEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant HOME Investment Partnerships Programs for the 2005 Program Year, AND

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

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

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

RESOLVED, that a public hearing be held on November 1, 2004 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Times on Thursday, October 21, 2004.



Notice of Public Hearing
Town of Cheektowaga FY 2005 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 1, 2004 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York regarding the Town of Cheektowaga's Year 2005 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs.

The amount of CDBG and HOME funding for which the Town will be eligible next year has not yet been made available by the Department of Housing and Urban Development. In 2004, the Town received \$1,114,000 in CDBG funds and \$403,000 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

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

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



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

MEETING NO. 23
OCTOBER 18, 2004

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

WHEREAS, the Town of Cheektowaga, in conjunction with the Cheektowaga Economic Development Corporation, has proposed the construction of the Walden Commerce Exchange on the south side of Walden Avenue west of Harlem Road, AND

WHEREAS, in order to provide ingress and egress to the west side of such property at Pine Ridge Road, it is necessary that the Town acquire a piece of property located at 1071 Walden Avenue, AND

WHEREAS, this parcel is integral to the success of the development of the Walden Commerce Exchange, AND

WHEREAS, the Town of Cheektowaga has made a formal purchase offer to the owner of such property, and has not had a response from such owner, AND

WHEREAS, the Town of Cheektowaga wishes to acquire NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Eminent Domain Procedure Law of the State of New York, a public hearing be held on the 15th day of November, 2004 at 6:30 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing any person in attendance shall have an opportunity to be heard, and at which time and place the Town Board shall make its determination and findings concerning the proposed public project, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in two (2) successive issues of the Cheektowaga Times, the official Town newspaper, and in five (5) successive issues of the Buffalo News prior to November 15, 2004.



NOTICE OF HEARING
FOR ACQUISITION OF CERTAIN PROPERTY
FOR
TOWN OF CHEEKTOWAGA
WALDEN COMMERCE EXCHANGE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 18th day of October, 2004, and in accordance with the provisions of the Eminent Domain Procedure law of the State of New York, a Public Hearing will be held on the 15th day of November, 2004 at 6:30 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing any person in attendance shall have an opportunity to be heard, and at which time and place the Town Board may make its determination and findings concerning the acquisition of the following privately-owned property in the Walden Avenue/Pine Ridge Road area of Cheektowaga, by the Town's power of eminent domain, for the purpose of constructing an entrance/exit to the proposed Walden Commerce Exchange:

Former automotive service/gasoline station at 1071 Walden Avenue, Cheektowaga, New York, on a lot situate on the south side of Walden Avenue near Pine Ridge Road, and having a frontage on Walden Avenue on 136.5± feet and a depth of 150± feet.

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

Dated : October 18, 2004

MARY F. HOLTZ
Town Clerk



Item No. 6b cont'd.

Upon roll call

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

AFFIDAVITS - NEXT PAGE

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

WHEREAS, the Town of Cheektowaga Department of Parks, Recreation & Youth Services, Parks Division requests that bids be advertised for the purchase of Custodial Supplies for 2005, 2006 and 2007, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the furnishing of Custodial Supplies and, BE IT FURTHER

RESOLVED, that specifications for said Custodial Supplies may be obtained from the Town Clerk's Office in Cheektowaga Town Hall and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 3rd day of November, 2004 at 11:00 A.M. Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on November 3 , 2004 at 11:00 A.M., Eastern Standard Time at the Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 2005, 2006, and 2007.

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

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

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

Mary F. Holtz
Town Clerk

Date: October 18, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

MEETING NO. 23
OCTOBER 18, 2004

Item No. 7b Motion by Councilmember Jaworowicz, Seconded by Councilmember Johnson

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for contracting of Snow Removal if a Snow Emergency should occur for use by the Cheektowaga Highway Department.

Information for bidders and specifications may be obtained from the office of the Town Clerk, 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, November 3 2004, at 11:00 A.M., in the Council Chambers of the Cheektowaga Town Hall.



NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the town in the event of a snow emergency during the 2004-05 winter season.

Specifications and information are available at the office of the Town Clerk at her office in the Cheektowaga Town Hall located at Broadway and Union Roads, Cheektowaga, NY 14227, between the hours of 9:00 A.M. and 4:30 P.M.

In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway & Union Road, Cheektowaga, NY 14227, prior to the time of the bid opening scheduled for Wednesday, November 3, 2004, at 11:00 A.M. in the Town Hall Council Chambers.

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

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

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

Mary Holtz, Town Clerk



Upon roll call

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the parcels designated as 60, 64, 68, 72, 76 and 80 Randolph Avenue in the Town of Cheektowaga were acquired from the Cheektowaga Economic Development Corporation for the purpose of utilizing the site for the construction of new single-family houses, said houses to be sold to income-eligible families, AND

WHEREAS, said project will be accomplished by an eligible not-for-profit corporation, New Opportunities Community Housing Development Corporation, a related entity of Belmont Shelter Corp., utilizing HOME Investment Partnership Funds, NOW, THEREFORE, BE IT

RESOLVED, that HOME Investment Partnership funds in the amount of \$31,070 be provided to New Opportunities Community Housing Development Corporation for developer services and soft costs associated with the project and up to \$739,870.000 in HOME Investment Partnership funds for construction and related developer services for six new single-family structures at said location, said funds to be recovered to the greatest extent possible following the sale of the properties and, BE IT

FURTHER RESOLVED, that the commitment of HOME funds for said project is contingent upon the Release of Funds by the U.S. Department of Housing and Urban Development.

Upon roll call

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

Item No. 9a Motion by Councilmember Johnson, Seconded by Councilmember Jankowiak
Councilmember Magierski

WHEREAS, the Town of Cheektowaga previously received a grant award through the Federal Intermodal Surface Transportation Efficiency Act ("ISTEA") for our Rails-to-Historic Trails project, AND

WHEREAS, said project is administered by the New York State Department of Transportation, AND

WHEREAS, by resolution dated July 20, 1998, Wendel Engineers (now known as Wendel Duchscherer Architects and Engineers) was retained as the engineering consultant for this project, AND

WHEREAS, \$1.3 million in additional federal funding was recently made available through Congressman Quinn to increase the scope (Phases 1 and 2) of this project, AND

WHEREAS, Wendel Duchscherer Architects and Engineers ("Wendel") has submitted an amended agreement to provide additional services for Phases 1 and 2 of the Rails to Historic Trails Project, AND

WHEREAS, the Town Engineer and Town Attorney have reviewed this amended agreement and find same appropriate, AND

WHEREAS, this Board is in agreement to retain Wendel as per the attached amended agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached amended agreement with Wendel for the Rails to Historic Trails project, subject to final review and approval by the New York State Department of Transportation and, BE IT FURTHER

RESOLVED, that additional funds in the amount of \$221,115 shall be appropriated from budget line item number 500-1440-9607-5705 and 500-1440-9701-5123.

Upon roll call

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

MEETING NO. 23
OCTOBER 18, 2004

NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 9b 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 3 Joseph Street, 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 3 Joseph Street, Cheektowaga, New York, for housing rehabilitation loan funds in an amount not to exceed \$36,000.00.

Upon roll call

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



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 10, 11 AND 12, 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. 10 Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the individuals listed below be and hereby are terminated from the Department of Parks, Recreation & Youth Services, effective immediately (Part-Time/Regular Part-Time/Seasonal):

Maegan Schnauffer
Jillian Franz
Jackie Poblocki
Jilary Peacock
Laura Sheldon
Brandon Pleczynski
Tammy Giczkowski
Mary Zelasko
Heather LaGraves
Lauren Szydlowski
Jessica Bochman
Brenda Buczek
Jeremy Schnauffer
Adyson Walsmiller
Meghan Eckle
Lauren Rzeszutek
Brandon Burns
Michael O'Mara
Patrick Hughes
Bridget Fraize
Jennifer Odrobina

Kammy Ciesielski
Katie Torgerson
Cindi Lawicki
Sara Stanley
Sara Kiehl
Paul Ziolo
Frank Puszert
Erin Tafelski
Sherry Lesser
John Lockhart
Nathan Pyzliciewicz
Michael Flierl
Lori Conti

MEETING NO. 23
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Patrick Hughes
Krystyna Szymczuk
John Petrocy

Item No. 10 cont'd.

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

BE IT RESOLVED that the following individuals be transferred, as indicated, in the Department of Parks, Recreation & Youth Services, effective immediately:

Part-Time

From Recreation Attendant (III) to Recreation Attendant (IV) - \$5.90
Susan Mayle

From Seasonal to Regular Part-Time
Aaron Grupka

From Recreation Senior Recreation Supervisor VI to Recreation Specialist
Amy McMahon

From Program Coordinator IX to Recreation Specialist
Victor Nosal

From Recreation Attendant to Recreation Instructor
Sean Dalton

From Supervisor V to Recreation Instructor
Kristin Mills

From Supervisor IV to Recreation Instructor
Lauren Filipink

From Recreation Attendant to Recreation Aide
Sally Sponholz
Jacob Wodowski
Sean Trapper
Kelly Walters
Predolino Zelasko
Matthew Hanley
Kylie Mars
Kristina Root

Upon roll call

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

Item No. 12 Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

BE IT RESOLVED, that the following individual be and hereby is hired as a PART-TIME EMPLOYEE in the department 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

SENIOR SERVICES – Recreation Attendant - \$7.25 per hour

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Sharon Tatko

Cheektowaga, New York

10/19/04

Item No. 12 cont'd.

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 – Laborer - \$7.50 per hour</u>		
James Kazmierczak	Cheektowaga, New York	10/18/04
Patrick Santoro	Cheektowaga, New York	"

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

	<u>EFFECTIVE</u>
<u>SEWER MAINTENANCE</u>	
Christopher Buczek	10/04/04
Jeremy Buczek	"
Brandon Hill	"
Nathan Hill	"
Eric Kujawa	"
Michael O'Sullivan	"
Timothy Olewniczak	"
David Profic	"
Sean Ross	"

Upon roll call

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

Item No. 13 Motion by Councilmember Johnson, Seconded by Councilmember Magierski

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

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

WHEREAS, the terms of such members of the CCAC expired on October 15, 2004, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the CCAC, effective October 15, 2004 to October 15, 2006:

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

and, BE IT FURTHER

RESOLVED, that A. Frederic Beaman, AIA, Architect, be and hereby is appointed to the CCAC, effective October 15, 2004 to October 15, 2006 and, BE IT FURTHER

**MEETING NO. 23
OCTOBER 18, 2004**

RESOLVED, that the following individuals be and hereby are appointed as non-voting members of the CCAC, effective from October 15, 2004 to October 15, 2006:

Item No. 13 cont'd.

Mary F. Holtz, Town Clerk/Town Historian
Earl Loder, Emergency Response Coordinator
Jane Wiercioch, Member, Zoning Board of Appeals
Daniel Ulatowski, Zoning Inspector
Mark Christel, Principal Engineer Assistant

Upon roll call

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

Item No. 14a Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the position of Public Safety Dispatcher in the Police Department, AND

WHEREAS, said vacancy is in the competitive class of civil service, AND

WHEREAS, Anthony J. Nazzarett, appears on said civil service list and meets all the qualifications for permanent appointment, NOW, THEREFORE, BE IT

RESOLVED, that Anthony J. Nazzarett of Cheektowaga, New York, be and hereby is appointed to the permanent position of Public Safety Dispatcher in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Public Safety Dispatchers Association effective October 21, 2004.

Upon roll call

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

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

WHEREAS, a vacancy exists in the title of General Mechanic in the Parks Division, AND

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

WHEREAS, Mark J. Wozniak, expressed an interest in said position and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Mark J. Wozniak of Cheektowaga, New York, be and hereby is appointed to the position of General Mechanic in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 21, 2004.

Upon roll call

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

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

WHEREAS, a vacancy exists in the title of Cleaner in the Parks Division, AND

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

Item No. 14c cont'd.

WHEREAS, Jeffrey K. Speaker expressed an interest in said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Jeffrey K. Speaker, of Cheektowaga, New York, be and hereby is appointed to the position of Cleaner in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 21, 2004.

Upon roll call

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 15 Town of Cheektowaga Emergency Services Quarterly Report (July to September 2004)
Received and Filed.

Item No. 16a Minutes of Cheektowaga Conservation Advisory Council – September 18, 2004
Received and Filed.

Item No. 16b Minutes of Town Environmental Advisory Committee – September 29, 2004
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 17a Notice of Claim: Shawn Bell vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer; Councilmember Johnson and First Niagara Risk Management.
Received and Filed.

Item No. 17b Notice of Claim: John Catalino vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer; Councilmember Johnson and First Niagara Risk Management.
Received and Filed.

Item No. 17c Notice of Claim: Joseph Campione 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. 17d Notice of Claim: Donald and Margaret Holt vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering; Sewer; Councilmember Johnson and First Niagara Risk Management.
Received and Filed.

Item No. 17e Notice of Claim: Barry E. Dimmer vs. the Town of Cheektowaga

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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. 18a Petition: Seek Appropriate Funding for Improvements to Wayne Terrace Drainage System
Received and Filed.

Item No. 18b Petition: Secure Appropriate Funding to Replace Insufficient and Deteriorating Sewer Lines, Storm Drains and Receivers Along Seton Road
Received and Filed.

Item No. 18c Petition: Secure Appropriate Funding to Replace Insufficient and Deteriorating Sewer Lines, Storm Drains and Related Receivers Along Seton Road



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



V. SUSPENSION OF RULES

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

WHEREAS, bids were duly received by this town at a public bid opening for the purchase of New Trees for the Town's, Spring 2005, Planting Season by the Cheektowaga Highway Department and, as a result of advertisement, such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid be awarded to Concord Nurseries, Inc., 10175 Mileblock Road, North Collins, New York, 14111-9770, said bidder being the lowest responsible bidder, meeting specifications as set forth in the tabulation attached hereto and made a part hereof, AND

BE IT FURTHER RESOLVED, that said monies be charged to line item #0300-5140-4291.

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. 23
OCTOBER 18, 2004**

Item No. 20 Motion by Councilmember Johnson, Seconded by Councilmember Jaworowicz to adjourn this meeting. This meeting was adjourned at 7: 15 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 24
OCTOBER 26, 2004**

Item No. 1 At a work 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 26th day of October, 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 Thomas J. Mazur
Councilmember Alice Magierski

ABSENT: Councilmember James J. Jankowiak

Also present were: Anthony Romano, Coordinator of Employee Relations and Brian Krause, Director of Finance and Administration



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER SWIA TEK TO ENTER INTO EXECUTIVE SESSION AT 6:30 P.M. TO DISCUSS UNION MATTERS AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER SWIA TEK TO EXIT THE EXECUTIVE SESSION AT 7:00 P.M. AND RECONVENE THE WORK SESSION AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



Item No. 2 Motion by Unanimous, Seconded by Unanimous to adjourn this work session at 9:00 P.M.

Mary F. Holtz
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO. 25
NOVEMBER 1, 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 1st day of November 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 Alice Magierski

ABSENT: Councilmember Thomas J. Mazur

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; Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; Anthony Romano, Coordinator of Employee Relations; Jerry Gabryszak, Director of Community Development and Salvatore LaGreca, Planning Board Chairman.

I. RESOLUTIONS

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

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

GENERAL FUND

FROM:	100-1220-2201	Office Equipment	\$ 1,427.02
	100-1220-4001	Office Supplies	51.66
	100-1910-4082	Gov't Business Travel	45.00
	100-1910-3088	Misc. State Aid	18,000.00

TO:	100-1220-4088	Travel Training & Conf.	\$ 1,478.68
	100-1910-4081	Municipal Association Dues	45.00
	100-1680-2204	Computer LAN Hardware	18,000.00

HUD-CDBG FUND

FROM:	700-1003-0600	Housing Rehabilitation	\$ 30,000.00
	700-1004-0600	Housing Rehabilitation	2,900.00

TO:	700-1003-0606	Disposition	\$ 30,000.00
	700-1004-0602	Demolition	2,900.00

PART-TOWN FUND

FROM:	800-3620-4561	Contractual Expenses Rodent Program	\$ 3,000.00
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TO :	800-3620-1902	Overtime	\$ 3,000.00
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Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

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

BE IT RESOLVED, that the following Vouchers and Warrants, Submitted to the Town of Cheektowaga prior to October 29, 2004 are hereby approved and made a part hereof;

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Item No. 3 Cont'd.

GENERAL FUND	\$ 575,199.26
RISK RETENTION FUND	28,086.33
HUD HOUSING REHABILITATION	17,213.00
SPECIAL DISTRICTS FUND	265,074.19
HIGHWAY FUND	94,863.03
TRUST & AGENCY	9,633.00
HUD CDBG FUND	97,484.65
PART TOWN FUND	11,910.28
CAPITAL FUND	<u>47,647.07</u>
	\$ 1,147,110.81

Upon roll call

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

Item No. 4a Motion by Unanimous; Seconded by Unanimous

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

Town of Cheektowaga
Final Benefit Basis Budget, AND

WHEREAS, a Public Hearing was duly held on the 13th day of October, 2004 at 6:00 P.M. in relation to the Preliminary Benefit Basis Budget, as provided by law, with amendments made to same, NOW, THEREFORE, BE IT

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

RESOLVED, that the Supervisor be and hereby is directed to cause same to be spread on the Tax Roll for the Year 2005.

Upon roll call

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

Item No. 4b Motion by Unanimous; Seconded by Unanimous

WHEREAS, officers and employees in charge of the various administrative units of the government of the Town of Cheektowaga have submitted estimate of revenues and expenditures for the 2005 fiscal year, AND

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

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 2005, and a public hearing was conducted there on October 13, 2004 as required by Section 108 of the Town Law, NOW, THEREFORE, BE IT

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 4b Cont'd.

RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual budget of the Town of Cheektowaga for the fiscal year beginning on January 1, 2005, and the same shall be entered in the minutes of the Town Board.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 5a 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 Mike Green of Delta Sonic Car Wash Systems, Inc. for the rezoning of approximately 6.32+/- acres of vacant land at 4910 Transit Road and part of 4934-4940 Transit Road from C- Retail Business to MS- Motor Services to permit the construction of a 7,600 square foot car wash, with an accessory convenience store for petroleum sales, a 4,700 square foot detail shop and a 4,100 square foot oil lube shop, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 20, 2004 recommended a determination of non significance as shown on the attached memorandum dated October 21, 2004, AND

WHEREAS, the Environmental Advisory Committee supports its recommendation of non-significance based on the attached Negative Declaration Notice of Determination and its supporting reasons, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and the site plan at its meeting held on June 10, 2004, AND

WHEREAS, the applicant has modified his plan to address resident concerns for noise, light nuisances, drainage impacts and adequate vegetative screening by providing to the Town of Cheektowaga a conservation easement approximately 2.56 acres in area to protect and maintain trees and open space along the west and south property lines of the project in perpetuity, AND

WHEREAS, the applicant has also agreed to supplement and to provide for the maintenance of additional forested land areas approximately 1.79 acres in size, along the aforementioned conservation area, as open space for as long as the applicant operates the proposed facility, AND

WHEREAS, the applicant has made additional project changes to provide for pedestrian mobility improvements within the premises and by providing connecting public walks along Transit Road and Losson Road, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, 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 Supervising Code Enforcement Officer withhold any building permits until the Town Law Department approves the proposed conservation easements and open space agreements; and the Town Board accepts same by resolution.
3. The applicant provide for traffic mitigation improvements to that portion of Losson Road to extend the center turning lane from their easterly Losson Road Driveway to a point between their westerly driveway and Benz Drive.
4. The applicant correct the median alignments within their easterly Losson Road driveway to correct turning conflicts with the opposing driveway for the Wegman's plaza.

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 5a Cont'd.

- 5.. The applicant conduct a post construction traffic impact study to determine any additional traffic mitigation required along Losson Road, and provide for such mitigation measures; including but not limited the addition of a traffic signal and/or the lengthening and/or modification of the center turning lane.

Upon roll call

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

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 5b 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 Dr. Gregory Dykes, DDS for the conversion of an existing dwelling at 4982 Transit Road to a dental office, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 20, 2004 recommended a determination of non significance as shown on the attached memorandum dated October 21, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on October 14, 2004, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals issued a variance from the number of required off-street parking spaces and the minimum parking setback along the south property line as shown on the attached resolution dated September 16, 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 and grading plan.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 5c 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 Newton S. Wiley, Jr. Architect for Jamestown Savings Bank for the construction of a two story 7,060 square foot bank at 3517 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 20, 2004 recommended a determination of non significance as shown on the attached memorandum dated October 21, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan as shown on the attached recommendation dated October 22, 2004, AND

WHEREAS, the applicant is seeking a variance from the Cheektowaga Zoning Board of Appeals for the number of reservoir spaces required for the (4) four proposed drive through teller windows, 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 and grading plan.
2. The Zoning Board of Appeals grants the required variance for the number of teller windows.

Upon roll call

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

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 6 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 Richard Grabenstater for the construction of a 2,400 square storage building at 3242 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of October 14, 2004 is recommending the approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals issued a variance for the expansion of the use on the premises by permitting the proposed storage building as shown on the attached resolution dated September 16, 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, and Magierski
NAYES: 0
ABSENT: Councilmember Mazur

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 7 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 George Peppes for a 6 lot realty subdivision for the construction of a (6) six two family dwellings at [REDACTED], AND

WHEREAS, the Environmental Advisory Committee at its meeting held on October 20, 2004 recommended a determination of non significance as shown on the attached memorandum dated October 21, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the realty subdivision at its meeting held on October 14, 2004 AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals approved a special use permit for the construction of two family dwellings pursuant to section 260-23A(1)(e)[3] of the Zoning Law of the Town of Cheektowaga, shown on the attached resolution dated April 22, 2004, AND

WHEREAS, the applicant has agreed to limitations on the use of the northerly yard areas of the dwellings by prohibiting the establishment of accessory buildings and/or pools in said yard areas as shown on the attached correspondence dated September 22, 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 accepts the proposed realty subdivision map subject to:

1. The Town Engineer approving the drainage and grading plan.
2. The Erie County Health Department approving the water and sewer extensions required for the project.
3. The applicant increasing the width of the proposed public walk to a minimum width of 5 feet.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 25
NOVEMBER 1, 2004

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

WHEREAS, Delta Sonic Car Wash Systems, Inc. petitioned for a rezoning from C-Retail Business District to MS-Motor Service District for 6.32± acres of land owned by it and located at 4910 Transit Road and parts of 4934-4940 Transit Road, Cheektowaga, New York, (which property is described in the attached legal description), for the construction of a 7,600 square foot car wash with an accessory convenience store for petroleum sales, a 4,700 square foot detail shop, a 4,100 square foot oil change facility, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 16th day of August, 2004 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

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

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

RESOLVED, that the application of Delta Sonic Car Wash Systems, Inc. for the rezoning from C-Retail Business District to MS-Motor Services District of the property described in the attached legal description (Schedule A), being 4.57± acres, be and the same is hereby approved, subject to the following conditions:

1. Applicant shall convey a conservation easement to the Town of Cheektowaga for areas along the south/along Dubonnet Drive properties (75± feet wide) and west/along Benz Drive properties (100± feet wide) property lines, being 2.56± acres;
2. Applicant shall, as long as it owns the land, retain as undeveloped additional green space as shown on its site plan dated 10-1-04 as "Buffer Area". and BE IT FURTHER

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

Upon roll call

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

AFFIDAVIT – NEXT PAGE

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 9 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 to NS- Neighborhood Services 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 November 15, 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, and Magierski
NAYES: 0
ABSENT: Councilmember Mazur

AFFIDAVIT – NEXT PAGE

MEETING NO. 25
NOVEMBER 1, 2004

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

WHEREAS, by resolution dated October 18, 2004, this Town Board authorized the Supervisor to execute an amended agreement with Wendel Duchscherer Architects and Engineers relating to the Town's Rails-to-Historic Trails project, AND

WHEREAS, due to a typographical error, the final "RESOLVED" paragraph in such resolution stated that additional funds in the amount of \$221,115 (rather than \$222,115) would be appropriated for said amended agreement, AND

WHEREAS, this Board wishes to correct such typographical error, NOW, THEREFORE, BE IT

RESOLVED, that the dollar amount in the final "RESOLVED" paragraph in the aforementioned resolution dated October 18, 2004 be and hereby is amended to read \$222,115.

Upon roll call

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

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

WHEREAS, by resolution dated January 5, 2004, this Town Board established certain holidays which would be observed in 2004, AND

WHEREAS, since January 1, 2005 (New Year's Day) falls on a Saturday, the holiday would be observed on Friday, December 31, 2004, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution dated January 5, 2004 be and hereby is amended to provide that December 31, 2004 will be observed as a holiday.

Upon roll call

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

Item No. 11a Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS: The Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to microfilm Police Department records; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

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

Upon roll call

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

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 11b Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS: The Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to electronically scan the Town's maps and drawings; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

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

WHEREAS, Industrial Warehouse Machine Company, LLC ("Industrial") is the owner of premises located at 590 Cayuga Road in the Town of Cheektowaga; AND

WHEREAS, Industrial has commenced an expansion of its facility (the "Project"), which will increase production space utilized by Industrial and result in job retention; AND

WHEREAS, the Project requires the construction of an additional fire hydrant to serve the premises; AND

WHEREAS, in order to induce Industrial to proceed with the work, the Town has directed the Erie County Water Authority to install a fire hydrant in the public right-of-way on the east side of Cayuga Road; AND

WHEREAS, Industrial has agreed to pay the Town for any annual fee imposed by the Erie County Water Authority with respect to said hydrant, which fee is to be determined by the Water Authority; AND

WHEREAS, this Town Board approves of the foregoing and is willing to enter into an agreement with Industrial; NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement on behalf of the Town of Cheektowaga, subject to review and approval by the Town Attorney's Office.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 13a Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz; and 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 South Line Fire District #10 to conduct a open fire on November 13, 2004 on the property located at 870 Losson Road AND

WHEREAS, the applicant intends open burning for a fire department training evolution. The owner of the property has submitted the required letter of permission and has applied for a demolition permit for the removal of the structures following the evolution. AND

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

WHEREAS, this Town Board has reviewed the application submitted by the South Line Fire District #10 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, and Magierski
NAYES: 0
ABSENT: Councilmember Mazur

Item No. 13b Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, the Main Pump Station 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. 2550-8135-2500, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Main Pump Station to purchase one (1) 2005 Chevrolet Express Cargo Van in the amount of \$15,028.50 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, and Magierski
NAYES: 0
ABSENT: Councilmember Mazur

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

WHEREAS, by resolutions dated October 4, 2004, this Town Board issued a negative Declaration under SEQRA and approved a rezoning of lands located at 151-171 Bennett Road to RSC-

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 14a Cont'd.

Residential Senior Citizen Housing District for the construction of a 36-unit senior citizen housing development, AND

WHEREAS, said resolutions were conditioned on the owner conveying a conservation easement to the Town for the southern portion of the property, AND

WHEREAS, Maplewood Commons LLC, the developer/owner of the property, has submitted a conservation easement to the Town, AND

WHEREAS, said conservation easement is acceptable to the Town Attorney and Town Engineer, NOW, THEREFORE, BE IT

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

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

Upon roll call

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

Item No. 14b Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the Pfohl Brothers Landfill Site, located on Pfohl Road in the Town of Cheektowaga, has been designated as an inactive hazardous waste disposal site by the New York State Department of Environmental Conservation, AND

WHEREAS, as part of the remedial action plan for the Pfohl Brothers Landfill, the Town of Cheektowaga has committed to certain operation and maintenance activities at this site, AND

WHEREAS, in order for the Town to perform operation and maintenance activities on the Site, it is necessary for the Town to obtain easements from the property owners in this area, AND

WHEREAS, to date, the Town has received access easements from the following referenced property owners in this area:

- | | | |
|---|-------------------------------------|--|
| ➤ | Niagara Mohawk Power Corporation | S.B.L. #81.04-1-25 |
| ➤ | Roianne Preston and Martha Hage | S.B.L. #81.04-1-24 |
| ➤ | Elizabeth L. McBride | S.B.L. #82.03-4-10 |
| ➤ | Paul M. Pfohl | S.B.L. #82.03-4-11 |
| ➤ | Paul Pfohl | S.B.L. #81.04-1-27, 81.04-1-28.1,
81.04-2-9.1, 81.04-2-10.1, 81.04-2-11,
82.03-4-5, 82.03-4-6,
82.03-4-7, 82.03-4-8 |
| ➤ | Stuart Jenkins | 82.03-4-9.12 |
| ➤ | New York State Electric & Gas Corp. | 82.03-4-12 |
| ➤ | Aero Land, Inc. | 82.03-4-9.11, 82.03-4-9.2 |

AND

WHEREAS, such easements are in a form acceptable to the Town Engineer, Town Attorney's Office and New York State Department of Environmental Conservation, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the access easements covering the aforementioned properties, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above easements, if so required in the easement, on behalf of the Town, and BE IT FURTHER

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

Item No. 14b Cont'd.

Upon roll call

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

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

BE IT RESOLVED that the following individuals be transferred, as indicated, in the Department of Parks, Recreation & Youth Services, effective immediately:

From Seasonal to Regular Part-time
Allison Godzich
Tony Pierino

Upon roll call

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



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK SECONDED BY COUNCILMEMBER JAWOROWICZ TO WAIVE THE READING OF NAMES FOR ITEMS 16 AND 17A, AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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



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

BE IT RESOLVED that the individuals listed below be and hereby are terminated from the Department of Parks, Recreation & Youth Services, effective immediately (part-time/regular part-time/seasonal):

Brandon Hoerner	Vicki Maslowski
Nick Delbello	Courtney Fox
Jesse Cycon	Brandon Lehman
Shawn Kaznica	Joseph Lane
Sally Lipinoga	Matthew Maciejewski
Jillian Majka	Leonor Malanowski
Laura Mayle	Jamie Messina
Jonathan Messina	Daniel Mucyn
Mary Murphy	Scott Musial
Nicholas Nowicki	Leslie Oliver
Holly Podniesinski	Mark Przybysz
Caitlin Rieck	Lindsay Ritzenhaler
Holly Rutkowski	Caitlyn Rutski
Joshua Rutski	Elizabeth Sinski
Jonathan Sinski	Danielle Smith
Courtney Steszewski	Melissa Stozenberg
Jennifer Strobele	Amy Szezepanski
Jenna Tuberdyck	James Wozniak

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Item No. 16 Cont'd.

Deborah Zgoda	Leah Zamoyski
Sarah Blair	Reuben Borowski
Andrew Buczek	Eric Burns
Catelyn Burzynski	Joseph Bodkin
Jasen Booker	Amanda Burgett
Daniel Carter	Dominique Celotto
Lisa Chenu	Adam Connor
Ashlee Deeds	Jared Enser
Lauren Fuest	Laura Garcea
Diana Geiger	Sarah Geiger
Sheila Glaub	Nicholas Gorzynski
Becky Gworek	Michelle Hauser
Chris Hergott	Jennifer Kishbaugh
Courtney Knoph	Peter Kreavy
Eric Burns	Sean Kunkel
Nick Wierzbicki	Glen Au, Jr.
Brion McGhee	Zachary Porterfield

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

Item No. 17 Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz and Councilmember Magierski

BE IT RESOLVED, that the following individual be and hereby is hired as a PART-TIME EMPLOYEE in the department 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

<u>BUILDING MAINTENANCE – Laborer - \$7 per hour</u>	
Justin Golas	Depew, New York
	11/02/04

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the 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

<u>SANITATION DEPARTMENT – Laborer - \$7.50 per hour</u>	
Steven Schneider	Sloan, New York
Peter Boyle	Sloan, New York
Edwin Wesolowski	Depew, New York
	10/25/04
	11/02/04
	11/02/04

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

EFFECTIVE

<u>SANITATION DEPARTMENT</u>	
Brian Bzibziak	10/16/04
Daniel Krystyniac	"
Andrew Wastchak	"
 <u>PARKS DIVISION</u>	
Roger Arne	11/02/04
Walter Gardon	"
Adam Pieczynski	"
James Kolbert	"
Michael Papero	"

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Item No. 17 Cont'd.

PERSONNEL DEPARTMENT

Kevin Daugherty

10/29/04

Upon roll call

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

Item No. 18 Motion by Councilmember Jankowiak; Seconded by Councilmember Magierski; and Councilmember Jankowiak

BE IT RESOLVED, that Michael McQuade of Depew, New York is hereby terminated from the position of temporary Records Inventory Clerk effective September 8, 2004.

Upon roll call

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

Item No. 19a Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz and Councilmember Magierski

WHEREAS, a vacancy exists in the position of State-certified Sole Assessor; AND

WHEREAS, such position was duly advertised; AND

WHEREAS, this Town Board reviewed applications and conducted interviews for this position; AND

WHEREAS, pursuant to Section 25-7 of the Code of the Town of Cheektowaga (Residency Law), this Town Board has determined that by reason of special skills, aptitude and expertise, an appropriate appointment cannot be made to fill the position of Assessor with a domiciliary in the Town of Cheektowaga; AND

WHEREAS, Brian M. Hess applied for said position and meets all the requirements; NOW THEREFORE, BE IT

RESOLVED, that Brian M. Hess of North Tonawanda, New York, be and hereby is appointed to the position of sole Assessor of the Town of Cheektowaga, effective January 5, 2005 and ending on September 30, 2007, at an annual salary of \$68,000; AND BE IT FURTHER,

RESOLVED, that in compliance with the Residency Law of the Town of Cheektowaga, Brian M. Hess be and hereby is ordered to obtain residency within the Town of Cheektowaga by July 5, 2005.

Upon roll call

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

Item No. 19b Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz and Councilmember Magierski

WHEREAS, a vacancy exists in the title of General Mechanic in the Parks Division; AND

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

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 19b Cont'd.

WHEREAS, Todd Stucke, currently employed as a Cleaner in the Parks Division, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Todd Stucke, of Cheektowaga, New York, be and hereby is appointed to the position of General Mechanic in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 21, 2004.

Upon roll call

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

Item No. 19c Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz and Councilmember Magierski

WHEREAS, a vacancy exists in the title of Parks Maintenance Worker II in the Parks Division; AND

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

WHEREAS, Stephen Sokolski, 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 Stephen Sokolski, of Elma, New York, be and hereby is appointed to the position of Parks Maintenance Worker II in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective November 2, 2004.

Upon roll call

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

Item No. 19d Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz and Councilmember Magierski

WHEREAS, a vacancy exists in the title of Parks Maintenance Worker II in the Parks Division; AND

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

WHEREAS, David Wass, 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 David Wass, of Cheektowaga, New York, be and hereby is appointed to the position of Parks Maintenance Worker II in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective November 2, 2004.

Upon roll call

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

II. DEPARTMENTAL COMMUNICATIONS

- Item No. 20 Building Permits – October 2004
Received and Filed.
- Item No. 21 Supervisor's Statement of Funds – September 2004
Received and Filed.
- Item No. 22a Minutes Of - Cheektowaga Conservation Advisory Council – October 7, 2004
Received and Filed.
- Item No. 22b Minutes Of - Cheektowaga Traffic Safety Commission – September 21, 2004
Received and Filed.

III. GENERAL COMMUNICATIONS

- Item No. 23a Notice of Claim: - Arthur O'Leary vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Engineering, Sewer, Councilmember Johnson and First Niagara Risk Management
Received and Filed.
- Item No. 23b Notice of Claim - Susan M. Wilson vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Engineering, Sewer, Councilmember Johnson and First Niagara Risk Management
Received and Filed.
- Item No. 24 Petition for Huth Road Improvements
Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER SWIAITEK; SECONDED BY COUNCILMEMBER MAGIERSKI TO WAIVE THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS; AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur



IV. SUSPENSION OF RULES

Item No. 25 Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz and Councilmember Magierski

WHEREAS, the owner of 590 Cayuga Road has requested the installation of an additional fire hydrant on the east side of Cayuga Road which is required for a proposed expansion; AND

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) has consented to the installation of such additional fire hydrant which would be located in the County right-of-way fronting on NFTA property, approximately thirty feet north of the south property line of 590 Cayuga Road; AND

WHEREAS, the Town Engineer has reviewed this request and has no objection to same, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority be and hereby is directed to install an additional fire hydrant on the east side of Cayuga Road (opposite 590 Cayuga Road), approximately thirty feet north of the south property line of 590 Cayuga Road; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible to the Erie County Water Authority for annual hydrant rental fees for this hydrant, and BE IT FURTHER

RESOLVED, that such annual hydrant rental fees shall be reimbursed to the Town pursuant to a separate agreement with the owner.

Upon roll call

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

Item No. 26 Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz and Councilmember Magierski

WHEREAS, by resolutions dated January 20, 2004, this Town Board issued a negative Declaration under SEQRA and approved a rezoning of lands located at 550 Cayuga Road to CM-General Commercial District for the construction of a self-storage facility, AND

WHEREAS, said resolutions were conditioned on the owner conveying a conservation easement to the Town for the undeveloped rear 11.82 acres more or less of the property at 550 Cayuga Road, AND

WHEREAS, Cayuga Partners, Inc., the developer/owner of the property, has submitted a conservation easement to the Town, AND

WHEREAS, said conservation easement is acceptable to the Town Attorney and Town Engineer, NOW, THEREFORE, BE IT

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

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

Upon roll call

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

MEETING NO. 25
NOVEMBER 1, 2004

Item No. 27 A motion was made by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz to adjourn the meeting in memory of Gloria Keough, Councilmember Mazur 's Mother-in-Law and Robert Gibbs, Father of Detective Dennis Gibbs. Time of adjournment was 7:15 P.M.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
NOVEMBER 9, 2004
MEETING NO. 26**

Item No. 1 At a work 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 9th day of November 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 were: Mary F. Holtz, Town Clerk and Anthony Romano, Coordinator of Employee Relations.



*DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER JANKOWIAK TO ENTER INTO EXECUTIVE SESSION AS 6:20 P.M. TO DISCUSS UNION MATTERS AND THE VOTING WENT AS FOLLOWS:

UPON ROLL CALL:

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



MOTION BY COUNCILMEMBER MAZUR , SECONDED BY COUNCILMEMBER JANKOWIAK TO EXIT THE EXECUTIVE SESSION AT 6:30 P.M. AND RECONVENE THE WORK SESSION AND THE VOTING WAS AS FOLLOWS:

UPON ROLL CALL:

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



Item No. 2 Motion by Unanimous; Seconded by Unanimous to adjourn this work session at 7:30 P.M.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 27
NOVEMBER 15, 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 15th day of November, 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; Anthony Romano, Coordinator of Employee Relations; Brian Krause, Director of Finance and Administration and Patricia Wojcik, Director of Senior Services, Christine Ziemba, Chief of Police and Jerome Gabryszak, Director of Community Development.

I. RESOLUTIONS

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

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

GENERAL FUND

From:	100-1910-2665	Sale of Equipment	\$1,500.00
	100-1430-4088	Travel Training & Conf.	800.00
	100-5132-4432	Building & Maint.	2,100.00
	100-1415-3500	State Aid Archives	11,200.00
	100-1110-1931	Vacation Sellback	1,723.00
	100-1110-1901	Regular Payroll	1,200.00
To:	100-3020-4431	Equipment Repairs & Maint	\$1,500.00
	100-1430-4001	Office Supplies	800.00
	100-5132-4431	Radio	2,100.00
	100-1415-4001	Contractual Services	11,200.00
	100-1110-1917	Clothing Allowance	250.00
	100-1110-1932	Sick Sellback	1,473.00
	100-1110-1990	Other Pay	1,200.00

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 November 12, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$189,399.08
RISK RETENTION FUND	103,344.76
HUD HOUSING REHABILITATION	29,124.00
SPECIAL DISTRICTS FUND	383,768.66
HIGHWAY FUND	18,181.49
TRUST & AGENCY	5.00
HUD CDBG FUND	11,282.46
PART TOWN FUND	6,688.89
CAPITAL FUND	<u>157,312.49</u>
	\$899,106.83

MEETING NO. 27
NOVEMBER 15, 2004

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 Jankowiak, Seconded by Supervisor Gabryszak

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

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

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

RESOLVED, that sealed bids will be received on the 1st day of December, 2004 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 1, 2004 at 11:00 A.M., Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2005.

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

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

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

Mary F. Holtz
Town Clerk

Date: November 15, 2004



Upon roll call

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

AFFIDAVIT - NEXT PAGE

**MEETING NO. 27
NOVEMBER 15, 2004**

Item No. 5 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 November 3, 2004 for Snow Removal if a snow emergency should occur 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 labor and material necessary for the removal of snow during a snow emergency on an as-needed basis be awarded to Scott Lawn Yard Inc., 5552 Townline Road, Sanborn, New York 14132. Attached and made part of this resolution is bid submitted for review, AND

BE IT FURTHER RESOLVED, that line item to be used in case of emergency is 0300-5142-4029.

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. 27
NOVEMBER 15, 2004**

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

WHEREAS, the contract for Dartwood Park Improvements was awarded by Town Board resolution dated July 21, 2003 to Gleason's Nursery, Inc., AND

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

WHEREAS, the Town Engineer has further recommended the approval of Change Order #1 (final) which provides for the installation of two concrete pads with benches and one wastebasket, as outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the Dartwood Park Improvements Project and directs the Supervisor to sign the final contract acceptance documents with Gleason's Nursery, Inc., 4780 Sheridan Drive, Williamsville, New York 14221, including Change Order #1 (final) which provides for an increase to the aforesaid contract in the amount of \$1,187.00.

Upon roll call

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

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

WHEREAS, the contract for Community Drive Storm/Sanitary Sewer Improvements and Awood Place Drainage Improvements was awarded by Town Board resolution dated August 18, 2003 to Northeast Diversification, Inc. in the amount of \$237,508.00, AND

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

WHEREAS, the Town Engineer has further recommended the approval of Change Order #1 (final) which provides for final adjusted quantities for work actually incorporated into this project, as outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the completed Community Drive Storm/Sanitary Sewer Improvements and Awood Place Drainage Improvements Project and directs the Supervisor to sign the final contract acceptance documents with Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York 14086, including Change Order #1 (final) which provides for a decrease to the aforesaid contract in the amount of \$11,315.00.

Upon roll call

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

Item No. 7 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 BD Broadway Holdings, LLC for the revision to a previously approved site plan for a multifamily apartment development at 3710 (3700 Broadway), AND

WHEREAS, said revision would recognize the existing four unit apartment constructed by the former deceased owner as a stand alone project, AND

MEETING NO. 27
NOVEMBER 15, 2004

Item No. 7 cont'd.

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of September 9, 2004 is recommending the approval of the revised site plan, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals issued a variance to permit the revision to the site plan as shown on the attached resolution dated August 19, 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 the Town Board determines that the revised project site plan is acceptable and voids the previously approved site plan which allowed for the construction of a total of 32 units.

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. 27
NOVEMBER 15, 2004**

Item No. 8a Motion by Councilmember Magierski, Seconded by Councilmember Johnson

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the codes of New York State; and the Property Maintenance Code and Fire Code of New York State requires that unsafe structures be repaired, demolished or safeguarded and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of unsafe structures located at 148 Hemenway Road, Cheektowaga, New York SBL# 91.11-1-17 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Kenneth & Mary Kopp, Cheektowaga, New York 14225, AND

WHEREAS, an inspection of such premises was conducted on 148 Hemenway Road by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and enforcement of the codes of New York State, 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 Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that all openings in the vacant structures 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. 8b 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 1112 Walden Avenue, Cheektowaga, New York SBL# 101.60-5-25 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Camille C. Witkowski, Gowanda, New York 14070, AND

WHEREAS, an inspection of such premises was conducted on 1112 Walden 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

MEETING NO. 27
NOVEMBER 15, 2004

Item No. 8b cont'd.

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 board the collapsing soffits and fascia assembly on the upper west side of the structure. 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. 9 Motion by Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga operates a Housing Rehabilitation Program through the Office of Economic and Community Development for owner-occupied residential properties in the Town, AND

WHEREAS, the Town wishes to expand its housing rehabilitation program to owners of mobile homes in the Town of Cheektowaga, AND

WHEREAS, federal Community Development Block Grant funds for said rehabilitation have been approved by the Department of Housing and Urban Development, AND

WHEREAS, to provide for the effective administration and implementation of said program, the Director of Community Development has recommended adoption of guidelines for a Mobile Home Rehabilitation Program, NOW, THEREFORE, BE IT

RESOLVED, that the attached Mobile Home Rehabilitation Program Guidelines are hereby adopted and, BE IT

FURTHER RESOLVED, that the Supervisor be and hereby is authorized to execute all agreements and documents related to the Mobile Home Rehabilitation Program upon the recommendation of the Director of Community Development and approval as to form of said documents by the Town Law Office.

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. 27
NOVEMBER 15, 2004**

Item No. 10 Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

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

RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

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

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 27
NOVEMBER 15, 2004**

Item No. 11 Authorize Supervisor to Execute License Agreement with Schultz Landfill to Install Fence
This item was withdrawn.

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

BE IT RESOLVED that the following individuals be and hereby are terminated in the Department of Parks, Recreation & Youth Services, effective immediately (regular Part-Time/Part-Time/Seasonal):

Alicia Wyzykowski
Ryan Mohr

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, the Town Board hereby creates four (4) positions of the title Assistant Dog Control Officer (Part-Time) pursuant to Civil Service Laws and Rules effective November 16, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 14a Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

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

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

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

RESOLVED, that Sergeant Michael Sliwinski of Cheektowaga, New York be and hereby is appointed to the position of Police Lieutenant in the Police Department effective November 16, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

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

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

WHEREAS, the Chief of Police recommends that Police Officer Thomas Gerace be promoted to the position of Police Sergeant, NOW, THEREFORE, BE IT

**MEETING NO. 27
NOVEMBER 15, 2004**

Item No. 14b cont'd.

RESOLVED, that Police Officer Thomas Gerace of Cheektowaga, New York be and hereby is appointed to the position of Police Sergeant in the Police Department effective November 16, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 14c Appointment to Fill Temporary Vacancy in Position of Records Inventory Clerk in Records Center
This item was withdrawn.

Item No. 15 Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

BE IT RESOLVED, that the following individuals be and hereby are transfer as PART-TIME EMPLOYEES in the department 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 – from Laborer to Assistant Dog Control Officer

Mark S. Bauer	Cheektowaga, New York	11/16/04
Joan E. D'Aurelio	Cheektowaga, New York	"
Aaron D. Kandefer	Cheektowaga, New York	"
Lindsey M. Styborski	Depew, New York	"

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

Jason Ziolkowski	Cheektowaga, New York	11/04/04
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BE IT FURTHER RESOLVED, that the following Seasonal and/or Part-Time employees be and hereby are terminated as listed:

EFFECTIVE

SANITATION DEPARTMENT

Steven Krystyniak	10/30/04
Christopher Ahrens	"
Kenneth Kelly	"
Peter Boyle	11/04/04
Vincent Martin	11/09/04

ACCOUNTING DEPARTMENT

John Ptak	6/28/04
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Upon roll call

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

NAYES: 0

ABSENT: 0

**MEETING NO. 27
NOVEMBER 15, 2004**

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

WHEREAS, a seminar entitled "Bombs and Bomb Threat Management in Schools" will be held in Albany, New York from November 29 through November 30, 2004, AND

WHEREAS, Police Chief Christine Ziemba has requested authorization for Police Officer Gerald Grabowski to attend said seminar, AND

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

WHEREAS, the cost to attend shall not exceed \$112 and has been budgeted by the department, NOW, THEREFORE, BE IT

RESOLVED, that Police Officer Gerald Grabowski be and hereby is authorized to attend the seminar entitled "Bombs and Bomb Threat Management in Schools" in Albany, New York from November 29 through November 30, 2004.

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, the Niagara Frontier Building Officials Annual Conference will be held in Amherst, New York from January 31, 2005 through February 2, 2005, AND

WHEREAS, Supervising Building and Plumbing Inspector Thomas Adamczak has requested authorization for the following employees to attend said seminar:

Supervising Code Enforcement Officer Thomas Adamczak
Senior Housing Inspector Lawrence Kensy
Code Enforcement Officer Gary Parks
Fire Inspector Matthew Kawczynski
Fire Inspector Edward Saternus
Assistant Code Enforcement Officer Mark Radecki
Housing Inspector Donald Wartinger
Assistant Code Enforcement Officer Ronald Stepnick
Assistant Plumbing Inspector Donald O'Neill
Housing Inspector Richard Coburn
Housing Inspector (Part-Time) Gerald Gill
Housing Inspector (Part-Time) Lawrence Rokitka
Assistant Plumbing Inspector Gregory Magnuszewski
Zoning Inspector Daniel Ulatowski

,AND

WHEREAS, the following employees with the Community Development Department have also requested authorization to attend said conference to be paid through the Community Development Department's budget:

Housing Inspector Dale Parks
Housing Inspector Richard Willis

,AND

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

WHEREAS, the cost to attend shall not exceed \$3,750 and has been budgeted by the departments, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are authorized to attend the Niagara Frontier Building Officials Annual Conference to be held in Amherst, New York from January 31, 2005 through February 2, 2005.

**MEETING NO. 27
NOVEMBER 15, 2004**

Item No. 16b cont'd.

Upon roll call

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 17a Minutes of Cheektowaga Planning Board – October 14, 2004
Received and Filed.

Item No. 17b Minutes of Cheektowaga Conservation Advisory Council – October 23, 2004
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 18a Summons and Complaint: Cheryl Julian vs. the Town of Cheektowaga, Christina M. Newman and Tim Carter
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. 18b Summons and Complaint: Denise M. Lawrence 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. 19a Notice of Claim: Jim and Kimberly Catalino vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering Department; Sewer Department; Councilmember Johnson and First Niagara Risk Management.
Received and Filed.

Item No. 19b Notice of Claim: William A. Billi vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation Department and First Niagara Risk Management.
Received and Filed.



MOTION BY COUNCILMEMBER MAZUR, SECONDED BY 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, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0



IV. SUSPENSION OF RULES

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

BE IT RESOLVED, that the following individual be and hereby is upgraded in the Department of Parks, Recreation and Youth Services, retroactive to October 4, 2004 (Part-Time)

MEETING NO. 27
NOVEMBER 15, 2004

Item No. 20 cont'd.

From Recreation Attendant I to Recreation Attendant II

\$5.40 – 7140.1630

Amanda Cendrowski

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, by Agreement dated January 24, 2002, the Erie County Water Authority authorized the conveyance of a narrow strip of land at the northerly edge of its property at 3030 Union Road to the Town of Cheektowaga for the Town's Rails-to-Historic Trails Project, AND

WHEREAS, pursuant to the terms of such agreement, the Town of Cheektowaga had to complete the construction of such bicycle pathway by April 25, 2005, AND

WHEREAS, the deed dated April 25, 2002 from the Erie County Water Authority for this conveyance also required that this project be completed by April 25, 2005, AND

WHEREAS, due to changes in the Rails-to-Historic Trails Project resulting from a grant for additional Federal funds for this project, the projected completion date for this bicycle path has been pushed back, AND

WHEREAS, the Erie County Water Authority has agreed to extend the time frame for the completion of the Rails-to-Historic Trails project until November 1, 2006, and has submitted an amendment to the aforesaid agreement for signature by the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the attached Amendment No. 1 to the Agreement for Conveyance of Property and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement and any other documents necessary to effectuate the terms of this agreement on behalf of the Town of Cheektowaga.

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. 27
NOVEMBER 15, 2004**

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

WHEREAS, by resolution dated December 15, 2003, this Town Board accepted grant monies in the amount of \$5,000 from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund to improve public utilization of the Town Council Offices, AND

WHEREAS, the County of Erie has modified the grant to give the Town Council Office \$3,000 towards the purchase of a copy machine to enable staff to duplicate information brochures, etc. for distribution to the public to increase communication with the public, 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. 23 Motion by Councilmember Johnson, Seconded by Councilmember Mazur to adjourn this meeting. This meeting was adjourned at 7:20 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 28
NOVEMBER 30, 2004**

Item No. 1 At a work 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 30th day of November, 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 were: Anthony Romano, Coordinator of Employee Relations and Brian Krause, Director of Finance and Administration.



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AT 6:12 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO EXIT THE EXECUTIVE SESSION AT 6:30 P.M. AND RECONVENE THE WORK SESSION AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



Item No. 2 Motion by Unanimous, Seconded by Unanimous to adjourn this work session at 8:30 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 29
DECEMBER 6, 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 6th day of December 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; Christine Ziemba, Chief of Police; Anthony Romano, Coordinator of Employee Relations; and Patricia Wojcik, Director of Senior Services.

I. RESOLUTIONS

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

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

GENERAL FUND

FROM:	100-7110-4451	Bldg. & Grounds Maintenance	\$ 4,800.00
	100-3610-4001	Traffic Safety Office Supplies	19.57
	100-1910-3095	Miscellaneous County Aid	5,000.00
	100-1685-4088	Travel, Training, & Conference	265.00
	100-1685-2000	Records Center Office Equip	27.00
	100-1410-4001	Town Clerk Office Supplies	1,400.00
TO:	100-7110-2303	Over The Road Vehicles	\$ 4,800.00
	100-3610-4261	Traffic Safety Postage	19.57
	100-7620-4027	Senior Center Supplies	5,000.00
	100-1685-4001	Office Supplies	292.00
	100-1410-2201	Town Clerk Office Equipment	1,400.00

RISK RETENTION

FROM:	101-1930-4703	Judgments & Claims, W.C.	\$ 8,000.00
	101-1932-4703	Judgments & Claims, General	450.00
TO:	101-1710-4525	Claims Administration, W.C	\$ 8,000.00
	101-1710-4527	Admin Claims – Liability	450.00

SPECIAL DISTRICTS

FROM:	255-8135-4087	Conferences & Seminars	\$ 500.00
	255-8135-4456	Elevator Repairs	600.00
	255-8135-4541	Lab Testing	1,900.00
	255-8135-4581	Contracted Technical Services	1,000.00
TO:	255-8135-4431	Equipment Repairs	\$ 4,000.00

HIGHWAY FUND

FROM:	300-5140-4291	Shade Trees	\$10,000.00
	300-5150-4178	Black Top	8,000.00
TO:	300-5110-4162	Gasoline & Oil	\$18,000.00

Upon roll call

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

NAYES: 0

ABSENT: 0

**MEETING NO. 29
DECEMBER 6, 2004**

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 December 3, 2004 are hereby approved and made a part hereof;

GENERAL FUND	\$ 5,661,987.91
RISK RETENTION FUND	77,458.60
DEBT SERVICE FUND	279,137.50
HUD HOUSING REHABILITATION	23,714.40
SPECIAL DISTRICTS FUND	1,321,841.35
HIGHWAY FUND	925,868.34
TRUST & AGENCY	15,295.25
HUD CDBG FUND	221,903.48
PART TOWN FUND	202,342.43
CAPITAL FUND	<u>35,709.20</u>
	\$ 8,765,258.46

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, bids were received on November 3, 2004 for the Supplying of Custodial Supplies for 2005, 2006 and 2007, AND

WHEREAS, said bids were referred to the Town of Cheektowaga Department of Parks, Recreation & Youth Services, Parks Division, for analysis, tabulation and report, NOW THEREFORE BE IT

RESOLVED, that the contract for the Supplying of Custodial Supplies for the fiscal years 2005, 2006 and 2007 be awarded to the following at the total bid price listed below:

		<u>TOTAL BID PRICE</u>
CATEGORY I	Paper Products	\$ 57.01 Inc./Del.
CATEGORY II	Polyethylene Liners	\$ 42.05 Inc./Del.
CATEGORY III	Cleaner/Disinfectant	\$183.88 Inc./Del.
CATEGORY IV	Cleaner/Polishers	\$ 46.05 Inc./Del.

AWARD OF CATEGORY I - Corr Distributors Inc.
33 Chandler Street
Buffalo, New York 14207

AWARD OF CATEGORY II Dobmeier Janitor Supply, Inc.
354 Englewood Avenue
Buffalo, New York 14223-2806

AWARD OF CATEGORY III Corr Distributors Inc.
33 Chandler Street
Buffalo, New York 14207

AWARD OF CATEGORY IV Corr Distributors Inc.
33 Chandler Street
Buffalo, New York 14207

Upon roll call

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

NAYES: 0

ABSENT: 0

**MEETING NO. 29
DECEMBER 6, 2004**

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

WHEREAS, Bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 1, 2004, AND

WHEREAS, said proposals have been reviewed for compliance under the terms of the Specifications, NOW THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board hereby award said bid for the Leasing and Servicing of Portable Chemical Toilets to:

J. B. New York Enterprises Inc. DBA
Ball Toilet & Septic Services
P. O. Box 2072
3725 Jeffrey Boulevard
Blasdell, New York 14219

Category A - Single Units - \$1.90 per day, per unit, Items I through X

Category B - Handicapped Units - \$2.75 per day, per unit, Item I

Modern Portable Toilets
4746 Model City Road
P. O. Box 209
Model City, New York 14107-0209

Category C - Special Events - \$42.00 per day, per unit, Items I through VIII

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 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 Peter Harris for the construction of a parking area expansion at 555 Como Park Boulevard, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 13, 2004 is recommending the approval of the site plan as shown on the attached recommendation dated June 10, 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. 29
DECEMBER 6, 2004**

Item No. 6a Motion by Councilmember Magierski Seconded by Councilmember Johnson

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 Anthony Delmaro for the rezoning of a portion of 3993 Union Road from R- Residence to NS- Neighborhood Services for the conversion of the of a portion of an existing residence to a Psychic Reading Studio, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on June 16, 2004 recommended that the subject rezoning request not be considered by the Town Board as shown on the attached memorandum dated June 17, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended denial of the rezoning request as shown in the attached recommendation dated June 14, 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 applicant providing a written commitment to the Town of Cheektowaga for a future vehicular access easement along the North and South property lines of front sublots numbered 411, 410, 409 and 408 of the parcel, at locations to be mutually agreed upon, to accommodate future traffic access management goals along this stretch of Union Road.

2. The applicant submit a professionally prepared site plan for review by the Building Department providing for one driveway along Union Road, a minimum of (24) twenty four feet wide and meeting NYSDOT guidelines for construction.

3. Amending the proposed site plan to reconfigure the parking stalls to provide interior circulation without causing conflicts with the use of Union Road.

4. Amending the proposed site plan to provide for the minimum number of parking spaces required, including at least one handicap accessible parking space.

5. The applicant restricting the use of the easterly parcel, which is not subject to the rezoning request, for residential purposes only; and barricade its accessory parking from access to Orchard Place during business hours.

6. The applicant obtain a building permit from the Building Inspections Office to convert that portion of the residence for public use prior to the premises being used for commercial purposes.

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. 29
DECEMBER 6, 2004**

Item No. 6b 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 Stephen D. Leaty of Wegmans Food Markets for the demolition of two existing retail buildings at 2001 Walden Avenue and the construction of two full service restaurants totaling 14,181 square feet in area, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on November 17, 2004 recommended a determination of non significance as shown on the attached memorandum dated November 17, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on November 11, 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 and grading plan.

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. 29
DECEMBER 6, 2004**

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

WHEREAS, Anthony Delmaro petitioned for a rezoning from R-Residence District to NS-Neighborhood Services District on property owned by him and located at 3993 Union Road, Cheektowaga, New York, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 4th day of October, 2004 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, this Board feels that the rezoning of this property is proper, NOW, THEREFORE, BE IT

RESOLVED, that the application of Anthony Delmaro for the rezoning from R-Residence District to NS-Neighborhood Services District of the property described in the attached Schedule A be and the same is hereby approved, and BE IT FUTRHER

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

Upon roll call

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

AFFIDAVIT – NEXT PAGE

MEETING NO. 29
DECEMBER 6, 2004

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

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on December 20, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 9th day of December, 2004, said amendments being set forth in the Notice of Hearing.

Upon roll call

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



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on December 20, 2004 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

1. ARTICLE V, Schedules, Section 235-45, Schedule VI: Prohibited Right Turns on Red Signal, shall be amended by adding thereto the following:

§235-45. Schedule VI: Prohibited Right Turns on Red Signal.

In accordance with the provisions of §235-17, no person shall make a right turn facing a steady red signal (stop indication) at any one of the following locations:

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto
Cayuga Creek Road	Northbound	William St: 2:00 p.m. to 5:00 p.m. And 6:30 p.m. to 8:30 p.m.

2. ARTICLE V, Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by adding thereto the following:

In accordance with the provisions of §235-18, the following described intersections and locations are designated stop intersections:

Stop Signs on	Direction Traffic Stops	At Intersection of
Gilmore Road	North	Gilmore Road

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

Dated: December 6, 2004

MARY F. HOLTZ
Town Clerk

AFFIDAVIT – NEXT PAGE

**MEETING NO. 29
DECEMBER 6, 2004**

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

WHEREAS, Young Development has made application and requested the rezoning of land located at 211 French Road, owned by Laszio Friedman, from R- Residence to RA – Apartment District for a 161 Unit Apartment Complex, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 20, 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. 29
DECEMBER 6, 2004**

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

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

RESOLVED, that the Town Board, pursuant to Section 52-5 of the Code of the Town of Cheektowaga accept the recommendations of the Emergency Medical Services Board, and approve the following list of vehicles AND, BE IT FURTHER

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

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

<u>VEHICLE MAKE & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1999 Ford	10658ET	521

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, in conjunction with the proposed redevelopment of commercial acreage on Walden Avenue and Anderson Road, west of the New York State Thruway, a preliminary storm drainage design has been prepared for public storm sewer improvements on Anderson and Dale Roads and a portion of Walden Avenue, AND

WHEREAS, the implementation of the aforesaid storm sewer improvements project requires review and permit approval from the New York State Department of Transportation and New York State Thruway Authority, which agencies require a supplemental watershed and capacity analysis for an existing 48" Walden Avenue culvert crossing, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of William Schutt & Associates, P.C., dated November 11, 2004, as submitted to the Town Engineer for professional technical services associated with the aforesaid watershed and pipe capacity analysis is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign the agreement with William Schutt & Associates for the provision of said professional services, AND, BE IT FURTHER

RESOLVED, that the cost of professional technical services in an amount not to exceed \$7500 shall be chargeable to Account #4000-8140-4581.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 11a 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 31 East End Avenue, Cheektowaga, New York SBL# 101.28-1-19 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Todd & Michelle Metzger, Cheektowaga, New York 14225, AND

**MEETING NO. 29
DECEMBER 6, 2004**

Item No. 11a Cont'd.

WHEREAS, an inspection of such premises was conducted on 31 East End 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

Upon roll call

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

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

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the codes of New York State; and the Property Maintenance Code and Fire Code of New York State requires that unsafe structures be repaired, demolished or safeguarded and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of unsafe structures located at 89 Henry Street, Cheektowaga, New York SBL# 113.64-2-34 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Bernard J. Jakubiak, Cheektowaga, New York 14227, AND

WHEREAS, an inspection of such premises was conducted on 89 Henry Street 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 Town of Cheektowaga Law for the administration and enforcement of the codes of New York State, 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 Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that all openings in the vacant structures 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

**MEETING NO. 29
DECEMBER 6, 2004**

Item No. 12a Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

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

EFFECTIVE

SANITATION DEPARTMENT

Steven Schneider 11/04/04

POLICE DEPARTMENT – Dog Control

Joan D'Aurelio 9/01/04

POLICE DEPARTMENT – Detention Officer

Patrick Solomon 4/10/04

PARKS DIVISION

Michael DeCecco 11/22/04

Thomas Somogy 10/01/04

Upon roll call

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

NAYES: 0

ABSENT: 0

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

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

--Eric Burns

--Brian Collett

--Jennifer Dunkleman

--Julie Kujawinski

--Kelsey Zamoyski

--Katie Kozlowski

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13a Motion by Councilmember Jankowiak; Seconded by Councilmember Magierski

WHEREAS vacancies currently exist on the Cheektowaga Youth Board; AND

WHEREAS Claire Ferrucci, of Sloan, has expressed an interest in serving on the voluntary board; NOW, THEREFORE, BE IT

RESOLVED that Claire Ferrucci be and, hereby, is appointed to the Cheektowaga Youth Board, for a three year term, effective this date, and expiring on December 5, 2007.

Upon roll call

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

NAYES: 0

ABSENT: 0

**MEETING NO. 29
DECEMBER 6, 2004**

Item No. 13b Motion by Councilmember Swiatek; Seconded by Councilmember Mazur

WHEREAS, pursuant to Section 18-13 of the Code of the Town of Cheektowaga ("Code of Ethics"), a Board of Ethics for the Town of Cheektowaga was established, AND

WHEREAS, the Board of Ethics consists of five (5) members and the Town Attorney, as ex-officio member, AND

WHEREAS, there is a vacancy of the Board of Ethics created by the expiration of the term of Frank Mikler, AND

WHEREAS, Constance M. Paoletti has expressed an interest in being appointed to the Board of Ethics, NOW, THEREFORE, BE IT

RESOLVED, that Constance M. Paoletti of Cheektowaga be and hereby is appointed to the Board of Ethics, effective immediately and expiring on August 1, 2009.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13c Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur and Councilmember Magierski

WHEREAS, a temporary vacancy currently exists in the title of Records Inventory Clerk in the Records Center; 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, Deanna Schugardt, currently employed as a part-time Clerk in the Records Center has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE BE IT

RESOLVED, that Deanna Schugardt of Cheektowaga, New York, be and hereby is 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 effective December 1, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13d Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur and Councilmember Magierski

WHEREAS, the Town of Cheektowaga has received a State Archives Grant with a sunset provision of June 30, 2005; AND

WHEREAS, a temporary vacancy currently exists in the title Clerk in the Records Center; AND

**MEETING NO. 29
DECEMBER 6, 2004**

Item No. 13d Cont'd.

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, Carol Kilijanski was employed as a Clerk Typist for the Town of Cheektowaga between 1974 and 1986; AND

WHEREAS, the Town of Cheektowaga has received approval from the Erie County Personnel Department to appoint Ms. Kilijanski to a Clerk position; NOW, THEREFORE, BE IT

RESOLVED, that Carol Kilijanski of Cheektowaga, New York, be and hereby is appointed to the temporary position of Clerk in the Records Center in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association at the hourly rate of \$7.50 effective November 29, 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 Councilmember Mazur,
Councilmember Johnson and Councilmember Magierski

WHEREAS, the Town of Cheektowaga has received a State Archives Grant with a sunset provision of June 30, 2005; AND

WHEREAS, this Town Board hired three (3) Records Inventory Clerks through the grant; AND

WHEREAS, extra funding remains in the grant which will allow increases in these employees' salaries; AND

WHEREAS, these increase have been approved by the State Archives who oversees administration of this grant; NOW, THEREFORE, BE IT

RESOLVED, the following Records Inventory Clerks' salaries be and hereby are revised as follows:

- Cassie Olsen of Kenmore, New York from \$8.30 to \$8.60 per hour
- Angelo Nati of Cheektowaga, New York from \$8.30 to \$8.60 per hour
- Paul Matuszewski of Cheektowaga, New York from \$9.10 to \$13.00 per hour

in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective December 6, 2004.

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 Councilmember Mazur

WHEREAS, the Town of Cheektowaga Chief of Police Christine Ziemba has been appointed by Governor Pataki to the New York State Motor Vehicle and Insurance Fraud Prevention Board; AND

**MEETING NO. 29
DECEMBER 6, 2004**

Item No. 15 Cont'd.

WHEREAS, the Motor Vehicle and Insurance Fraud Prevention Board is meeting on December 9, 2004 in New York City; AND

WHEREAS, Chief of Police Christine Ziemba has requested authorization to attend said meeting; AND

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

WHEREAS, there shall be no cost to the Town to attend said meeting as all costs will be reimbursed by the Division of Criminal Justice Services; NOW, THEREFORE, BE IT

RESOLVED, that Chief of Police Christine Ziemba be and hereby is authorized to attend the New York State Motor Vehicle and Insurance Fraud Prevention Board meeting December 9, 2004 in New York City.

Upon roll call

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

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 16a Minutes - Cheektowaga Planning Board – November 11, 2004
Received and Filed.

Item No. 16b Minutes - Board of Ethics – October 26, 2004
Received and Filed.

Item No. 16c Minutes - Cheektowaga Traffic Safety Commission – October 19, 2004
Received and Filed.

Item No. 16d Minutes - Cheektowaga Conservation Advisory Council – November 4, 2004
Received and Filed.

Item No. 16e Minutes - Cheektowaga Conservation Advisory Council – November 20, 2004
Received and Filed.

Item No. 17 Supervisor's Statement of Funds – October 2004
Received and Filed.

Item No. 18 Building Permits – November 2004
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 19 Summons & Complaint: Joan Greene vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Engineering, Sewer, Councilmember Johnson and First Niagara Risk Management
Received and Filed.

**MEETING NO. 29
DECEMBER 6, 2004**

- Item No. 20a Notice of Claim - Paul Rybczynski, Executor, Estate of Julian Rybczynski 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. 20b Notice of Claim - Joanne Walter vs. 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. 21 Petition from Residents Regarding Solar Street Lights
Received and Filed.
- Item No. 22a Request To Speak - Michael Mason, President, Dick-Urban Community Association
Received and Filed.
- Item No. 22b Request to Speak - Betty Falkowski on Solar Street Lights
Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER MAZUR SECONDED BY COUNCILMEMBER MAGIERSKI TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



IV. SUSPENSION OF RULES

Item No. 23 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, a "Law Enforcement Computer Security" course is being held by Computer Educations Services from December 13 through December 17, 2004, in Getzville, New York;
AND

WHEREAS, Police Chief Christine Ziemia has requested authorization for Captain Thomas Rowan and Lieutenant Cheryl Rucinski to attend said course; AND

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

**MEETING NO. 29
DECEMBER 6, 2004**

Item No. 23 Cont'd.

WHEREAS, costs incurred shall not exceed \$2,810 and have been budgeted by the department; NOW, THEREFORE, BE IT

RESOLVED, that Captain Thomas Rowan and Lieutenant Cheryl Rucinski be and hereby are authorized to attend the "Law Enforcement Computer Security" course being held by Computer Education Services from December 13 through December 17, 2004, in Getzville, New York,.

Upon roll call

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

Item No. 24 A motion was made by Councilmember Mazur; Seconded by Supervisor Gabryszak to adjourn the meeting in memory of U. S. Army Sgt. Cari Ann Gasiewicz of Cheektowaga who gave her life in Iraq.

Time of adjournment was 8:30 P.M

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 30
DECEMBER 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 December, 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; Anthony Romano, Coordinator of Employee Relations; Brian Krause, Director of Finance and Administration; Christine Ziemba, Chief of Police; William Pugh, Town Engineer; Andrew Kulyk, Chairman of Zoning Board of Appeals; Kenneth Kopacz, Director of Parks, Recreation and Youth Services and Salvatore LaGreca, Chairman of Planning Board.

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 amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), Art. V, Schedules, Section 235-45, Schedule VI, "Prohibited Right Turns on Red Signal – Cayuga Creek Road" and Section 235-46, Schedule VII, "Stop Intersections – Gilmore Road" 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 amendment is as follows:



1. ARTICLE V, Schedules, Section 235-45, Schedule VI: Prohibited Right Turns on Red Signal, shall be amended by adding thereto the following:

§235-45. Schedule VI: Prohibited Right Turns on Red Signal.

In accordance with the provisions of §235-17, no person shall make a right turn facing a steady red signal (stop indication) at any one of the following locations:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Prohibited Right Turn on Red Signal Onto</u>
Cayuga Creek Road	Northbound	William St: 2:00 p.m. to 5:00 p.m. And 6:30 p.m. to 8:30 p.m.

2. ARTICLE V, Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by adding thereto the following:

In accordance with the provisions of §235-18, the following described intersections and locations are designated stop intersections:

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



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:	100-1910-3095	Misc. County Aid	\$ 9,000.00
	100-1910-3095	Misc. County Aid	3,500.00
	100-7110-4491	Special Events	1,775.00
	100-7110-4141	Chemicals	7,800.00
	100-7110-4454	Portable Toilets	2,500.00
	100-1315-4001	Office Supplies	90.00
	100-1330-1951	Seasonal Regular	2,000.00
	100-1330-1952	Overtime	7,202.50
	100-1330-2201	Office Equipment	200.00
TO:	100-1410-4051	Records Management	\$ 9,000.00
	100-6410-4194	Media & Publicity	3,500.00
	100-7110-2304	Park Equipment	9,575.00
	100-7110-4162	Gasoline & Oil	2,500.00
	100-1910-4081	Municipal Association Dues	90.00
	100-1330-1902	Seasonal Overtime	9,202.50
	100-1330-4001	Office Supplies	200.00

PART TOWN FUND

FROM:	800-3620-4088	Travel & Conferences	\$ 270.00
	800-3620-2201	Office Equipment	193.00
TO:	800-3620-4191	Miscellaneous	\$ 463.00

SPECIAL DISTRICT FUND

FROM:	150-8160-4468	Compost	\$ 15,000.00
	400-8140-4002	Engineering Supplies	1,000.00
	400-8140-4543	Ditch & Creek Maintenance	1,100.00
	150-1910-4711	Contingency	293,000.00
	150-8173-2651	Sale of Refuse	80,000.00
	150-8160-4468	Composting Costs	39,360.00
	150-8160-8141	Medical Insurance	5,404.00
TO:	150-8160-4160	Diesel Fuel	\$ 15,000.00
	400-8140-4581	Consulting Engineers	2,100.00
	150-8173-4444	Recycling Fees	412,360.00
	150-8160-8151	Group Life Insurance	56.00
	150-8160-1932	Sick Sellback	4,818.00
	150-8160-1911	Longevity	530.00

HUD CDBG FUND

FROM:	700-5098-0738	Depew Youth Activities	\$ 8,323.00
	700-5003-0676	Depew Police Foot Patrols	6,258.28
	700-1003-0721	Drainage Improvements	175.00
	700-1003-0720	Drainage Improvements	3,632.00
	700-1004-0676	Police Foot Patrols	6.07
	700-1001-0720	Contingency	37.00
	700-1001-2403	Senior Center Landscaping	80.00
	700-1001-0801	Drainage Improvements	7,778.05
To:	700-5098-0751	Road Rehabilitation	\$ 8,323.00
	700-5003-0751	Road Rehabilitation	6,258.28
	700-1003-0723	Drainage & Sewer	3,807.00
	700-1004-0723	Drainage & Sewer	6.07
	700-1001-0707	Neighborhood Community Development	7,895.05

**MEETING NO. 30
DECEMBER 20, 2004**

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 Supervisor Gabryszak, Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to December 17, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$ 386,303.47
RISK RETENTION FUND	100,632.32
HUD HOUSING REHABILITATION	23,294.25
SPECIAL DISTRICTS FUND	509,571.57
HIGHWAY FUND	20,778.08
TRUST & AGENCY	1,207.50
HUD CDBG FUND	124,973.29
PART TOWN FUND	12,031.62
CAPITAL FUND	21,739.40
	<u>\$1,200,531.50</u>

Upon roll call

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

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

WHEREAS, by resolution dated January 5, 2004, this Town Board established Town Board meeting dates for 2004, AND

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 2004 and the first meeting date for January, 2005, NOW, THEREFORE, BE IT

RESOLVED, that Town Board meetings shall be held on the following referenced dates at the following times in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York:

December 28, 2004	6:00 P.M. (followed by Work Session)
January 3, 2005	7:00 P.M. (6:45 P.M. public comment)

and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to give public notice of the times and place of such meeting to the news media and to conspicuously post notice of same at least 72 hours before such meetings.

Upon roll call

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

Item No. 6 Motion by Councilmember Johnson, Seconded by Councilmember Magierski

WHEREAS, this Town Board held a public hearing on December 20, 2004 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

MEETING NO. 30
DECEMBER 20, 2004

Item No. 6 cont'd.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

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

1. ARTICLE V, Schedules, Section 235-45, Schedule VI: Prohibited Right Turns on Red Signal, shall be amended by adding thereto the following:

§235-45. Schedule VI: Prohibited Right Turns on Red Signal.

In accordance with the provisions of §235-17, no person shall make a right turn facing a steady red signal (stop indication) at any one of the following locations:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Prohibited Right Turn on Red Signal Onto</u>
Cayuga Creek Road	Northbound	William St: 2:00 p.m. to 5:00 p.m. And 6:30 p.m. to 8:30 p.m.

2. ARTICLE V, Schedules, Section 235-46, Schedule VII: Stop Intersections, shall be amended by adding thereto the following:

In accordance with the provisions of §235-18, the following described intersections and locations are designated stop intersections:

<u>Stop Signs On</u>	<u>Direction Traffic Stops</u>	<u>At Intersection Of</u>
Gilmore Road	North	Gilmore Road

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

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

Upon roll call

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

AFFIDAVIT - NEXT PAGE

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

WHEREAS, the Town of Cheektowaga, in conjunction with the Cheektowaga Economic Development Corporation, has proposed the construction of the Walden Commerce Exchange on the south side of Walden Avenue west of Harlem Road, AND

WHEREAS, in order to provide ingress and egress to the west side of such property at Pine Ridge Road, it is necessary that the Town acquire a piece of property located at 1071 Walden Avenue, AND

WHEREAS, this parcel is integral to the success of the development of the Walden Commerce Exchange, AND

WHEREAS, the Town of Cheektowaga has made a formal purchase offer to the owner of such property, and has not had a response from such owner, AND

WHEREAS, this Town Board on November 15, 2004 held a public hearing on this matter and now needs to hold a further public hearing on this acquisition, AND

WHEREAS, the Town of Cheektowaga wishes to acquire 1071 Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Eminent Domain Procedure Law of the State of New York, a public hearing be held on the 18th day of January, 2005 at 6:30 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing any person in attendance shall have an opportunity to be heard, and at which time and place the Town Board shall make its determination and findings concerning the proposed public project, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in two (2) successive issues of the CHEEKTOWAGA TIMES, the official Town newspaper, and in five (5) successive issues of the BUFFALO NEWS prior to January 18, 2005.



NOTICE OF HEARING
FOR ACQUISITION OF CERTAIN PROPERTY
FOR
TOWN OF CHEEKTOWAGA
WALDEN COMMERCE EXCHANGE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 20th day of December, 2004, and in accordance with the provisions of the Eminent Domain Procedure law of the State of New York, a Public Hearing will be held on the 18th day of January, 2005 at 6:30 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing any person in attendance shall have an opportunity to be heard, and at which time and place the Town Board may make its determination and findings concerning the acquisition of the following privately-owned property in the Walden Avenue/Pine Ridge Road area of Cheektowaga, by the Town's power of eminent domain, for the purpose of constructing an entrance/exit to the proposed Walden Commerce Exchange:

- Former automotive service/gasoline station at 1071 Walden Avenue, Cheektowaga, New York, on a lot situate on the south side of Walden Avenue near Pine Ridge Road, and having a frontage on Walden Avenue on 136.5± feet and a depth of 150± feet.

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

Dated: December 20, 2004

MARY F. HOLTZ
Town Clerk



MEETING NO. 30
DECEMBER 20, 2004

Item No. 7 cont'd.

Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVITS - NEXT PAGE

MEETING NO. 30
DECEMBER 20, 2004

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

WHEREAS, it is in order that bids be advertised for the Purchase of Clothing for Use in Various Programs, for the Town of Cheektowaga Department of Youth and Recreational Services, BE IT

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

RESOLVED that sealed bids will be received on January 12, 2005 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Town Clerk's office located in Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 12, 2005 at 11:00 A.M., Eastern Standard Time, at Town Hall, corner of Broadway and Union Road for the Purchase of Clothing for Use in Various Youth and Recreation Programs.

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

Bid prices will be in effect for the calendar years 2005-, 2006 and 2007.

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

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

Mary Holtz
Town Clerk

Dated: December 20, 2004



Upon roll call

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

AFFIDAVIT - NEXT PAGE

**MEETING NO. 30
DECEMBER 20, 2004**

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

WHEREAS, the contract for the permanent roof repair and reconstruction of damaged components at the Julia Boyer Reinstein Library was awarded by Town Board Resolution dated July 10, 2003 in the amount of \$173,300.00, 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, AND

WHEREAS, Kideney Architects has also submitted and recommended the approval of Change Order #1 (Final) which is further outlined in the change order documents and in a letter to the Town Board dated December 20, 2004, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board be and hereby accepts the completed project for the permanent roof repair and reconstruction of damaged components at the Julia Boyer Reinstein Library and directs the Supervisor to sign the final contract acceptance documents with Lemur Construction Corporation, P.O. Box 852, East Aurora, New York 14052, including Change Order #1 (Final) which provides for a decrease to the aforesaid contract in the amount of \$6,035.00 (credit).

Upon roll call

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

Item No. 9b Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the contract for Electrical Service Improvements at the Roycroft Pump Station was awarded to C.I.R. Electrical Construction Corporation by resolution dated October 6, 2003 for the contract amount of \$58,7000.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract requirements and further recommends the approval of Change Order No. 1 (final) which provides for minor modifications as outlined in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project and directs the Supervisor to execute the final contract acceptance documents with C.I.R. Electrical Construction Corp., 2750 Kenmore Avenue, Tonawanda, New York 14150, including Change Order No. 1 (final) which provides for an increase to the aforesaid contract in the amount of \$140.08 which shall be chargeable to Account No. 2250-8125-2500 budgeted for said electrical improvements project.

Upon roll call

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

Item No. 10 Motion by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, the firm of Kideney Architects was retained to provide professional services for the design of the Additions and Alterations Project at the Senior Citizen Center by Town Board Resolution dated February 3, 2003, AND

WHEREAS, the aforesaid scope of services did not provide for the design of the fire protection sprinkler system within the new banquet area, existing basement and two (2) existing stairwells as later deemed necessary following code review by the Town Building Inspection Office, AND

WHEREAS, separate fire protection plans and specifications were prepared by Kideney Architects for bid purposes for the stated fire protection improvements, NOW, THEREFORE, BE IT

MEETING NO. 30
DECEMBER 20, 2004

Item No. 10 cont'd

RESOLVED, that this Town Board hereby approves and authorizes an amendment to the professional services proposal with Kideney Architects for the inclusion of additional services associated with the design of the main sprinkler system and basement and stair hall sprinklers in accordance with the attached letter proposal dated August 31, 2004 and, BE IT FURTHER

RESOLVED, that funding for the aforesaid additional professional services associated with the aforementioned project in the amount of \$4,000.00 shall be chargeable to Account No. 0500-7620-2520-5122.

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. 30
DECEMBER 20, 2004**

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

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

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

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

WHEREAS, an application was submitted by Robert Dersam for St. Luke Lutheran Church for the demolition of an existing residence at 4376 Union Road and the construction of a parking area accessory to the place of worship at 900 Maryvale Drive, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on December 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 as shown on the attached recommendation dated September 28, 2004, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has approved an area variance for a reduction in the dimensional standards for the parking lot as shown on the attached resolution dated November 18, 2004, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Zoning Board's decision, 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 and grading plan.
2. The removal of the existing westerly driveway on Maryvale Drive, to further the Town's traffic safety goals of curb cut consolidation.

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. 30
DECEMBER 20, 2004

Item No. 12 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 Brian T. Cook, RA for Uniland Development Company for the re-approval of the site plan for a three story 108,000 square foot office at 300 Airborne Parkway, AND

WHEREAS, the Town Board on August 18, 2003 previously re-approved the site plan for the subject project as shown on the attached resolution, AND

WHEREAS, pursuant to Chapter 260, Article VII, Section 260-53B of the Zoning Law the Town Board approval of said site plan expired on August 18, 2004 due to the developer's failure to commence construction within one year from the date of said site plan approval, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 11, 2004 recommended its re-approval of the site plan, AND

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

RESOLVED, that this Town Board re-approves the project site plan subject to the developer making the necessary pedestrian mobility improvements as previously recommended by the Town Traffic Safety Commission and as required by section 1104.1 of the NYS Building Code.

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. 30
DECEMBER 20, 2004

Item No. 13 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 Jim Dobmeier of Surface America for the construction of a 1,533 square foot one story addition to an existing office and an accessory parking lot expansion at 505 Aero Drive, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 17, 2004 is recommending the approval of the site plan, AND

WHEREAS, The Town of Cheektowaga Zoning Board of Appeals has issued an area variance for the proposed building addition and accessory parking expansion, as shown in the attached resolution dated October 21, 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 subject to the following:

1. The Town Engineer approve the grading and drainage plan.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 30
DECEMBER 20, 2004

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

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

RESOLVED, that the recommendations of the EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card and, BE IT FURTHER

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

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 30
DECEMBER 20, 2004**

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

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

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

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

RESOLVED, that the Town of Cheektowaga enter into the STOP-DWI Agreement which commences on January 1, 2004 and terminates on December 31, 2004 with the County of Erie concerning its STOP-DWI program and, BE IT FURTHER

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

Upon roll call

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

Item No. 15b 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 191 Lou Ann Drive, Depew, New York, 14043, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a housing rehabilitation loan agreement with the owner of 191 Lou Ann Drive, Depew, 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
NAYES:	0
ABSENT:	0

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

WHEREAS, the Town of Cheektowaga entered into an Indenture of Lease dated June 11, 2004 with Garrett, LLC for the development of a public golf course on 185+ acres of Town owned land adjacent to Rehm Road in the Town, AND

WHEREAS, as stated in Article 36, Section 36.2, including Exhibit "G" of said Indenture of Lease, the Town of Cheektowaga, at its sole cost and expense, shall cause to be installed on such golf course lands, a water line extension along the northerly side of Rehm Road to interconnect the existing 12" and 8" water lines, AND

WHEREAS, the Erie County Water Authority has submitted a proposal to install the 710+ L.F. 12" diameter water line extension pursuant to the attached estimate to the Engineering Department for such golf course at a cost of \$40,115.00, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned proposal from the Erie County Water Authority for the above referenced water line installation and, BE IT FURTHER

MEETING NO. 30
DECEMBER 20, 2004

Item No. 15c cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all other documents with the Erie County Water Authority necessary to effectuate the installation of such water line and, BE IT FURTHER

RESOLVED, that the moneys for said Water Line Extension Project shall be appropriated from budget line item #500-7140-1100-5817.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 30
DECEMBER 20, 2004

Item No. 15d Motion by Councilmember Jankowiak, Seconded by Councilmember Johnson

WHEREAS, the Town is constantly trying to find ways to cut costs, AND

WHEREAS, under NYSEG's Voice Your Choice program, we can choose our electricity supplier and decide whether we want to pay a fixed or variable price for our electricity supply, AND

WHEREAS, the Town has done research on NYSEG Solutions and believes that its fixed price program will supply our electricity at a minimum cost savings of 6% compared to the current NYSEG prices that the Town currently pays, NOW, THEREFORE, BE IT

RESOLVED, the Town Board agrees to change our electricity supplier to NYSEG Solutions under its fixed price program, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate this change in electricity supplier.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 16 Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

BE IT RESOLVED, 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

BUILDINGS AND GROUNDS – Laborer - \$8 per hour

Felix Lampke Cheektowaga, New York 1/03/05

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 – Clerk - \$6.00 per hour

Julie Bojarski Cheektowaga, New York 1/01/05

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

EFFECTIVE

SANITATION DEPARTMENT

David Deuser 12/20/04

Eugene Willard “

James Kazmierczak “

Jason Wyzykowski “

Patrick Santoro 12/31/04

Jason Ziolkowski “

Edwin Wesolowski “

HIGHWAY DEPARTMENT

Ray Jablonski 12/31/04

James Lasota “

Josh Leinsenheimer “

MEETING NO. 30
DECEMBER 20, 2004

Item No. 16 cont'd.

EFFECTIVE

TAX OFFICE

Delphine Gembka	12/31/04
Eleanor Kantowski	"
Julie Miller	"
Patricia Miller	"
Nancy Paner	"
Denise Myers	"

POLICE DEPARTMENT

Julie Bojarski	11/22/04
Jennifer Wierzbicki	12/31/04
Matthew Boorman	12/31/02

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

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

RESOLVED, that Donald Szumigala of Cheektowaga, New York, 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 and, BE IT FURTHER

RESOLVED, that said appointment shall become effective January 20, 2005, and is 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 Mazur

WHEREAS, a vacancy exists in the title of General Mechanic in the Buildings and Grounds Division, AND

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

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

RESOLVED, that Joseph Trzaska of Cheektowaga, New York, be and hereby is appointed to the position of General Mechanic in the Buildings and Grounds Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective December 20, 2004.

Upon roll call

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

MEETING NO. 30
DECEMBER 20, 2004

ABSENT: 0

Item No. 17c Motion by Councilmember Jankowiak, Seconded by Councilmember Magierski

WHEREAS vacancies currently exist on the Cheektowaga Youth Board, AND

WHEREAS Mary Potienko, a first grade teacher at Theodore Roosevelt Elementary School, located at 2495 William Street, has expressed an interest in serving on the voluntary board, NOW, THEREFORE, BE IT

RESOLVED that Mary Potienko be and, hereby, is appointed to the Cheektowaga Youth Board, for a three year term, effective this date, and expiring on December 19, 2007.

Upon roll call

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

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 18a Minutes of Cheektowaga Conservation Advisory Council – December 2, 2004
Received and Filed.

Item No. 18b Minutes of Cheektowaga Traffic Safety Commission – November 16, 2004
Received and Filed.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Summons: Fidelity Bank vs. the Stanley G. Nadolny, Patricia M. Nadolny, Glen L. Campbell, Mortgage Electronic Registration Systems, Inc., Household Financial Services Inc., the Town of Cheektowaga, Household Finance Realty Corporation of New York, Personal Mortgage Corporation, et al.
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council and Community Development.
Received and Filed.

Item No. 20 Notice of Claim: Joanna L. Urbaniak and Stephen M. Urbaniak vs. the Town of Cheektowaga and Cheektowaga Police Department
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. 21 Request to Speak: William Langan, Cheektowaga Soccer Club
Received and Filed.



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

Upon roll call

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

NAYES: 0

ABSENT: 0



V. SUSPENSION OF RULES

Item No. 22 Motion by Councilmember Magierski, Seconded by Councilmember Johnson

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State and the Property Maintenance Code and Fire Code of New York State requires that unsafe structures be repaired, demolished or safeguarded and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of unsafe structures 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 Secretary of HUD, 5040 Addison Circle, Addison, Texas 75001, 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 Town of Cheektowaga Law for the administration and enforcement of the codes of New York State, 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 Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that all openings in the vacant structures 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. 23 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson to adjourn this meeting. This meeting was adjourned at 8:10 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 31
DECEMBER 28, 2004**

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 28th day of December, 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 were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Anthony Romano, Coordinator of Employee Relations; Brian Krause, Director of Finance and Administration; William Pugh, Town Engineer and Kenneth Kopacz, Director of Parks, Recreation.

I. RESOLUTIONS

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

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

GENERAL FUND

FROM:	100-1110-4321	Data Processing	\$ 1,500.00
	100-1625-4432	Repairs & Maintenance	6,547.40
	100-1680-4431	Maintenance	24,985.29
	100-1680-4088	Travel Training & Conferences	6,865.89
	100-1330-4431	Maintenance	100.00
TO:	100-1110-4001	Office Supplies	\$ 1,500.00
	100-1625-2303	Over the Road Vehicles	6,547.40
	100-1680-2204	Computer Hardware	31,851.18
	100-1330-4001	Office Supplies	100.00

SPECIAL DISTRICTS FUND

FROM:	255-8125-1951	Seasonal Payroll	\$ 5,000.00
TO:	255-8125-1902	Overtime Payroll	\$ 5,000.00

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 December 24, 2004 are hereby approved and made a part hereof:

GENERAL FUND	\$1,297,963.87
RISK RETENTION FUND	45,128.26
DEBT SERVICE FUND	480,000.00
SPECIAL DISTRICTS FUND	778,693.68
HIGHWAY FUND	376,166.84
HUD HOUSING REHABILITATION FUND	33,909.50
PART TOWN FUND	45,794.69
CAPITAL FUND	39,262.21
	<u>\$3,096,919.05</u>

**MEETING NO. 31
DECEMBER 28, 2004**

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. 4a Motion by Councilmember Jankowiak, Seconded by Councilmember Magierski

BE IT RESOLVED, the salaries of the following Town officials be and hereby are established and set forth as follows, effective January 1, 2005:

Supervisor	\$72,952
Councilmember (6)	19,062
Tax Receiver	59,412
Town Clerk	66,846
Highway Superintendent	73,880
Town Justice (2)	66,843
Budget Director	5,000
Registrar of Vital Statistics	5,000

Upon roll call

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

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

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2005:

Town Engineer	\$76,550
Director of Administration & Finance	73,260
Accountant	52,938
Assessor	70,692
Supervising Building & Plumbing Inspector	62,219
Executive Director of Parks, Youth & Recreation	78,539
Program Coordinator – I	43,195
Town Attorney	64,815
Deputy Town Attorney (1)	43,726
Deputy Town Attorney (1)	34,023
Deputy Town Attorney – Prosecutors (2)	16,872
Clerk of Justice Court	43,821
Clerk to Town Justice	34,586
Director of Community Development	66,142
Council Office Clerk Steno	39,601
Administrative Assistant (Town Board)	39,601
Municipal Administrative Assistant Legal	38,734
Deputy Tax Receiver	36,880
Deputy Superintendent of Highways	72,076
Supervisor of Sanitation	13,272
Recreation Supervisor – Senior Citizens	67,477
Director of Employee Relations	71,924
Employee Relations Administrative Clerk	43,351
Confidential Secretary to the Supervisor	37,581
Secretary to Town Supervisor's Office	34,077
Intern Personnel Specialist	37,415

Upon roll call

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

**MEETING NO. 31
DECEMBER 28, 2004**

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

WHEREAS, the New York State Legislature has increased the minimum wage effective January 1, 2005, AND

BE IT RESOLVED that the following individuals be elevated as follows so as to comply with the new minimum wage law as it affects the existing workforce pay structure of those earning less than \$6.00:

Recreation Attendants \$6.50 per hour

Wroblewski, Amy
Gabryszak, Laura
Porter, Deyonca
Hannon, Mark
Stadelmeyer, Maribeth
Bigos, Darlene
Wyzykowski, Amanda
Gaczewski, Dwayne
Gmerek, Jeffery
Collins, Michael
Gaczewski, Matthew
Kostran, Amanda
Brown, Maegen
Brunetto, Joelle
Brunetto, Kristin
Mahoney, Thomas
Gammack, Kristie
Stumm, Julie
Spencer, Christopher
Anderhalt, Kim
Collins, Michael

Recreation Attendant \$6.25 per hour

Stadelmeyer, Kristen
Giczkowski, Heather
Wodowski, Kacey
Lipowicz, Nina
Graser, Gwen
Smith, Zachary
Cendrowski, Amanda
Ciesielski, Joseph
Hale, Melissa
Deveny, Jonathan
Farinacci, Erica
Godzich, Alex

Recreation Attendant \$6.25 per hour

Jarczewski, Brandon

Recreation Aide \$6.25 per hour

Hanley, Matthew
Walters, Kelly
Gasiecki, Tiffany

Recreation Aide \$6.50 per hour

Zelasko, Predolino

Recreation Aide \$6.00 per hour

Mars, Kylie
Root, Krystina
Trapper, Sean
Wodowski, Jacob
Krege, Shauna
Chapman, Bryan

Item No. 5 cont'd.

Recreation Attendant \$6.75 per hour

Neyerlin, James
Petre, Melisa
Adamusik, Darlene
Mayle, Susan
Cycon, Samantha
Grzymala, John
Szydolowski, Hillary
Brown, Laura
Porter, Jessica
Wnuk, Lisa
Lelonek, Justin
Stiglmeier, Jessica
Stortz, Sarah
Au, Erica
Kostran, Jan
Petre, Melisa

Recreation Attendant \$6.00 per hour

Passafiume, Sarah
Tutko, Meghan
Machajewski, Dana
Trembowicz, Amanda
Godzich, Allison
Goff, Jenna

Recreation Specialist \$15.50 per hour

Fleetwood, Deborah

Recreation Specialist \$12.25 per hour

Walters, Barbara

Recreation Specialist \$8.50 per hour

McMahon, Amy

Recreation Specialist \$ 9.75 per hour

Nosal, Victor

Recreation Instructor \$8.00 per hour

Pane, Brian
Szeffler, Pamela

Recreation Instructor \$7.75 per hour

Mills, Kristin

Recreation Instructor \$7.50 per hour

Czaplicki, Nicholas
Dalton, Sean
Filipink, Lauren

Recreation Attendant \$10.00 per hour

Pruski, Amy

Recreation Attendant \$8.00 per hour

Mahalic, Craig
Gretch, Scott

Recreation Instructor \$10.00 per hour

Russell, Camille

Recreation Attendant \$7.25 per hour

Swiatkowski, Rob
Halter, Robert
Dueser, Andrea
Godzich, Kim

MEETING NO. 31
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Item No. 5 cont'd.

Recreation Attendant \$7.75 per hour

Ketterl, Andrea
Pantling, Joelle
Kosielniak, Brian

Recreation Instructor \$9.00 per hour

Hawrysiak, Amy

Recreation Attendant \$7.00 per hour

Garrison, Debbie
Neyerlin, Nicole
Kostran, Janelle

Recreation Instructor \$6.50 per hour

Rejman, Craig

Recreation Instructor \$7.25 per hour

Kiszewski, Jocelyn

Clerk - \$7.50 per hour

Tomasik, Cathy

Upon roll call

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



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO
DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 6, 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. 6 Motion by Councilmember Jankowiak, Seconded by Supervisor Gabryszak

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

Ryan Mohr
James Morganstern
Jim Klein
Gregory Pane
Brad Walters

Upon roll call

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

**MEETING NO. 31
DECEMBER 28, 2004**

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

WHEREAS, the Association of Towns of the State of New York Year 2005 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 20-23, 2005, AND

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

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

RESOLVED, that the following individuals be and hereby are authorized to attend the 2005 Training School and Annual Meeting of the Association of Towns:

Supervisor Dennis H. Gabryszak
Town Engineer William Pugh
Town Attorney Michael J. Stachowski
Councilmember Alice Magierski
Councilmember Patricia A. Jaworowicz
Director of Administration and Finance Brian M. Krause
Town Justice Ronald E. Kmiotek
Town Justice Thomas S. Kolbert
Superintendent of Highways Christopher J. Kowal

and, BE IT FURTHER

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

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

Upon roll call

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

Item No. 7b Motion by Councilmember Jankowiak, Seconded by Councilmember Jaworowicz

WHEREAS, the New York State Government Finance Officer's Association (NYS-GFOA) is holding its Annual Conference on April 6th, 7th and 8th, 2005 in Albany, New York, AND

WHEREAS, the conference shall cover such topics as the new Government Accounting Standards Board Financial Reporting Model (GASB-34), New York State's Fiscal Challenges, Federal Legislative and Regulatory Overviews, 2005 Economic Outlook, Strong Investing in a Weak Market, Municipal Insurance: Controlling Employee Costs, How to Budget in a Crisis, and Local Government Service Sharing, AND

WHEREAS, Supervisor Dennis H. Gabryszak, Director of Administration and Finance Brian M. Krause, and Accountant Kathleen J. Travers are requesting attendance at this conference, NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Gabryszak, Mr. Krause and Ms. Travers are hereby authorized to attend this conference, and all costs not to exceed \$2,000 are to be reimbursed from the following budget account numbers: 100-1315-4088 and 100-1220-4088.

Upon roll call

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

**MEETING NO. 31
DECEMBER 28, 2004**

Item No. 8a Motion by Councilmember Magierski, Seconded by Councilmember Jankowiak

WHEREAS, grant monies in the amount of \$19,000 are available from New York State Senator William Stachowski to purchase office furniture and chairs for the banquet hall at the Town's Senior Citizen 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 New York State Office for the Aging 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. 8b Motion by Councilmember Magierski, Seconded by Councilmember Jankowiak

WHEREAS, grant monies in the amount of \$3,000 are available from Erie County Legislator Michael Ranzenhofer via the Erie County Public Benefit Fund to purchase chairs for the banquet hall at the Town's Senior Citizen Center, AND

WHEREAS, purchase of the furniture will replace worn and aged chairs in the banquet hall, 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. 9 Motion by Councilmember Johnson, Seconded by Councilmember Swiatek to adjourn this meeting. This meeting was adjourned at 6:10 P.M.

Mary F. Holtz
Town Clerk