

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of January, 1977 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; John B. Gruber, Acting Chief of Police; Chester L. Bryan, Town Engineer; Alfred Wnek, Town Highway Superintendent; Ronald Zoeller, Working Foreman of the Sanitation Dept.; Andrew Schwenk, Sole Assessor; Ronald Marten, Building and Plumbing Inspector; Ken Kopacz, Executive Director of the Youth Bureau; Raymond Matot, Superintendent of Buildings and Grounds; Sal LaGreca, Assistant Manpower Program Director I; Ed Leak, Recreation Director; Dr. Louis Vendetti, Town Health Officer; Julia Reinstein, Town Historian.

I. BIDS

Item No. 2 Highway Department - two (2) 1977 - 3/4 ton pick-up Trucks with trade in.
Referred to Alfred Wnek, Highway Superintendent.

II. GENERAL COMMUNICATIONS

Item No. 3 Jacob K. Javits, U.S. Senator - Acknowledgment of communication re: Legislation to extend coverage under the Federal-State Unemployment Insurance System.
Received and Filed.

Item No. 4 N.Y.S. Public Service Commission - Orders and Notice of Public Hearings to be held re: Case 27103 and Case 27104 -- N.Y.S. Electric and Gas Corp. (Electric Rates and Gas Rates).
Received and Filed.

Item No. 5 Erie County Department of Health, Education & Information - Notice of Public Hearing to be held 1/12/77 re: Changes to the Erie County Sanitary Code.
Received and Filed.

Item No. 6 N.Y.S. Dept. of Transportation - Notice of Cancellation of Designation of Restricted Highway: Portion of Harlem Road, N.Y. Route 240 (S.H. 9381).
Copies sent to Highway Superintendent, Acting Chief of Police, Town Board Members; Item Received and Filed.

Item No. 7 SUMMONS & COMPLAINT - Land Reclamation, Inc. vs. Town of Cheektowaga, Cheektowaga Town Board and Community Disposal Service, Inc.
Received and Filed.

III. DEPARTMENTAL COMMUNICATIONS

Item No. 8 Building Permits.
Received and Filed.

Item No. 9 Supervisor's Statement of Funds, November 1976.
Received and Filed.

IV. RESOLUTIONS

Item No. 10 Motion by Supervisor Meyers, seconded by Councilman Johnson

RESOLVED that the following banking institutions be named official town depositors for funds so indicated:

Marine Trust Company (Cheektowaga Office)

Payroll
Highway Fund
Federal Revenue Sharing Fund

Manufacturers and Traders Trust Company (Airport Plaza Branch)

Special Districts
Special Assessment Fund
General Fund

Bank of New York (Cheektowaga Office)

Trust and Agency Fund

Liberty National Bank and Trust Company (Cheektowaga Office)

Construction and Improvement Fund

Citibank of New York, N.A. (Airport Plaza Office)

Part Town Fund

Manufacturers Hanover Trust Co. (Depew Office)

Housing and Urban Development on
Community Development Block Grants Fund

and, BE IT FURTHER

RESOLVED that the above named banking institutions become official town depositors effective January 1st, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 11 Motion by Supervisor Meyers, seconded by Councilman Swiatek

RESOLVED that the following Town Officers, pursuant to Section 25 of the Town Law, shall furnish an official undertaking in the sums so specified, on which undertaking the surety shall be a surety company authorized to do business in the State of New York and to issue such undertakings, the same to be submitted promptly to this Town Board for its approval:

Supervisor	\$300,000
Deputy Supervisor	\$300,000
Superintendent of Highways	\$ 50,000
Receiver of Taxes	\$ 50,000

Item No. 11 Cont'd

Justice of Peace	\$ 25,000
Library Board Chairman	\$ 5,000
Library Board Secretary	\$ 5,000

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Burst, seconded by Councilman Dux

RESOLVED that the Marine Trust Company (Cheektowaga Office), Manufacturers and Traders Trust Company (Airport Plaza Branch), Bank of New York (Cheektowaga Office), Liberty National Bank and Trust Company (Cheektowaga Office), Citibank of New York, N.A. (Airport Plaza Office), Manufacturers Hanover Trust Co. (Depew Office), and Chase Manhattan Bank of Western New York, N.A. (Depew Office), as designated depositories of the Town of Cheektowaga, be and they hereby are requested, authorized and directed to honor checks, notes, and other instruments for the payment of money against town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of Kenneth J. Meyers, Supervisor--

and the Marine Trust Company (Cheektowaga Office), Manufacturers and Traders Trust Company (Airport Plaza Branch), Bank of New York (Cheektowaga Office), Liberty National Bank and Trust Company (Cheektowaga Office), Citibank of New York, N.A. (Airport Plaza Office), Manufacturers Hanover Trust Co. (Depew Office), and Chase Manhattan Bank of Western New York, N.A. (Depew Office), shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes, and other instruments, regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto, if such signature resembles the facsimile specimen or specimens duly certified to or filed with the said banks by the Supervisor, the Town Clerk or other officer of the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that Percival G. Bixby & Co., Inc. be and hereby is retained during the year 1977 as Town Auditors and Financial Consultants.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

RESOLVED, that the salaries of elected Town Officials for the year 1977 and thereafter, be established as follows:

Supervisor	\$27,460.00
Councilmen (6) each	9,325.00

Item No. 14 Cont'd

Town Clerk	\$18,200.00
Highway Superintendent	21,840.00
Justices of Peace (2) each	17,100.00
Receiver of Taxes	17,475.00

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 15 Motion by Supervisor Meyers, seconded by Councilman Dux

BE IT RESOLVED that the salaries of the following town officials and employees who are not covered by any bargaining unit be and hereby are established at the same amount as for the year 1976, and are hereafter set forth as follows. Said salaries shall be subject to further adjustment as more fully set forth in the concluding paragraph of this resolution:

Town Attorney	\$23,970.00
First Deputy Town Attorney	16,050.00
Second Deputy Town Attorney	10,700.00
Ex. Dir. of Youth Bureau	16,300.00
Chief of Police	24,610.00
Town Engineer	26,100.00
Assessor IV	16,800.00
Deputy Assessor	15,730.00
Deputy Receiver of Taxes	11,083.36
Deputy Town Clerk - 1st	11,083.36
Deputy Town Clerk - 2nd	10,288.99
Working Foreman - Sanitation	17,125.00
Bingo Inspectors (6) each	3,150.00
Bingo Inspector (1) Chairman	3,260.00
School Crossing Guards	3.00 per hour
Secretary to Civil Defense Director	2.60 per hour
Health Officer	15,800.00
Building and Plumbing Inspector	16,800.00
Planning Commission (5) each	1,230.00
Planning Commission (1) Secretary	1,830.00
Planning Commission (1) Chairman	2,185.00
Zoning Board (4) each	1,470.00
Zoning Board (1) Chairman	1,830.00
Police Matron (2) each	2,290.00
Election Inspectors (Primary & Registration Day)	28.00 per day
(Election Day)	34.65
(Chairman extra \$5.00 day)	
General Foreman Parks Department	17,600.00
Director of Recreation	14,750.00
Part time Clerical	22.00 per day
Civil Defense Director	1,675.00
Recreation Secretary - part time	2,115.00
Secretary to Supervisor	12,200.00
Mail Clerk	1,645.00
Assessment Review Board (4) each	500.00
Assessment Review Board (1) Chairman	700.00
Senior Recreation Supervisor	8,950.00
Secretary in Council Office	7,751.82
Assistant Police Chief	21,000.00
*Program Director Youth Bureau	10,150.00
Senior Citizens Director	10,700.00
Van Drivers (Senior Citizens)	2.75 per hour

*Salary listed for Program Director Youth Bureau is incorrect; amount will be rescinded at next regular Town Board Meeting of 1/17/77 (\$10,705.00 correct salary).

Item No. 15 Cont'd

and, BE IT FURTHER

RESOLVED, that it is the express intent of the Town Board that the above listed salaries shall be adjusted by an increase in the event that all negotiating units representing Town employees, including the Supervisory group and Police groups, negotiate an increase in wages and salaries during the year 1977, and, BE IT FURTHER

RESOLVED, that such increase for the above listed parties shall be approximately proportionate in the amount to the increase granted in the negotiating units' agreements, and shall become effective after all such agreements by the negotiating units have been consummated and signed by the parties to said agreements.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Burst, seconded by Councilman Wasielewski

BE IT RESOLVED, that the following persons be and hereby are hired as Seasonal (Part-time clerical) Employees to assist RONALD R. NORMAN Receiver of Taxes and Assessments, in the 1977 Tax Collection and that their pay be fixed at the sum of twenty-two (\$22.00) dollars per day:

Irene Lackemeyer	Geraldine Glascott
Charlotte Nawrocki	Evelyn Tokasz
Eleanor Yantomasi	Kathleen Zanghi
Angeline D'Agostino	Monika Arendt
Alice Nowicki	Jacqueline Blachowski
Sally Repec	Beverly Kruger
Deborah Dudek	Arlene Jankowski
Delphine Kosmider	Francis Zale

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Swiatek, seconded by Supervisor Meyers

RESOLVED that the following individuals be hired to work for the Cheektowaga Youth Bureau with the titles and salaries for 1977 and thereby be established as follows:

AS A CLERK IN THE ADMINISTRATIVE INTERN PROGRAM

Bernadette Przybylak
14227 - \$3.00 per hour

Item No. 17 Cont'd

AS A CLERK IN THE ADMINISTRATIVE INTERN PROGRAM

Debra Kosicki	14227	-	\$2.75 per hour
Kathleen Martin	14225	-	\$2.75 per hour
Greg Kimmel	14225	-	\$2.50 per hour
Sandra Lennert	14225	-	\$2.50 per hour

WORK-EXPERIENCE PROGRAM

Donald Franz	14225	-	\$2.20 per hour
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PART-TIME RECREATION SUPERVISOR FOR SPECIAL SWIM PROGRAM @ \$5.00 per hour

Joseph V. Daly	14225
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LIFEGUARDS @ \$2.60 per hour

Kathy Bauers	14225
Michael Cirbus	14225
Kathy Daly	14225
Roseanne Danzi	14225
Debbie Healy	14225
Richard Poplewski	14227

RECREATION ATTENDANTS FOR C.A.T.C.H. PROGRAM @ \$2.50 per hour

Barbara Jo Staebell	14225
Greg Mohring	14215

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Dux, seconded by Councilman Burst

RESOLVED, that Alexander Mazgajewski of _____, Cheek-towaga, New York be and hereby is appointed as Chief Bingo Inspector at an annual salary of \$3,260.00 effective as of January 1, 1977, and BE IT FURTHER

RESOLVED that the following individuals be and hereby are appointed as Bingo Inspectors at an annual salary of \$3,150.00, effective as of January 1, 1977:

Item No. 18 Cont'd

John Grubka -
Leonard J. Kogut -
Charlotte Janiak -
Royden Klager -
Kenneth Jeffords -

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the position of "Senior Clerk" in the Cheektowaga Highway Department has previously been created, and

WHEREAS, Maryanna S. Stafflinger of _____, Cheektowaga, New York, presently a Clerk Typist in the Cheektowaga Highway Department, appears first on an Erie County eligible list for Senior Clerk, NOW THEREFORE BE IT

RESOLVED that Maryanna S. Stafflinger be and hereby is promoted to the position of "Senior Clerk", at a starting salary of \$9,244.35, effective January 4, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, the position of "Clerk to Town Justice" in the Cheektowaga Justice Department has previously been created, NOW, THEREFORE BE IT

RESOLVED that Florence Walentynowicz, of 86 Markus Drive, Cheektowaga, New York, is hereby appointed to the position of "Clerk to Town Justice" at a starting salary of \$10,290.00, effective January 4, 1977, and BE IT FURTHER

RESOLVED that said appointment shall be considered exempt pending jurisdictional classification from the New York State Civil Service Commission.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Swiatek, seconded by Councilman Johnson

WHEREAS, an amendment to the Agreement dated the 2nd day of June, 1975 between the CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK and the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK in connection with the Cheektowaga-Maryvale Recreation Center has been drawn up, and

WHEREAS, said amendment has been reviewed and found to be in proper form, now, therefore, BE IT

RESOLVED that the Supervisor be and here is authorized to execute

Item No. 21 Cont'd

said amendment to the Agreement dated the 2nd day of June, 1975 on behalf of the Town, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized to attest thereto, and BE IT FURTHER

RESOLVED that a copy of said amendment to said Agreement is attached hereto and made a part hereof.

***SEE NEXT FOUR (4) PAGES

A G R E E M E N T

THIS AGREEMENT made as of the 1st day of September, 1976 by and between CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL DISTRICT OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at 1050 Maryvale Drive, Cheektowaga, New York, party of the first part, hereafter referred to as "School District"

and

TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at Broadway and Union Road (no street number), Cheektowaga, New York, party of the second part, hereafter referred to as "Town"

WITNESSETH:

WHEREAS, an agreement has been made as of the 2nd day of June, 1975 between the parties hereto whereby the Town agrees to establish, maintain and operate a social center and recreation center on and in the real property as described in the said agreement and for the improvements likewise described therein for the period from January 1, 1976 to January 1, 1991, and

WHEREAS, a mistake was inadvertently made in paragraph numbered 2 of said agreement relating to the formula for repayment of a pro rata amount to the School District by the Town

which the School District shall have paid to the Town, if at any time during the aforesaid period of January 1, 1976 to January 1, 1991 the Town shall cease to operate and maintain the aforementioned property and improvements which exist or shall exist thereon as a social center and recreation center (except as provided in paragraph "3", following as to Parcel "C"), and said paragraph "2", based on the exchange of mutual considerations between the parties hereto and other good and valuable considerations therefor, receipt of which are concurrently acknowledged, is revised and rewritten to read as follows:

2. If at any time during the aforesaid period of January 1, 1976 to January 1, 1991 the Town shall cease to establish, operate and maintain the aforesaid property and improvements, which exist or shall exist thereon, as a social center and recreation center (except as provided in paragraph "3", following as to Parcel "C"), the Town shall repay to the School District a pro rata amount of the money which the School District shall have paid the Town, to wit: a fraction thereof the numerator of which shall be the number of days from and including the first day on which the Town shall cease to operate and maintain the aforesaid property and improvements as a social center and recreation center (except as provided in paragraph "3", following as to Parcel "C"), to January 1, 1991 (January 1, 1991 excluded) and the denominator thereof shall be the number

of days in the period of January 1, 1976 (January 1, 1976 included) to January 1, 1991 (January 1, 1991 excluded). It is understood and agreed that after the establishment, operation and maintenance of such real property and the improvements which exist or shall exist thereon for such aforementioned uses by the Town and the Town's performance of all of its other obligations herein for the period from January 1, 1976 to January 1, 1991, the Town's obligations herein shall be terminated.

All of the other terms, provisions and conditions of the said agreement made as of the 2nd day of June, 1975 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

CHEEKTOWAGA-MARYVALE UNION FREE SCHOOL
DISTRICT OF THE TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK

By Charles W. Collins
Member of the Board of Education

Raymond C. Howard
Member of the Board of Education

Robert M. Russell
Member of the Board of Education

Roger M. Perry
Member of the Board of Education

James [unclear]
Member of the Board of Education

Attest:

Nancy Kunert
School District Clerk

TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

By *Kenneth J. Meyer*
Supervisor

Attest:

Richard M. Moleski
Town Clerk

RECEIVED

FEB 25 1977

Richard M. Moleski, Town Clerk

Item No. 21 Cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Wasielewski, seconded by Councilman Burst

WHEREAS, recommendation has been made that certain provisions of the Building Code of the Town of Cheektowaga, New York be amended, and

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting said amendments to said Building Code and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 20th day of December, 1976 at 7:00 o'clock p.m. Eastern Standard Time; and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard, and

WHEREAS, it is in the public interest to adopt the following amendments to the Building Code of the Town of Cheektowaga, New York, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the Building Code of the Town of Cheektowaga, New York be and the same hereby is amended and changed by the following textual additions and deletions: (changes or additions in text are indicated by underline, deletions by ~~strikeouts~~).

~~Each application shall be accompanied by the required fee which is hereby fixed as follows:~~

~~Residential~~

~~Single Dwelling.....\$15.00
Double Dwelling.....\$25.00
Private Garage.....\$10.00~~

~~Commercial Structures~~

~~\$2.00 per thousand for first \$25,000 valuation
\$1.00 per thousand for next \$100,000 valuation
\$.50 per thousand over \$125,000 valuation
{Minimum fee \$25.00}~~

~~{Same fees to apply to addition and remodeling of commercial structures:}~~

~~Store-----Retail Buildings--~~

~~\$50---\$15 per apartment~~

~~Apartment Buildings-~~

~~\$15.00 per apartment~~

~~Moving of Buildings -~~

~~\$20.00~~

~~Interior Alteration~~

~~\$-5.00~~

~~Exterior Alteration~~

~~\$5.00-{Under-\$500-Valuation}~~

~~Exterior Alteration~~

~~\$10.00-{Over-\$500-Valuation}~~

Each application shall be accompanied by the required fee based upon the cost of the structure or improvement except where a specific fee is provided herein:

COMMERCIAL STRUCTURES

\$2.00 per thousand for the first \$50,000.00 valuation
\$1.00 per thousand over \$50,000.00 valuation
(Minimum fee \$25.00)

RESIDENTIAL STRUCTURES

\$2.00 per thousand for the first \$10,000.00 valuation
\$1.00 per thousand over \$10,000.00 valuation
(Minimum fee \$10.00)

Item No. 22 Cont'd

<u>MOVING OF BUILDINGS.....</u>	<u>\$20.00</u>
<u>DEMOLITION.....</u>	<u>\$10.00</u>
<u>STORAGE TANKS.....</u>	<u>\$25.00</u>
<u>SWIMMING POOLS.....</u>	<u>\$10.00</u>
<u>ADVERTISING SIGN.....</u>	<u>\$40.00</u>
<u>IDENTIFICATION SIGN.....</u>	<u>\$10.00</u>
<u>CERTIFICATE OF OCCUPANCY.....</u>	<u>\$10.00</u>
<u>(All building permit application fees shall include</u>	
<u>a \$10.00 non-refundable filing fee.)</u>	

BE IT FURTHER RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 3rd day of January, 1977; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein.

That the Town Clerk post or cause to be posted on the signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk.

The aforementioned amendments to the Building Code of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication and posting, but such amendments shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Cladya M. Decker, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Cladya M. Decker* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for 1 weeks;
first publication..... *January 6, 1977* ;
last publication..... *January 6, 1977* ;
and that no more than six days intervened be-
tween publications.

Cladya M. Decker

Sworn to before me this *7th*

day of *January*, 19..... *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *77*

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637
1968

1968

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637
1968

Item No. 23 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, this Town Board duly held a Public Hearing on the 20th day of December, 1976 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, 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 determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie, and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE VIII

Stop and Yield Intersections

Section 80 is amended by adding thereto the following:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
BANKO DRIVE	North-South	AIRPORT ROAD	Westbound	N.E. Corner
DEAN ROAD	North-South	AIRPORT	Eastbound	S.W. Corner
DEAN ROAD	North-South	AIRPORT ROAD	Westbound	N.E. Corner
HYLAND ROAD	North-South	AIRPORT ROAD	Eastbound	S.W. Corner

Section 2. Time to take effect.

(a) This amendment shall take effect immediately 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.

(b) Any part or parts of this amendment which is 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.

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York, outside of the Villages of Depew and Sloan.

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Scute of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *January 6, 1977* ;
last publication *January 6, 1977* ;
and that no more than six days intervened be-
tween publications.

Clady M. Scute

Sworn to before me this *7th*

day of *January*, 19 *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *77*

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 3rd day of January, 1977 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:
Supervisor Kenneth J. Meyers
Councilmen:
Frank E. Swiatek
Raymond J. Wasielewski
Thomas M. Johnson Jr.
Frank J. Dux
George Kaczmarek
James R. Burst

ABSENT: 0
Motion by Supervisor Meyers Seconded by Councilman Johnson.

WHEREAS, this Town Board duly held a Public Hearing on the 20th day of December, 1976 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1977, said hearing being held in accordance with the provisions of the said Ordinance, which was duly posted as required by law, at which time 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 determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie, and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE VIII
Stop and Yield Interactions
Section 29 is amended by adding thereto the following:

Street - **BANKO DRIVE**; Direction, North-South; Entrance Street - **AIRPORT ROAD**; Traffic Stops - Westbound; Sign Location - N.E. Corner.

Street - **DEAN ROAD**; Direction, North-South; Entrance Street - **AIRPORT ROAD**; Traffic Stops - Eastbound; Sign Location - S.W. Corner.

Street - **DEAN ROAD**; Direction, North-South; Entrance Street - **AIRPORT ROAD**; Traffic Stops - Westbound; Sign Location - N.E. Corner.

Street - **MYLAND ROAD**; Direction - North-South; Entrance Street - **AIRPORT ROAD**; Traffic Stops - Eastbound; Sign Location - S.W. Corner.

Section 2. Time to take effect.

(a) This amendment shall take effect immediately 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.

(b) Any part or parts of this amendment which is 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.
This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York, outside of the Villages of Depew and Sloan.

Section 4. Publication and Posting.
That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the **CHEEKTOWAGA TIMES**, a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon roll call

Supervisor Meyers	Voting AYE
Councilmen:	
Swiatek	Voting AYE
Wasielewski	Voting AYE
Johnson	Voting AYE
Dux	Voting AYE
Kaczmarek	Voting AYE
Burst	Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK)

COUNTY OF ERIE)

I, **RICHARD M. MOLESKI**, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on January 3, 1977, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 23, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 4th day of January, 1977.

RICHARD M. MOLESKI
Town Clerk

Item No. 24 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga is eligible for \$646,101 in funds for fiscal year 1977, under the 1974 Housing and Community Development Act, AND

WHEREAS, the Town of Cheektowaga has entered into a consortium with the County of Erie to procure these funds, AND

WHEREAS, the Town of Cheektowaga, as informed by the County of Erie and required by the rules and regulations governing the Community Development Block Grants, must hold a public hearing before February 1, 1977, for the purpose of:

(a) providing citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements; and

(b) providing citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments, NOW THEREFORE BE IT

RESOLVED that public hearing be held on Wednesday, January 12, 1977 at 7:00 P.M., Eastern Standard Time, and on Monday, January 17, 1977 at 6:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the above said purpose, AND BE IT

FURTHER RESOLVED that notice of such hearings be published in the CHEEKTOWAGA TIMES on Thursday, January 6, 1977.

* * * * *

NOTICE TO THE CITIZENS OF THE TOWN OF CHEEKTOWAGA

A public hearing will be held on Wednesday, January 12, 1977 at 7:00 P.M. and again on Monday, January 17, 1977 at 6:00 P.M. at the Town Hall, corner of Broadway and Union Road, regarding the use of federal Community Development funds in the Town of Cheektowaga.

The Town of Cheektowaga is eligible for a \$646,101 third-year grant under Title I of the Housing & Community Development Act of 1974. The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Town of Cheektowaga.

All citizens are urged to attend these meetings to make known their views on Cheektowaga's selection of projects to be funded by the federal Community Development Grant Program.

January 6, 1977

Kenneth J. Meyers
Supervisor

Councilman Raymond Wasielewski
Councilman Thomas Johnson, Jr.
Councilman George Kaczmarek

Councilman Frank E. Swiatek
Councilman Frank Dux
Councilman James Burst

Richard M. Moleski
Town Clerk

* * * * *

Item No. 24 Cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVIT-BELOW

STATE OF NEW YORK }
COUNTY OF ERIE } ss.
TOWN OF CHEEKTOWAGA }

Gladys M. Swiatek of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is *Clerk* of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for weeks: first publication *January 6, 1977*; last publication *January 6, 1977*; and that no more than six days intervened between publications.

Gladys M. Swiatek

Sworn to before me this *7th*

day of *January*, 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

Item No. 24 Cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-BELOW

NOTICE TO THE CITIZENS OF THE TOWN OF CHESTOWAGA
A public hearing will be held on Wednesday, January 12, 1977 at 7:00 P.M. and again on Monday, January 17, 1977 at 6:00 P.M. at the Town Hall, corner of Broadway and Union Road, regarding the use of federal Community Development funds in the Town of Chestowaga.

The Town of Chestowaga is eligible for a \$44,101 third-year grant under Title I of the Housing & Community Development Act of 1974. The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Town of Chestowaga.

All citizens are urged to attend these meetings to make known their views on Chestowaga's selection of projects to be funded by the federal Community Development Grant Program.

Kenneth J. Meyers
Supervisor

January 6, 1977

Councilmen:

Raymond Wasielewski
Thomas Johnson, Jr.
George Kaczmarek
Frank E. Swiatek
Frank Dux
James Burst

RICHARD M. MOLESKI
Town Clerk

Item No. 25 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the Town Board, in a resolution dated November 15, 1976, has authorized McFarland-Johnson Engineers, Inc. to perform the necessary engineering services to construct storm sewers on Ellen, Fairhaven and Rosedale Drives in conjunction with the Union Road Reconstruction in anticipation of Federal Economic Development Act Funds, AND

WHEREAS, the Town of Cheektowaga was not successful in being approved to receive E.D.A. Funds for this specific project, AND

WHEREAS, the New York State Department of Transportation will commence reconstruction of Union Road S.H. 9215 from George Urban Boulevard north to Town Line in January, 1977, NOW THEREFORE BE IT

RESOLVED that the cost of storm sewers on Ellen, Fairhaven and Rosedale shall be a Federal Revenue Sharing expenditure, AND, BE IT FURTHER

RESOLVED that the firm of McFarland-Johnson Engineers, Inc. is hereby authorized to complete all necessary specifications for bidding said project, AND BE IT FURTHER

RESOLVED that the fee for such services, to be drawn from the Town Federal Revenue Sharing Fund, not exceed the sum of \$2,000.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 26 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the 93rd session of the Congress of the United States has passed, and the President of the United States has signed into law, the Housing and Community Development Act of 1974, AND

WHEREAS, the primary purpose of the Housing and Community Development Act of 1974 is to develop better communities in the United States, AND

WHEREAS, Erie County desires to assist the cities, towns, and villages of the County to gain a maximum share of any funds available under said Housing and Community Development Act, AND

WHEREAS, the Town of Cheektowaga desires to undertake essential community development and housing activities, as defined in said Act, AND

WHEREAS, Erie County has been designated as an "Urban County" by the United States Department of Housing and Urban Development and is thereby entitled to a formula share of program funds, provided said County enters into cooperation agreements with included units of general local government having combined population of 200,000 persons or more, AND

WHEREAS, the Erie County Legislature has authorized the County Executive to enter into such cooperative agreements, NOW, THEREFORE BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga is authorized to enter into a cooperation agreement with Erie County, New York, for the years 1977, 1978 and 1979, which provides, among other things, that Cheektowaga's 1970 census population of 94,236 be included with that of said county, and which further provides for said county to undertake or assist in undertaking essential community development housing activities as defined by said act, within Cheektowaga's corporate bounds, AND BE IT FURTHER

RESOLVED that the Supervisor of the Town of Cheektowaga is authorized to sign such additional forms and applications as requested by the Department of Housing and Urban Development and Erie County to further the purposes of the resolution.

Item No. 26 Cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Johnson, seconded by Supervisor Meyers

BE IT RESOLVED that a Public Hearing on proposed amendments to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 17th day of January, 1977 at 7:00 p.m. Eastern Standard Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 January 6, 1977; the said amendments being set forth in the Notice of Hearing.

NOTICE OF 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, corner of Broadway and Union Road, in said Town of Cheektowaga on the 17th day of January, 1977 at 7:00 o'clock p.m. Eastern Standard Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE V

One Way Roadways

Section 50 is amended by adding thereto the following:

DINGENS STREET - is hereby designated for one-way traffic in a westerly direction between its intersection with CASS AVENUE and its intersection with HARLEM ROAD.

ARTICLE VII

Turning Movements

Section 74-Right on Red After Stop-is deleted therefrom as follows:

1. Right turns from the north on CAYUGA ROAD at its intersection with CLEVELAND DRIVE.
2. Right turns from the north on CAYUGA ROAD at its intersection with MARYVALE DRIVE.

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

DATED: January 3, 1977

RICHARD M. MOLESKI
Town Clerk

Item No. 27 Cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVIT-BELOW

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Secliter, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is *Clara* of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for *1* weeks: first publication *January 6, 1977*; last publication *January 6, 1977*; and that no more than six days intervened between publications.

Gladys M. Secliter

Sworn to before me this *7th*

day of *January*, 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

Item No. 27 Cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVIT-BELOW

NOTICE OF 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, corner of Broadway and Union Road, in said town of Cheektowaga on the 17th day of January, 1977 at 7:00 o'clock p.m. Eastern Daylight Saving Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE V

One Way Roadways

Section 50 is amended by adding thereto the following:

DINGENS STREET is hereby designated for one-way traffic in a westerly direction between its intersection with CASS AVENUE and its intersection with HARLEM ROAD.

ARTICLE VII

Turning Movements

Section 74-Right on Red After Stop - is deleted herefrom as follows:

1. Right turns from the north on CAYUGA ROAD at its intersection with CLEVELAND DRIVE.
2. Right turns from the north on CAYUGA ROAD at its intersection with MARYVALE DRIVE.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTO-WAGA, ERIE COUNTY, NEW YORK.

Dated: January 3, 1977

RICHARD M. MOLESKI
Town Clerk

Item No. 28 Motion by Councilman Dux, seconded by Supervisor Meyers

BE IT RESOLVED that the leave of absence granted to James R. Burst, Depew, New York, from his position of Auto Mechanic in the Police Garage, be and hereby is extended for a period of one (1) year effective January 30, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux and Kaczmarek
NAYES: 0
ABSENT: 0
ABSTAINED: Councilman Burst

Item No. 29 Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED that the leave of absence granted to Diane M. Farugia, Cheektowaga, New York, from her position of Clerk Stenographer be and hereby is extended for a period of one (1) year, effective January 1, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 30 Authorized Leave for Town Assessor to attend Conference.
Item Withdrawn.

Item No. 31 Motion by Supervisor Meyers, seconded by Councilman Dux

BE IT RESOLVED that the Town Clerk is hereby directed to publish a Notice to Bidders for the purchase of quantities of road materials to be used by the Cheektowaga Highway Department (stone, asphalt, winter mix, road oil, plant mixed concrete, etc.). Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 p.m. on January 17, 1977 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga will receive proposals for Seasonal Requirements at the Town Board meeting of January 17th, 1977 at 7:00 P.M. Seasonal requirements as follows:

- STONE -- Various sizes
- ASPHALT -- Plant Mix, Blacktop - various sizes
- WINTER MIX -- Plant mixed all weather stockpile patching material - various sizes
- ROAD OIL -- Liquid and tar penetration and surface treating - various sizes
- PLANT MIXED CONCRETE -- Various sizes, bulk and bagged
- TOPSOIL -- Regular and shredded
- CONCRETE BLOCKS, CEMENT, MORTAR, GRAVEL AND GRIT

Pick up by the Town Highway trucks within a 15 mile distance.

Information for bidders and specifications may be obtained from Alfred F. Wnek, Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga,

Item No. 31 Cont'd

New York.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR SEASONAL ROAD MATERIALS FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT". Non-collusion forms must be signed and submitted with bids.

SIGNED _____
Richard Moleski, Town Clerk

DATED: December 30, 1976
PUBLISHED: January 6, 1977

* * * * *

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sestito, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Editor*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *January 6, 1977* ;
last publication *January 6, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sestito

Sworn to before me this*7th*.....

day of*January*....., 19*77*

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

LEGAL NOTICE TO BIDDERS
In compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga will receive proposals for Seasonal Requirements at the Town Board meeting of January 17th, 1977 at 7:00 P.M. Seasonal requirements as follows:

STONE - Various Sizes
ASPHALT - Plant Mix, Blacktop - various sizes
WINTER MIX - Plant mixed all weather stockpile patching material - various sizes
ROAD OIL - Liquid and tar penetration and surface treating - various sizes

PLANT MIXED CONCRETE - various sizes, bulk and bagged
TOPSOIL - regular and shredded
CONCRETE BLOCKS, CEMENT, MORTAR, GRAVEL AND GRIT

Pick up by the Town Highway trucks within a 15 mile distance.

Information for bidders and specifications may be obtained from Alfred F. Wnek, Superintendent of Highways, at his office located at 3145 Union Road, S. Cheektowaga, New York.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR SEASONAL ROAD MATERIALS FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT." Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI
Town Clerk

DATED: December 30, 1976
PUBLISHED: January 6, 1977

Item No. 32 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending January 3rd, 1977, be and hereby are approved and the Supervisor pay said warrants:

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
GENERAL	9216	9352	\$ 749,132.99
SPECIAL DISTRICT	2420	2462	808,915.19
HIGHWAY	2010	2091	75,244.10
PART TOWN	500	515	14,192.83
FEDERAL REVENUE SHARING	21	24	2,721.82
CONSTRUCTION AND IMPROVEMENT	86	87	208,193.00
TRUST AND AGENCY	338	356	270,390.75
			<u>\$2,128,790.68</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
 NAYES: 0
 ABSENT: 0

Motion by Councilman Wasielewski, seconded by Councilman Johnson to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
 NAYES: 0
 ABSENT: 0

V. SUSPENSION OF RULES

Item No. 33 Motion by Councilman Wasielewski, seconded by Councilman Dux

WHEREAS, the New York State Association of Towns is holding its annual meeting and conferences in New York City on February 21, 22, and 23, 1977, and

WHEREAS, said Association shall hold its annual reorganization meeting and has requested the Town of Cheektowaga to appoint its Delegate and Alternate to said meeting, NOW, THEREFORE, BE IT

RESOLVED that Supervisor Kenneth J. Meyers be and hereby is appointed Delegate to the annual reorganization meeting of the New York State Association of Towns on behalf of the Town of Cheektowaga, and, BE IT FURTHER

RESOLVED that Councilman Frank E. Swiatek be and hereby is appointed as Alternate Delegate.

Upon Roll Call....

AYES: 7 NAYES: 0 ABSENT: 0

1/3/77

Item No. 34 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the Town Engineer's Office of the Town of Cheektowaga has recommended that certain provisions of the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York, be amended;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of Section 130 of the Town Law of the State of New York, a public hearing be held on the 17th day of January, 1977 at 7:00 o'clock p.m. Eastern Standard Time, at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York shall be amended as provided in the attached Notice of Hearing; and

BE IT FURTHER RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) nor more than twenty (20) days prior to the date of the hearing.

* * * * *

NOTICE OF HEARING

ON PROPOSAL TO AMEND

PLUMBING AND DRAINAGE ORDINANCE

NOTICE IS HEREBY GIVEN THAT in pursuant of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 3rd day of January, 1977, and in accordance with the provisions of Section 130 of the Town Law of the State of New York, a Public Hearing will be held on the 17th day of January, 1977 at 7:00 o'clock p.m. Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York shall be amended and changed as follows (deletions shall be shown by ~~strikeouts~~ and additions by underline):

- 1. RESOLVED that Section 4, Subdivision 1 of the Plumbing and Drainage Ordinance which reads:

~~Basement-or-cellar-floor-drains:--Cellar-or-base
ment-floor-drains-shall-connect-into-a-deep-seal-trap
so-constructed-that-it-can-be-readily-cleaned-and-of
a-size-not-less-than-three-inches-in-diameter.--When
subject-to-back-flow-or-back-pressure-such-drains-may
be-equipped-with-an-approved-deep-seal-back-water-trap
of-the-automatic-type-not-less-than-three-inches-in
diameter-or-a-stand-pipe-not-less-than-two-inches-in
diameter-and-the-same-to-be-four-feet-above-the-cellar
floor:~~

shall be amended to read:

The main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains are not permitted to discharge into the sanitary sewer. Laundry trays and washers installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the

fixtures are in use.

2. RESOLVED that Section 4, Subdivision 3 of the Plumbing and Drainage Ordinance which reads:

~~Sub-soil-foundation, clear-water-and-absorption-tile-drains:~~

~~(A)--Where-above-crown-of-storm-sewer, these drains shall be connected to storm sewer, through a catch basin as may be approved by the Inspector.~~

~~(B)--Where-below-crown-of-storm-sewer, these drains may be connected to sanitary sewer, through cellar drain, excepting in the cases where there exists a spring or other flowing body of water in which case special instructions shall be given by the Inspector and followed by the plumber.~~

~~In both cases (A) and (B) where sub-soil drains are placed under the cellar floor or used to encircle the outer walls of a building, the same shall be made of open-jointed drain tile or earthenware pipe, not less than three inches in diameter, and shall be properly trapped and protected against back-pressure by an automatic back-pressure valve accessibly located before entering storm sewer, house sewer or drain.~~

shall be amended to read:

All building having cellars shall have an adequate sump and sump pump to which any interior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains or road ditch. Where such points of discharge are not available the Town Engineer or his representative shall determine method of water disposition.

3. RESOLVED that Section 4, Subdivision 9 of the Plumbing and Drainage Ordinance which reads:

~~Where the minimum size house drain is allowed, the trap for floor drain must connect into main drain at least five feet from soil stack or may be connected into a three-inch drain that receives only the waste of tray and sink.~~

shall be amended to read:

On all new construction, downspouts or sump pumps shall be discharged to storm sewers, curb drains, or road ditch.

On existing construction, downspouts and sump pumps shall be discharged to curb drain or road ditch or may be discharged to a splash block. All sump pump or downspout water shall be so directed that it will not flow onto adjacent properties.

4. RESOLVED that Section 7, Subdivision 5 of the Plumbing and Drainage Ordinance which reads:

~~(A)--Gutters and inside leaders shall not be less in diameter than indicated by the following table:~~

shall be amended to read:

Item No. 34 Cont'd

(A) Gutters and inside leaders shall be installed on all roofs and shall not be less in diameter than indicated by the following table:

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

DATED: January 3, 1977

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Madys M. Sestato, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Club* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *January 6, 1977* ..;
last publication..... *January 6, 1977* ..;
and that no more than six days intervened be-
tween publications.

Madys M. Sestato

Sworn to before me this *7th*

day of *January*, 19*77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

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 3rd day of January, 1977, and in accordance with the provisions of Section 120 of the Town Law of the State of New York, a Public Hearing will be held on the 17th day of January, 1977 at 7:00 o'clock p.m. Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York shall be amended and changed as follows (deletions shall be shown by strike-outs and additions by bold type):

1. RESOLVED that Section 4, Subdivision 1 of the Plumbing and Drainage Ordinance which reads:
- Basement or cellar-floor drains: Cellar or basement floor drains shall connect into a deep-seal trap constructed that it can be readily cleaned and of a size not less than three-inches in diameter. When subject to back-flow or back pressure such drains may be equipped with an approved deep seal back-water trap of the automatic type not less than three inches in diameter or a stand pipe not less than two inches in diameter and the same to be four feet above the cellar-floor.

shall be amended to read:
The main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains are not permitted to discharge into the sanitary sewer. Laundry trays and washers installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.

2. RESOLVED that Section 4, Subdivision 3 of the Plumbing and Drainage Ordinance which reads:

Sub soil foundation, clear water and absorption tile drains:
(A) Where above-crown of storm sewer, these drains shall be connected to storm sewer, through a catch basin as may be approved by the Inspector.
(B) Where below-crown of storm sewer, these drains may be connected to sanitary sewer, through cellar drain, excepting in the cases where there exists a spring or other flowing body of water in which case special instructions shall be given by the Inspector and followed by the plumber.

In both cases (A) and (B) where sub-soil drains are placed under the cellar floor or used to encircle the outer walls of a building, the same shall be made of open-jointed drain tile or earthenware pipe, not less than three inches in diameter, and shall be properly trapped and protected against back pressure by an automatic back pressure valve accessibly located before entering storm sewer, house sewer or drain.

shall be amended to read:
All buildings having cellars shall have an adequate sump and sump pump to which any interior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains or road ditch. Where such points of discharge are not available the Town Engineer or his representative shall determine method of water disposition.

3. RESOLVED that Section 4, Subdivision 9 of the Plumbing and Drainage Ordinance which reads:

Where the minimum size house drain is allowed, the trap for floor drain must connect into main drain at least five feet from soil stack or may be connected into a three inch drain that receives only the waste of tray and sink.

shall be amended to read:
On all new construction, downspouts or sump pumps shall be discharged to storm sewers, curb drains, or road ditch.

On existing construction, downspouts and sump pumps shall be discharged to curb drain or road ditch or may be discharged to a splash block. All sump pump or downspout water shall be so directed that it will not flow onto adjacent properties.

4. RESOLVED that Section 7, Subdivision 5 of the Plumbing and Drainage Ordinance which reads:

(A) Gutters and inside leaders shall not be less in diameter than indicated by the following table:

shall be amended to read:
(A) Gutters and inside leaders shall be installed on all roofs and shall not be less in diameter than indicated by the following table:

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

Dated: January 3, 1977
RICHARD M. MOLINIS
Town Clerk

Item No. 35 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek
to adjourn the meeting.

RICHARD M. MOLESKI
TOWN CLERK

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 17th day of January, 1977 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson
Councilman Frank Dux
Councilman George Kaczmarek
Councilman James R. Burst

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Chester Bryan, Town Engineer; Ron Marten, Building and Plumbing Inspector; Ron Zoeller, Working Foreman in the Sanitation Department; Edward Leak, Recreation Director; Andrew Schwenk, Sole Assessor; Ken Kopacz, Executive Director of the Youth Bureau; Alfred Wnek, Superintendent of Highways.

I. BIDS

Item No. 2 Highway - Road Materials
Referred to Alfred Wnek, Superintendent of Highways.

II. PUBLIC HEARINGS

Item No. 3 Amendment to Traffic Ordinance - Article V, One Way Roadways (Dingens Street); Article VII, Turning Movements (Cayuga Road)
The public hearing was adjourned until February 7, 1977 at 7:00 o'clock P.M., due to inclement weather.

* See next page for affidavit of notice

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Heister, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clara* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *January 20, 1977* ;
last publication..... *January 20, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Heister

Sworn to before me this *21st*

day of *January*, 19..... *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Office: Erie County
My Commission Expires: *12-31-79*

LEGAL NOTICE

Due to inclement weather, the public hearing scheduled for January 17, 1977 at 7:00 o'clock P.M., Eastern Standard Time, to consider the advisability of adopting amendments to the Traffic Ordinance, namely: Article V, One Way Roads - Dingens Street; Article VII, Turning Movements-Cayuga Road, was adjourned.

NOW, THEREFORE
NOTICE IS HEREBY GIVEN that the adjourned public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall, in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 7th day of February at 7:00 o'clock P.M., Eastern Standard Time.

RICHARD M. MOLESKI
Town Clerk

Item No. 4 Amendment to Plumbing & Drainage Ordinance, Section 4, Sub. 1,3,9/
Section 7, Subdivision 5

The public hearing was adjourned until February 7, 1977 at 7:00 o'clock
P.M., due to inclement weather.

* See next page for affidavit of notice.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sediter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *January 20, 1977*.....;
last publication *January 20, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Sediter
Sworn to before me this *21st*
day of *January*, 19*77*.....
..... *Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

ADJOURNMENT
Due to insufficient quorum, the public hearing scheduled for January 17, 1977 at 7:00 o'clock P.M., Eastern Standard Time, to consider the advisability of adopting amendments to the Plumbing and Drainage Ordinance, Section 4, Subdivisions 1, 3, 4; Section 7, Subdivision 5 regarding subsoil surface water and floor drain amendments to the Plumbing and Drainage Ordinance was adjourned.

NOW, THEREFORE

NOTICE IS HEREBY GIVEN that the adjourned public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall, in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 7th day of February at 7:00 o'clock P.M., Eastern Standard Time.

RICHARD M. MOLESKI
Town Clerk

III. GENERAL COMMUNICATIONS

Item No. 5 N.Y.S. Public Service Commission - Notice of Hearing for N.Y.S. Electric and Gas rates
Received and Filed.

Item No. 6 N.Y.S. Dept. of Transportation - Notices of Order regarding reconstruction of Harlem near Broadway and Thruway Plaza
Received and Filed.

Item No. 7 Residents of Meadowbrook Pkwy.- letter requesting to speak regarding " All Night Parking Ban " in Clinton-Rossler area
Received and Filed.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 8 Building Permits
Received and Filed.

Item No. 9 Engineering - letter regarding removal of Sewer Maintenance 2-Way radios from Police frequency
Received and Filed.

Item No. 10 Letter from K. Stachewicz, Recreation Attendant requesting Leave of Absence (See item #52)
Received and Filed.

Item No. 11 Annual report of Town Historian
Received and Filed.

Item No. 12 Health report for December 1976
Received and Filed.

V. RESOLUTIONS

Item No. 13 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the next regularly scheduled meeting of this Town Board would normally have been held on Monday, February 21, 1977, and

WHEREAS, said Monday, February 21, 1977 is a legal Holiday in celebration of Washington's Birthday and also one of the scheduled dates for the annual Association of Towns Convention, NOW, THEREFORE, BE IT

RESOLVED that the next regular meeting of the Town Board will be held on Thursday, February 17, 1977 at 7:00 P.M.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, James Reidy has made application and requested the rezoning of property located at 1185 Harlem Road from R-Residential to RC-Restricted Business, said applicant being owner of aforementioned property, NOW, THEREFORE, BE IT

Item No. 14 cont'd

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on February 17th, 1977 at 6:30 o'clock P.M., Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

* This rezoning was republished and is to be held on March 7, 1977 at 6:30 P.M.

Item No. 15 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, Southland Corporation has applied for a Special Permit for the installation of gasoline pumps on property located at 150 French Road, Cheektowaga, New York pursuant to Section 6-01 and Section 6-012 of the Zoning Ordinance of the Town of Cheektowaga, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of December, 1976 at 6:30 P.M., Eastern Standard Time of said day for the purpose of considering said application for a Special Permit, and

WHEREAS, there were objections to the issuance of said Special Permit for the installation of gasoline pumps on property located at 150 French Road, Cheektowaga, New York, now, THEREFORE, BE IT

RESOLVED that said Special Permit be and hereby is denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, Southland Corporation has applied for a rezoning from M1-Light Manufacturing District to CM-General Commercial District the property located at 150 French Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 89, Township 10, Range 7, being bound and described as follows:

BEGINNING AT A POINT on the North Line of French Road (width varies), said point being 173.50' from the East line of Azalea Drive (80' side), as measured along the North Line of French Road; thence north at right angles to French Road 283.59' to a point on the South line of Industrial Parkway (60' wide); thence Northeasterly at an interior angle of 111 degrees - 30'04" along the South line of Industrial Parkway (60' wide) 134.35' to a point; thence Southerly at an interior angle of 68 degrees - 29'56" 332.83' to a point on the North line of French Road (width varies); thence west at right angles, and along the North line of French Road 125.00' to the POINT OF BEGINNING. Containing 38,526.3 plus or minus s.f. equal 0.88 plus or minus acres.

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-10 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of December, 1976 at 6:30 o'clock P.M., Eastern Standard Time, after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the use of the gasoline pumps may add an additional hazard to the public using the premises, NOW, THEREFORE, BE IT

RESOLVED that the said application for rezoning be and hereby is denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, Section 64, Subdivision 17-b of the Town Law of the State of New York authorizes expenditure by the Town for the promotion of the performing arts by way of demonstrations, performances and exhibitions, and

WHEREAS, the Town has provided in its 1977 budget sufficient sums for the purpose of allowing contractual expenses on behalf of cultural activities, THEREFORE, BE IT

RESOLVED that the Town does hereby authorize the expenditure of the following sums for the promotion of the performing arts by way of demonstrations, performances and exhibitions pursuant to the provisions of Section 64, subdivision 17-b of the Town Law of the State of New York; said sums to be paid to the following cultural associations:

Historical Society	\$ 480.00
Cheektowaga Art Guild	1,140.00
Cheektowaga Community Chorus	5,250.00
Community Symphony Orchestra	5,250.00
Appletown Players	2,860.00
Cheektowaga Garden Club	285.00
Coin and Stamp Club	480.00
Cheektowaga Cultural Society	1,430.00

and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to execute any future agreements between the Town and said cultural associations providing for said services and payments.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, bids were duly received by this Town Board at a meeting thereof held on January 3, 1977 for the purchase of two (2) new 1977 3/4 ton pick-up trucks with trade-in of two (2) 1970 Chevrolet pick-up trucks, for use in the Cheektowaga Highway Department, as a result of advertisement therefor, and 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 for the purchase of two (2) new 1977 3/4 ton pick-up trucks be awarded to Maier Schule GMC, Inc., located at 1745 Walden Avenue, Cheektowaga, New York in the sum of \$8,600.00; said bidder being the lowest responsible bidder meeting specifications, as set forth in the letter attached hereto and made a part hereof.

* See next page for letter.

ALFRED F. WNEK
SUPERINTENDENT
OFFICE: 683-4775



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

January 11, 1977

Honorable Kenneth J. Meyers, Supervisor
Honorable Town Board
Town Hall, Cheektowaga, New York

Gentlemen:

Bids were opened and read at the Town Board meeting on January 3rd, 1977 at 7:00 P.M. for two (2) new 1977 3/4 ton pick up trucks with trade-in of two (2) 1970 Chevrolet pick-up trucks. After checking the bids submitted, the tabulation is as follows:

Maier Schule GMC Inc.
1745 Walden Avenue
Cheektowaga, New York
Delivery 6 to 8 weeks
TOTAL PRICE FOR 2

<u>1977 GMC 3/4 Ton Pick Up</u>	
Price	\$4550.00 ea.
Trade-In	250.00 "
Total Net Price	<u>\$4300.00 "</u>
	\$8600.00

Bison Ford Truck Sales, Inc.
2370 Walden Avenue
Cheektowaga, New York
Delivery 6 to 8 weeks
TOTAL PRICE FOR 2

<u>1977 Ford Model F250 3/4T Pick-Up</u>	
Price	\$4850.00 ea.
Trade-In	150.00 "
Total Net Price	<u>\$4700.00 "</u>
	\$9400.00

Keller Chevrolet Inc.
3600 Genesee Street
Cheektowaga, New York
Delivery 60-90 days
TOTAL PRICE FOR 2

<u>1977 Chevrolet 3/4T Pick-Up</u>	
Price	\$4522.70 ea.
Trade-In	125.00 "
Total Net Price	<u>\$4397.70 "</u>
	\$8795.40

Maier Schule GMC Inc. is the lowest responsible bidder, therefore, I recommend awarding the contract to Maier Schule GMC Inc. for the 1977 GMC 3/4 Ton Pick-Up trucks at their total net price of \$8600.00.

I trust this meets with your approval.

Very truly yours,
TOWN OF CHEEKTOWAGA

Alfred F. Wnek
Superintendent of Highways

RECEIVED

JAN 11 1977

APW/msg
Copies ~~own~~ ^{Mothersy}

Richard Moleski, Town Clerk

John Rogoyki, Town Attorney

"When better roads are built — Cheektowaga will build them"

Town Board Members

John Malloy, Accountant

Item No. 18 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, bids were duly received by this Town Board at a meeting thereof held on December 6, 1976 for the purchase of mimeograph and stencil copier machines for use in the Cheektowaga Police Department, as a result of advertisement therefor, and such bids were referred to the Acting Chief of Police 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 Gestetner Corporation, 2710 Walden Avenue, Cheektowaga, New York; said corporation being the sole bidder and said bidder meeting specifications for the following items:

Item 1

One (1) Gestetner automatic electric paste-ink stencil duplicator, Model 466S \$1700.00

Item 2

One (1) Gestetner electronic scanner, Model 473 \$2650.00

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, bids were received in response to the advertisement therefor, for a 1977 Van-type Truck to be used by the Traffic Safety Division of the Police Department, and

WHEREAS, none of the agencies bidding met all of the specifications,
and

WHEREAS, it is recommended that the truck be resubmitted for bidding,
NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of one (1) 1977 van-type truck for use by the Traffic Safety Division of the Cheektowaga Police Department. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York; said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 P.M., on February 7, 1977, for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 7:00 o'clock P.M., Eastern Standard Time on February 7, 1977 for the furnishing of one (1) 1977 van-type truck

Item No. 20 cont'd

for use by the Traffic Safety Division of the Cheektowaga Police Department.
Information for bidders and specifications may be obtained from the Town Clerk's
Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York.

DATED: January 17, 1977

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE } ss.
TOWN OF CHEEKTOWAGA }

Gladys M. Schutte, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication.....*January 20, 1977*.....;
last publication.....*January 20, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Schutte

Sworn to before me this*21st*.....

day of*January*....., 19.....*77*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 7:00 p.m. Eastern Standard Time on February 7, 1977 for the furnishing of one (1) 1977 van-type truck for use by the Traffic Safety Division of the Cheektowaga Police Department. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York.
Dated: January 17, 1977
RICHARD M. MOLESKI
Town Clerk

Item No. 21 Motion by Councilman Johnson, seconded by Councilman Wasielewski

WHEREAS, as part of a long-range program for town-wide drainage improvements the consulting engineering firm of Nussbaumer and Clarke, Inc., has prepared plans and specifications for the construction of storm sewers related to the St. Felix Avenue drainage area from Cayuga Creek south of Cayuga Creek Road and under the New York State Thruway to the north edge of the Thruway, and

WHEREAS, this project will be constructed and funded under the Community Development Grant FY 75 and FY 76, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk is directed to publish a Notice to Bidders in connection with said storm sewer construction, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board meet on the 17th day of February, 1977 at 7:00 P.M., local time, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting.

* * * * *

N O T I C E T O B I D D E R S

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 17th day of February, 1977 at 7:00 P.M., Local Time in the Town Hall, in the Town of Cheektowaga, New York, for furnishing all tools, equipment, materials and labor for the construction of storm sewers and ditch improvements in the St. Felix Drainage Area - Part 1, including a chamber and related work, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc. prepared by Nussbaumer and Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office in the Town Hall.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at the office of Nussbaumer & Clarke, Inc. upon payment of \$50.00 per set of documents. Checks shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York and marked as "Proposal for the Construction of Storm Sewers and Ditch Improvements in St. Felix Drainage Area - Part 1, Contract 1."

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

Each proposal must be accompanied by a certified check for a sum equal to ten percent (10%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to ten percent (10%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

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

Item No. 21 cont'd

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

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER, WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT, ARE EXPLAINED IN THE SPECIFICATIONS.

Town of Cheektowaga, New York
Richard M. Moleski, Town Clerk

DATED: January 17, 1977

PUBLISHED: January 20, 1977

* * * * *

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladya M. Seichter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication *January 20, 1977* ;
last publication *January 20, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladya M. Seichter

Sworn to before me this *21st*

day of *January*, 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

NOTICE IS HEREBY GIVEN

sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 17th day of February, 1977 at 7:00 P.M. Local Time in the Town Hall in the Town of Cheektowaga, New York, for furnishing all tools, equipment, materials and labor for the construction of storm sewers and ditch improvements in the St. Felix Drainage Area - Part I, including a chamber and related work, complete, in place, and ready for use in accordance with the Contract Documents hereof, including Plans, Specifications, Instructions to Bidders, etc., prepared by Numanstetter & Charba, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office in the Town Hall.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at the office of Numanstetter & Charba, Inc. upon payment of \$20.00 per set of documents. Checks shall be made payable to the Town of Cheektowaga. Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York and marked as "Proposal for the Construction of Storm Sewers and Ditch Improvements in St. Felix Drainage Area - Part I, Contract 1."

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

Each proposal must be accompanied by a certified check for a sum equal to ten per cent (10 per cent) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to ten

per cent of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

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

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

Attention of the bidders is further called to Section 2004 of the Public Authorities Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless completed with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11948, THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER, WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT, ARE EXPLAINED IN THE SPECIFICATIONS.

Town of Cheektowaga, New York
Richard M. Malacki, Town Clerk
Dated: January 17, 1977
Published: January 20, 1977

Item No. 22 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, the Engineering Department has notified the Town Board that the washing of Town of Cheektowaga owned automobiles can be performed more frequently and more economically by private, automatic car washing facilities, NOW, THEREFORE, BE IT

RESOLVED that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said Fleet Washing, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board meet on the 7th day of February, 1977 at 7:00 P.M. Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New Yrok for the purpose of receiving sealed bids at which time they will be publicly opneed by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 7, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for Fleet Washing for the year 1977.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: January 13, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Seichter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Chas.*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks;
first publication.....*January 20, 1977*.....;
last publication.....*January 20, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Seichter

Sworn to before me this*21st*.....

day of*January*....., 19*77*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

Sealed Bids to be received and considered by the Town Board of the Town of Cheektowaga on February 7, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for Fleet Washing for the year 1977.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: January 13, 1977

Item No. 23 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, it is necessary to replace work clothing for the Town employees in accordance with the terms of the agreement between the Town of Cheektowaga and Local 1026, American Federation of State, County and Municipal Employees, AFL-CIO, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders in connection with said uniforms; notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board meet on February 7, 1977 at 7:00 P.M, Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York for the purpose of receiving public bids at which time they will be opened by the Town Board at a meeting held for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 7, 1977 at 7:00 P.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Road, for Work Uniforms.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: January 13, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Seute, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clady*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication...*January 20, 1977*...;
last publication...*January 20, 1977*...;
and that no more than six days intervened be-
tween publications.

Clady M. Seute.....

Sworn to before me this*21st*.....

day of*January*....., 19*77*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

NOTICE TO BIDDERS
Sealed proposals will be received
~~and opened on~~ ~~Friday, January 13, 1977 at 1:30 P.M.~~ Eastern
Standard Time at the Town Hall,
corner of Broadway and Union Road,
for Work Uniforms.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: January 13, 1977

Item No. 24 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, emergency sanitary sewer repairs were required at various locations in Sewer District #5, which repairs were considered as urgent and then ordered by the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED that the vouchers of Pagels Contracting Co., Inc., 33 Homewood Street, Cheektowaga, New York 14227 in the total amount of \$1,150.13 for three (3) such repairs and the voucher of Dorss Plumbing and Heating, 67 Schlenker Avenue, Cheektowaga, New York 14225 in the amount of \$653.55 for one repair be approved and ordered paid for services rendered.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 25 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, this Town Board has committed itself to the construction of Storm Sewer Projects, namely, St. Felix Drainage Project, Phase II and Oehman Blvd. Storm Sewer Project, and

WHEREAS, it is necessary to acquire drainage easements for said storm drainage systems, NOW, THEREFORE, BE IT

RESOLVED that Henry Szymanski, with offices at 934 Fillmore Avenue, Buffalo, New York, be and hereby is retained to obtain said drainage easements for the St. Felix Drainage Project, Phase II, at a total retainer cost not to exceed \$200.00, and BE IT FURTHER

RESOLVED that said retainer fee to obtain said drainage easements for the Oehman Blvd. Project be and hereby is established at \$30.00 per easement.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 26 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED that the salary for the following official of the Town of Cheekowaga for the year 1977 be and hereby is \$500.00, per annum:

Deputy Supervisor

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 27 Motion by Councilman Johnson, seconded by Councilman Wasielewski

WHEREAS, the Town of Cheektowaga desires to assure an adequate source of decent, safe, quality housing for its residents, and

WHEREAS, the Town is pursuing a program of housing revitalization and improvement in the Tiorunda section of Cheektowaga, and

WHEREAS, the Town will also pursue a vigorous program of code enforcement through a housing performance code and inspection program, and

WHEREAS, the Tiorunda section has already been designated as a target area for the Erie County Community Development Consortium's revolving loan fund, and

Item No. 27 cont'd

WHEREAS, a number of U.S. Department of Housing and Urban Development housing rehabilitation programs are available for neighborhood restoration and revitalization, NOW, THEREFORE, BE IT

RESOLVED that the Tiorunda section of Cheektowaga, as bounded by the New York State Thruway to the west, Harlem Road to the east, the Kensington Expressway to the north, and Genesee Street to the south, be and hereby is designated as a target area for Section 312 low-interest home improvement loans, the Section 8 Existing Housing Program for rental assistance and all other housing rehabilitation and improvement programs, and BE IT FURTHER

RESOLVED that this resolution be incorporated into Cheektowaga's 1977 Community Development application, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to Mr. William Donohue, Director of Erie County's Community Development Program, 95 Franklin Street, Buffalo, New York, 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga desires to assure an adequate source of decent, safe, quality housing for its residents, and a health economic climate for Town business and commercial establishments, and

WHEREAS, the Town is pursuing a strategy of improvements and revitalization of housing stock and commercial structures in certain impacted areas of the Town, and

WHEREAS, the Town desires to improve and conserve the quality of existing housing and commercial structures in the Walden Avenue area, and

WHEREAS, the Town also recognizes the need to stabilize and revitalize the commercial core of the Walden Avenue area, and

WHEREAS, the Walden Avenue Taxpayers Association is a strong local organization interested in housing rehabilitation programs for area residents and stimulation of the local business economy, and

WHEREAS, the Town is concerned about maintaining a healthy environment in the area, and is pursuing drainage improvements on Scajaquada Creek, through a federal flood control project implemented by the U.S. Army Corps of Engineers, and

WHEREAS, improvement of community support services is an essential and integral part of a community revitalization program, and

WHEREAS, improvement of such community support services has already been accomplished in the Walden Avenue area within the last few years, and includes the initiation of a senior citizens hot-meals program, and the installation of Olympic-size swimming pools and construction of a general purpose recreation center and indoor ice-skating rink in the Cheektowaga Town Park Complex, and

WHEREAS, a number of federal programs are available for neighborhood commercial and residential revitalization, NOW, THEREFORE, BE IT

RESOLVED that the Walden Avenue area, as bounded by the Buffalo City Line to the west, Harlem Road to the east, the south side of Walden Avenue to the south, and Scaquada Creek to the north, be and hereby is designated as a target area for Section 312 low-interest home and commercial improvement loans, the Section 8 Existing Program for rental assistance, and all other housing and commercial rehabilitation and improvement programs, and BE IT FURTHER

Item No. 28 cont'd

RESOLVED that this resolution be made a part of Cheektowaga's 1977 Community Development Application, and BE IT FURTHER

RESOLVED that certified copies of this resolution be forwarded to Mr. William Donohue, Erie County Community Development Director, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the Town of Cheektowaga is eligible for a minimum of \$646,101 in Community Development Block Grant Funds for fiscal year 1977, and

WHEREAS, public hearings regarding use of such funds have been held on January 12, 1977 and January 17, 1977 where the concensus of opinions expressed by those in attendance was that said Community Development Block Grant Funds should be utilized for two basic community needs, those being flood relief projects and revitalization of the Tiorunda section of Cheektowaga, and

WHEREAS, these undertakings would serve to assist low and moderate income families within the Town by preventing further flooding and deterioration of existing housing and also maintaining and improving affordable quality housing, NOW, THEREFORE, BE IT

RESOLVED that the following projects be and hereby are incorporated in Cheektowaga's 1977 Community Development Block Grant Application:

Tiorunda Neighborhood Improvements Program, Stage I @	\$168,349
Chapel-Northcrest-Southcrest Drainage Relief @	117,540
Marrano-Kelly Park Project, Part I @	193,859
Kokomo (Clover-Wellworth-Kokomo) Drainage Relief @	101,653
with provision for 10% contingency @	64,700

and BE IT FURTHER

RESOLVED that the following drainage relief projects be listed for any additional assistance under the current fiscal year's program and as funding alternatives to the above:

Chapel-Smith Drainage Relief @	\$ 78,000
Kaufman (Peachtree-David-Kaufman) Drainage Project @	100,000
Stevens Drive Area Drainage Project @	192,100

and BE IT FURTHER

RESOLVED that the Cheektowaga Town Clerk is hereby directed to forward certified copies of this resolution to the following:

William Donohue, Community Development Director
Erie County Division of Planning
95 Franklin Street
Buffalo, New York 14202

Hon Jack F. Kemp
39th Congressional District
132 Cannon Office Building
Washington, D.C. 21515

Item No. 29 cont'd

Edward Rutkowski, District Representative
38th Congressional District
1101 Federal Building
111 West Huron Street
Buffalo, New York 14202

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

BE IT RESOLVED that Sophie Sunday, , Cheektowaga,
New York 14225, and Susan Mulcahy, , Cheektowaga, New York, 14225
be hired for the Town Clerk's Office as part-time help at \$22.00 per day as needed.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilman Swiatek, seconded by Supervisor Meyers

BE IT RESOLVED that the following employees be hired by the Recreation
Department to conduct recreation and Senior Citizen programming for the Town of
Cheektowaga:

RINK PERSONNEL @ \$2.50 per hour

Robert Trembowicz	Don Burns
Gerald Owczarczak	Norman Brzezinski
Douglas Conley	Richard Krueger
Joseph Cucinotta	James Trzaska
Joseph Suto	Ken Bloch
Chris Penke	Colleen Lester
Don Zent	

RECREATION ATTENDANTS @ \$2.50 per hour

Diane Kaczarowski	Mike Magavero
Mary Ann Sansone	Gary Grote
Paul Breissinger	Robert Wesler
Mary Klumpp	Deborah Moran

NUTRITION SITE MANAGERS @ \$2.50 per hour

Carol Malkiewicz
Dorothy McManus

TRAVEL COORDINATOR @ \$2.50 per hour

Patricia Wojcik

ARTS AND CRAFTS INSTRUCTORS @ \$3.00 per hour

Laura Hollenbeck	Betty Lindamer
Rosemary Prishel	Sharon Sell
Jacqueline Jachin	

GYMNASTICS INSTRUCTOR @ \$3.00 per hour

Pam Stempniak

Item No. 31 cont'd

KARATE INSTRUCTOR @ \$3.00 per hour

Richard Magavero

EXERCISE CLASS INSTRUCTOR @ \$6.50 per hour

Geraldine Kempton

WOODCARVING INSTRUCTOR @ \$4.50 per hour

John Rupp

SLIMNASTICS INSTRUCTOR @ \$10.00 per hour

Norma Bianchi

FIGURE SKATING INSTRUCTORS

Elizabeth O'Connell @ \$15.00 per hour

Lise Woolrich @ \$5.00 per hour

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 32 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, vacancies presently exist on the Cheektowaga Youth Board,
NOW, THEREFORE, BE IT

RESOLVED that the following named people be appointed to fill said
vacancies, terms to expire January 1980:

Michael Cirbus
, 14225

Chester Nowacki
14225

Sylvia Tokasz
, 14227

and BE IT FURTHER

RESOLVED that because 2 unexpired terms exist upon the Cheektowaga
Youth Board that the following be appointed to fill said unexpired terms to expire
March 1978:

Patricia Montella
14225

Peggy State
, 14225

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 33 Motion by Councilman Swiatek, seconded by Supervisor Meyers

RESOLVED that Kathleen R. Storck, residing at
, be hired to work for the Cheektowaga Youth Bureau as a clerk in the Adminis-
trative Intern Program at the rate of \$3.00 per hour.

Item No. 33 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, in a resolution dated January 3, 1977, the salary of Patricia E. Staniaszek, Program Coordinator for the Cheektowaga Youth Bureau was incorrectly listed as \$10,150.00, NOW, THEREFORE, BE IT

RESOLVED that said resolution dated January 3, 1977 be amended and the salary of Patricia E. Staniaszek Program Coordinator for the Cheektowaga Youth Bureau be changed from \$10, 150 to \$10,705.00, effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 35 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, in a resolution dated January 3, 1977, the salary of Maryanna Stafflinger, Senior Clerk in the Cheektowaga Highway Department was incorrectly listed as \$9,244.35, NOW, THEREFORE, BE IT

RESOLVED that said resolution dated January 3, 1977, is hereby rescinded.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Supervisor Meyers, seconded by Councilman Swiatek

RESOLVED that the salary of Maryanna Stafflinger of , Cheektowaga, New York, Senior Clerk in the Cheektowaga Highway Department shall be \$10,517.85, retroactive to January 4, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, the position of "Assistant Field Assessor" in the Cheektowaga Assessor's Department is presently vacant, NOW, THEREFORE, BE IT

RESOLVED that the position of "Assistant Field Assessor" is hereby abolished.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 38 Motion by Councilman Dux, seconded by Councilman Burst

WHEREAS, the position of "Senior Account Clerk Typist" in the Cheektowaga Highway Department is presently vacant, NOW, THEREFORE, BE IT

RESOLVED that the position of "Senior Account Clerk-Typist" is hereby abolished.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 39 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, there are presently two positions of "Detective Sergeant" in the Cheektowaga Police Department that are vacant, NOW, THEREFORE, BE IT

RESOLVED that the two vacant positions of "Detective Sergeant" in the Cheektowaga Police Department are hereby abolished.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 40 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, a need exists in the Cheektowaga Recreation Department for two part-time Recreation Attendants, and

WHEREAS, the necessary PO-17 forms creating these positions have been submitted to Erie County Personnel, and the County has approved creation of these two positions, NOW, THEREFORE, BE IT

RESOLVED that two part-time Recreation Attendant positions in the Cheektowaga Recreation Department are hereby created.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 41 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, two part-time Recreation Attendant positions have previously been created in the Cheektowaga Recreation Department, NOW, THEREFORE, BE IT

RESOLVED that the following individuals are hereby hired as part-time Recreation Attendants at an annual salary of \$4,000.00, effective immediately:

Estelle Halicki

Cheektowaga, N.Y. 14225

Leonard Kosobucki

Depew, N.Y. 14043

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 42 Change title of "Deputy Assessor" to "Real Property Appraiser"
This item was withdrawn.

Item No. 43 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

RESOLVED that the following individuals be and hereby are authorized to attend the annual Association of Towns Convention, held in New York City, February 20th to 23rd, and that their reasonable and proper travel expenses be reimbursed by the Town.

Supervisor
Councilmen
Town Clerk
Town Engineer
Town Historian
Planning Board Chairman
Tax Collector
Sole Assessor
Highway Superintendent
Town Justice
Sanitation Foreman
Deputy Supervisor
Superintendent of Buildings and Grounds
Zoning Board of Appeals Chairman

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, and Kaczmarek
NAYES: Councilmen Dux and Burst
ABSENT: 0

Item No. 44 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

WHEREAS, the New York State Bar Association is holding its Municipal Law Seminar in New York City on January 27, 28, and 29, 1977, and

WHEREAS, a request has been made by the Town Attorney to attend said seminar, NOW, THEREFORE, BE IT

RESOLVED that the Town Attorney be and hereby is authorized to attend the New York State Bar Association Municipal Law Seminar and that his reasonable and necessary expenses incurred in attending said seminar will be reimbursed by the Town, in a sum not to exceed \$425.00

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 45 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, Title II, NOW, THEREFORE, BE IT

RESOLVED that the following person be and hereby is hired under the position listed below, at a salary rate as specified, starting date established by the Department head:

Clerk-Typist in the Judge's Office at the rate of \$7,567.24 per year

Mistretta, Janice E. , Cheek., N.Y. 14225

Clerk-Typist in the Police Dept. at a rate of \$7,567.24 per year

Bednarek, Judith M. , Cheek., N.Y. 14212

Item No. 45 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 46 Motion by Councilman Johnson, seconded by Councilman Wasielewski

BE IT RESOLVED that permission is hereby given to New York State Electric and Gas Corporation to install 1 - 7000 lumen mercury lamp @ \$50.00 (Pole 1, Line 1559) on First Street in the Town of Cheektowaga, according to the attached street lighting proposal, which is hereby made a part of this resolution.

* See attached proposal on next page.

STREET LIGHTING PROPOSAL
Town of Cheektowaga (entire)

First Street

Install 1 - 7000 lumen mercury lamp @ \$50.00 ea.
(P-1, L-1559)

Annual Increase-----\$50.00

NEW YORK STATE ELECTRIC & GAS CORPORATION

Item No. 46 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 47 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending January 17th, 1977, be and hereby are approved and the Supervisor pay said warrants:

FUND	CHECK NO.		AMOUNT
	FROM	TO	
General Fund	9353	9596	\$394,510.12
Special District Fund	2463	2516	173,287.37
Highway Fund	2092	2124	97,139.15
Part Town Fund	516	526	3,133.38
Trust and Agency Fund	357	358	51,168.02
H.U.D. - C.D.B.G. Fund		2	23,350.00
			<u>\$742,597.04</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

VI. SUSPENSION OF RULES

Motion by Supervisor Meyers, seconded by Councilman Swiatek to suspend the rules to include the following items.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 48 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Helen Wawrzyniak has made application and requested the rezoning of property located at 3242-3254 Harlem Road from R-Residential (Non-conforming Use) to C-Retail Business, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on February 7, 1977 at 6:30 o'clock P.M., Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. DeLute, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication...*January 29 1977*...;
last publication...*January 29 1977*...;
and that no more than six days intervened be-
tween publications.

Gladys M. DeLute

Sworn to before me this *21st*

day of *January*, 19*77*.

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

Appeal Hearing
NOTICE TO APPEALERS
A Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 7th day of February 1977, at 6:30 o'clock P.M., Eastern Standard Time of said day for the purpose of considering the application of Helen Wawrzyniak to Besame from R-Residential (Non-Overlapping Use) District to C-Residential District the property located at 5581-5583 Harmon Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 16-09 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, and being part of Lot number thirty-five (35) in the Eleventh (11th) Township, a n d Seventh (7th) Range, according to the Holland Land Company's survey and described as follows:

BEGINNING at the point of intersection of the south line of Maryvale Road (formerly Pine Ridge Road) as laid out as a 66 foot highway with the west line of Harmon Road as laid out as a 66 foot highway, being also the east line of said Lot No. 35; thence southerly along said west line of Harmon Road, two hundred fifty and thirty-two hundredths (250.32) feet to the north line of lands known as "The Polish Cemetery"; thence westerly parallel to the north line of said cemetery lands, two hundred fifty (250) feet; thence northerly parallel with said west line of Harmon Road, two hundred forty-nine and seventy-seven hundredths (249.77) feet to said south line of Maryvale Road; thence easterly along said south line of Maryvale Road, two hundred fifty (250) feet to the place of beginning, according to a survey made May 13, 1966 by J.J. Straley, Civil Engineer and Surveyor.

Together with all right, title and interest of the party of the first part in that portion of Maryvale Road between the east and west lines of above described premises extended.

EXCEPTING from the foregoing, a corner of land on the northwest corner measuring twenty-three (23) feet on Harmon Road and twenty-five (25) feet on Maryvale Drive, and being that parcel of land which has been appropriated by and conveyed to the State of New York, and that part conveyed by deed recorded in the Erie County Clerk's office in Liber 194 of deeds at page 208.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Kenneth J. Meyers

Councilman:

Frank E. Swiatek

Raymond J. Wasilewski

Thomas M. Johnson Jr.

Frank J. Dur

George Kaczmarek

James R. Bursk

RICHARD M. MOLESKI

Town Clerk

Item No. 49 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Martin J. Smardz, Secretary of E. Cardarelli & Co., has made application and requested the rezoning of property located at 590 Cayuga Creek Road from R-Residential District to CM-General Commercial, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on February 7, 1977 at 6:30 o'clock P.M., Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Schuster, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clara*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication *January 20, 1977*.....;
last publication *January 20, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Schuster.....

Sworn to before me this *21st*.....

day of *January*....., 19*77*.....

Naidine C. Williams.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

1.679 ACRES

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 7th day of February 1977, at 8:30 o'clock P.M. Eastern Standard Time of said day for the purpose of considering the application of J. Cappelletti & Co. to amend the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots 66 and 67, Township 10, Range 7 of the Buffalo Creek Reservation, being more particularly described and bounded as follows:

BEGINNING at a point in the center line of Cayuga Creek Road (68.0 feet wide) 341.28 feet northerly from the west line of Lot Number 66, Township 10, Range 7, as measured along the center line of Cayuga Creek Road, thence westerly at an interior angle of 128 degrees 45' 45", 224.48 feet to a point which is also the northerly line of Liber 6548 of Deeds, Page 5; thence westerly at an interior angle of 187 degrees 34' 11", 78.22 feet to a point; thence westerly at an interior angle of 100.04 feet to a point on the west line of Sublot 7, Corner 720, thence northerly along the west line of Sublot 7, Corner 720, 210.70 feet to a point; thence easterly at an interior angle of 80 degrees 42' 20", 200.40 feet to a point on the west line of Lot 66, Township 10, Range 7; thence southeasterly at an interior angle of 120 degrees 52' 10", 254.28 feet to a point on the center line of Cayuga Creek Road (68.0 feet wide); thence southwesterly along the center line of Cayuga Creek Road, 68.25 feet to the point or place of beginning, containing 1.679 plus or minus acres.

Excepting that portion lying within the bounds of Cayuga Creek Road.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Kenneth J. Meyers

Councilmen:

Frank E. Swiatek

Raymond J. Wasielewski

Thomas M. Johnson, Jr.

Frank J. Dux

George Kaczmarek

James R. Burtz

RICHARD M. MOLESKI

Town Clerk

Item No. 50 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the Town of Cheektowaga, through the Cheektowaga Recreation Department, is sponsoring a Philharmonic Concert to be presented by the Buffalo Philharmonic Orchestra on the 28th day of January, 1977 at the Villa Maria College Auditorium located at 240 Pine Ridge Road, Cheektowaga, New York, and

WHEREAS, an agreement between said Town and said Orchestra has been negotiated whereby the Town agrees to pay the sum of \$4,000.00 to the said Orchestra for the presentation, and

WHEREAS, the Town shall charge admissions to be paid by the patrons attending said concert, and said admissions shall be collected by and paid to the Town of Cheektowaga, and

WHEREAS, it appears that said concert will enhance the cultural and artistic endeavors of Town residents and others, and provide the patrons of said event with wholesome and cultural entertainment, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to sign the agreement for said concert between the Town of Cheektowaga and the Buffalo Philharmonic Orchestra, a copy of which is attached hereto and made a part hereof, and BE IT FURTHER

RESOLVED that the Supervisor is hereby authorized to pay the sum of \$4,000.00 to the Buffalo Philharmonic Orchestra in accordance with the terms of said agreement.

* See next page for agreement.

Buffalo Philharmonic Orchestra

AGREEMENT made this 20th day of July, 1976,
by and between the BUFFALO PHILHARMONIC ORCHESTRA SOCIETY, INC.

("Society") and TOWN OF CHEEKTOWAGA ("Local Presentor")

Kenneth Meyers, Supervisor
whose address is Cheektowaga Town Hall, Broadway & Union Road
Cheektowaga, New York 14225

WITNESSETH that:

The Society agrees to provide a concert(s) by The
Buffalo Philharmonic Orchestra, Mitch Miller, Conductor
to be given on Friday, January 28, 1977 at 8:30 pm at
Villa Maria College, Pine Ridge Road, Cheektowaga, New York
and to furnish a reasonable supply of advertising material.

In consideration of the concert services as above set
forth, the Local Presentor agrees to pay to the Society, at or
before the close of the concert(s), the sum of Four Thousand
(\$4000.00) Dollars

The Local Presentor further agrees to furnish at no
expense to the Society: the above-mentioned hall on the date
above named, properly seated, lighted, heated and cleaned; loaders
and stagehands to assist in unloading trucks, receiving and plac-
ing baggage and instruments and removing and loading of same after
the concert(s); at least 90 chairs on the stage; separate, clean
dressing rooms near the stage for the male and female musicians
and for the Conductor; and, on request of the Society, if the
musical program so requires, a suitable piano, properly tuned and
in good repair.

The Local Presentor further agrees that the program
shall be determined by the Society and that the concert(s) shall
not be recorded or broadcast without the prior written consent of
the Society.

It is mutually agreed that if performance of the
concert(s) is prevented or delayed on account of illness, accident,
or if for any cause beyond the reasonable control of the Society,
the Conductor or any members of the above-mentioned performing
ensemble are unable to appear, the Society shall not be liable
for any damages or otherwise.

IN WITNESS WHEREOF each party has hereunto set its hand
the day and year first above written.

BUFFALO PHILHARMONIC ORCHESTRA SOCIETY, INC.

By Michael E. Pucalis

TOWN OF CHEEKTOWAGA

(Local Presentor)

By Kenneth J. Meyers

Item No. 50 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 51 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the Town of Cheektowaga, through the Cheektowaga Recreation Department is sponsoring a Philharmonic Concert to be presented by the Buffalo Philharmonic Orchestra on the 28th day of January, 1977, at the Villa Maria College Auditorium located at 240 Pine Ridge Road, Cheektowaga, New York, and

WHEREAS, in order to carry out said purpose, it will be necessary for the Town to enter into a Lease agreement with Villa Maria College of Buffalo, as the Lessor, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to sign a Lease Agreement between the Town and Villa Maria College of Buffalo, for the purpose of allowing the Town to use the college auditorium to present said concert, a copy of said contract being annexed hereto and made a part hereof, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to pay to Villa Maria College of Buffalo the sum of \$525.00 as rental in accordance with the terms of said Lease Agreement.

* See next pages for agreement.



villa maria college of buffalo • 240 pine ridge road • buffalo, new york 14225

AGREEMENT

THIS AGREEMENT, made and entered into, in duplicate, this 14th day of January, 19 77, between VILLA MARIA COLLEGE OF BUFFALO, as Lessor and Chicktowne Recreation Dept. as Lessee;

WITNESSETH, that the Lessor hereby lets to the Lessee, and the Lessee does hereby hire and take from the Lessor, the exclusive use of Auditorium together with the non-exclusive use of the lobby, box office, and other facilities appropriate to such exclusive use of VILLA MARIA COLLEGE OF BUFFALO, 240 Pine Ridge Road, Buffalo, New York 14225, for the following term or terms:

FROM	TO	ON	NO. OF HOURS
<u>8:30 p.m.</u>	<u>11:00 p.m.</u>	<u>Jan. 28, 1977</u>	<u>2 1/2 hrs.</u>
_____	_____	_____	_____
_____	_____	_____	_____

for the following sole and exclusive purpose and for no other purpose whatsoever, viz: Concert (Buffalo Philharmonic).

This lease is made upon the following terms and conditions, which the parties agree to observe, keep, and perform:

1. The Lessee agrees to pay to the Lessor, as rental for said term or terms, the sum of \$ 545.00.
 - a. Concurrently with the signing of this lease, as a deposit, the sum of \$ _____.
 - b. At least twenty-four hours prior to the time fixed by this lease for the Lessee to enter into possession of the demised premises, the sum of \$ _____. payment received in full February 8, 1977. (after being processed by Town Acct. Dept.)

2. The Lessee agrees to deposit the sum of \$ _____ additional to guarantee payment for any damage to the rented premises; for the removal of all boxes, greenery, booths, exhibits, or other materials within the time specified hereafter in paragraph three, and on account of any additional time taken. The deposit shall be paid to Lessor upon the signing of this lease and shall be returned or adjusted as soon after the termination of this lease as is convenient.

3. The Lessee hereby expressly agrees that time shall be of the essence in respect to all of the aforesaid payments; that no additional time shall be taken for the occupancy of the premises or for the installation or removal of any equipment without the permission of the Lessor and the Lessee hereby agrees to pay for such additional time according to the schedule of rates fixed by the Lessor, if such permission is granted.

4. In the event that the Lessee shall default in making any of the aforementioned payments, the Lessor may, at its option, pursue any one or more of the following remedies:

- a. Refuse to surrender possession of the premises until all of the payments have been made as described heretofore; in which event the Lessor shall retain any moneys already paid, and the Lessee shall be liable to the Lessor for any balance remaining unpaid as specified herein.
- b. Relet the premises as agent of the Lessee for all or part of the demised term, in which event Lessor shall retain any payments theretofore made and the Lessee shall be liable to the Lessor for any deficiency in rent received.
- c. Immediately, upon such default, terminate the lease by written or oral notice to the Lessee, in which event Lessor shall retain any moneys paid by the Lessee and the Lessee shall be liable for any damages to Lessor by reason of such default.

5. In the event the Lessee manifests to the Lessor, expressly or otherwise, an intention not to perform the obligations hereunder, or if in the sole discretion of the Lessor it becomes evident that the Lessee will not be able to perform Lessee's obligations hereunder, the Lessor, at its option, may relet the premises as agent of the Lessee retaining any payments theretofore made, and the Lessee shall be liable to any deficiency in rent; or the Lessor may, upon written notice to the Lessee, terminate this lease retaining any payments theretofore made and the Lessee shall be liable for any damages to Lessor by reason of such default. In reletting the premises in accordance with paragraphs four and five of this lease, the Lessee expressly agrees that Lessor shall not be liable to Lessee for any damages suffered by Lessee as a result of reletting the premises.

6. The Lessor reserves the right to operate the wardrobe facilities during all functions being held and to rent other parts of the premises not herein demised, and the concurrent use of the lobby, vestibule, hallways, box offices, lounge and other public rooms and facilities to any other Lessee during the term of this agreement provided that such renting to others shall

not interfere with the giving of any performance, or concert, or function herein scheduled on the part of the Lessee. In the event that parts of the premises shall be occupied by more than one tenant at the same time, they shall be shared jointly by all the tenants.

7. The Lessee agrees to indemnify the Lessor for any damages to VILLA MARIA COLLEGE OF BUFFALO or its furnishings and fixtures, and any part thereof due to any act of the Lessee, its agents or employees, or of any person attending the College by reason of the use thereof by the Lessee.

8. The Lessee agrees that the Lessor shall not be liable for any claims or causes of action arising from the acts of ushers, doorkeepers, or other employees of the Lessee, and agrees to indemnify the Lessor for any moneys paid in satisfaction of claims or judgments against the Lessor as a result of such causes of action or claims aforesaid. Lessee further agrees to defend Lessor against the prosecution of such claims of action upon written request of the Lessor.

9. The Lessor shall not be liable for any damage to any property of the Lessee caused by water, rain, steam, snow, gas or electricity which may leak into the building, or issue from the pipes or plumbing work or wires, or from any part of the building, or from any other place or quarter; nor shall the Lessor be liable to respond for any loss of property from or on said premises, however occurring, or for any damage done to the furniture, fixtures, or other effects of the Lessee, by an employee of the Lessor.

10. Should the premises herein demised, or any part of VILLA MARIA COLLEGE, be destroyed or injured by fire, or the elements, mob, riot, war, or civil commotion, or any part of the lease be interfered with by strikes or other cause, prior to or during the time of which said premises are hereby leased, the Lessor may, in the exercise of its discretion, terminate the lease; in which event the Lessor shall return to the Lessee any payments that have been made for the period of the lease prevented or interrupted, and the Lessee hereby expressly waives any claims for damages, or compensation should the lease be so terminated. The Lessor shall not in any way be liable for any personal property or other damage, inconvenience, or annoyance to the Lessee arising from or on account of strikes, lock-outs, or other labor facilities.

11. Upon breach of any term, covenant, or condition of this lease, or of any rule or regulation imposed by the College or any governmental unit governing the use of the premises, the lease, at the option of the Lessor, without notice to the Lessee or any other party, shall terminate with the same force and effect as if the original term has come to an end.

12. The Lessee shall neither assign this lease nor sublet the premises without the consent of the Lessor in writing.

13. The Lessee agrees that this lease is made subject to all the Rules and Regulations of VILLA MARIA COLLEGE and the Lessee agrees to conform to said RULES AND REGULATIONS and to be bound thereby, and further agrees that the Lessor may enforce said RULES AND REGULATIONS against the Lessee by appropriate legal action and recover damages for their breach with the same

force as though they were incorporated as a part of the within lease. The Lessee hereby acknowledges that a copy of said RULES AND REGULATIONS is attached to this lease, and that it has full notice of them.

14. All rights and remedies of the Lessor shall be cumulative and none shall exclude any other right or remedy allowed by law.

VILLA MARIA COLLEGE OF BUFFALO, Lessor

By Sister Mary Lawrence
Director of Camp Ent. L.S.
 Lessor

By Kenneth J. Meyer
Chattanooga Town Hall
 Lessee's Address

683-2200
 Lessee's Telephone Number

NOTE

1. NO GAMING, RAFFLES, LOTTERY OR CHANGE GIFT, DISTRIBUTION OF MONEY OR ARTICLES OF VALUE SHALL BE PERMITTED BY PERSONS UNDER THIS AGREEMENT OR IN ANY WAY PERMITTED OR HELD OUT AS AN INDUCEMENT TO VISITORS.
2. NO LEWD, INDECENT, OR IMMORAL PERFORMANCES SHALL BE HELD ON THE PREMISES BEING DEMISED.
3. LESSEE AGREES TO ENFORCE THE RULES OF THE FIRE MARSHALL WHICH FORBIDS SMOKING IN THE AUDITORIUM.

ADDENDUM TO AGREEMENT

(Indemnification of Landlord against Liability)

The Lessee shall indemnify and save harmless the Lessor from and against any and all liability, penalties, damages, expenses and judgments by reason of any injury or claim of injury to person or property, of any nature and howsoever caused, arising out of the use, occupation and control of the demised premises, or the streets, alleys and sidewalks adjacent thereto, by the Lessee at any time during the demised term, including those resulting from any work in connection with any alterations, changes, new construction or demolition. The Lessee is hereby subrogated to any rights of the Lessor against any other parties whomsoever in connection therewith. The Lessor shall promptly notify the Lessee of any claim asserted against the Lessor on account of any such injury or claimed injury to persons or property and shall promptly deliver to the Lessee the original or true copy of any summons or other process, pleading or notice issued in any suit or other proceeding to assert or enforce any such claim.

VILLA MARIA COLLEGE OF BUFFALO, Lessor

By Sister Mary Lawrence
Director of Univ. Ext. L.S.
Lessor

By KENNETH J. MEYERS
Kenneth J. Meyers L.S.
Lessee

Item No. 51 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 52 Motion by Councilman Swiatek, seconded by Supervisor Meyers

BE IT RESOLVED That Kathy Stachewicz, , Depew, New York, 14043, be and hereby is granted a Maternity Leave of Absence from her position as Recreation Attendant in the Recreation Department, for a period of six (6) months commencing February 1, 1977, without pay.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
NAYES: 0

Item No. 53 Motion by Councilman Dux, seconded by Councilman Johnson to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th day of February, 1977 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Chester L. Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Ron Zoeller, Working Foreman of the Sanitation Department; Raymond Matot, Superintendent of Buildings and Grounds; Edward Leak, Recreation Director; Jim Matecki, Parks Foreman; Sal LaGreca, Assistant Manpower Program Director I; Julia Reinstein, Town Historian; Dr. Louis Vendetti, Town Health Officer.

I. BIDS

Item No. 2 Engineering Department - Fleet Washing for the year, 1977.
Referred to Chester L. Bryan, Town Engineer.

Item No. 3 Engineering Department - Work Uniforms.
Referred to Chester L. Bryan, Town Engineer.

Item No. 4 One (1) 1977 van-type Truck for use by the Traffic Safety Division of the Cheektowaga Police Department.
Referred to John B. Gruber, Acting Chief of Police; Officer William Fenske.

II. ADJOURNED PUBLIC HEARINGS

Item No. 5 Public Hearing adjourned from regular Town Board Meeting of 1/17/77. This being the time and place advertised for a public hearing to consider the advisability of adopting certain amendments to the Plumbing and Drainage Ordinance of the Town of Cheektowaga--(Section 4, Subdivision 1,3,9; Section 7, Subdivision 5 re: Subsoil surface water and floor drain amendments)--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.

Item No. 6 Public Hearing adjourned from regular Town Board Meeting of 1/17/77. This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga, which was adopted on July 17, 1967, hereinafter more particularly described, 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. Said proposed amendments being as follows:

Item No. 6 Cont'd.

ARTICLE V

One Way Roadways

Section 50 is amended by adding thereto the following:

DINGENS STREET is hereby designated for one-way traffic in a westerly direction between its intersection with CASS AVENUE and its intersection with HARLEM ROAD.

ARTICLE VII

Turning Movements

Section 74-Right on Red After Stop-is deleted therefrom as follows:

1. Right turns from the north on CAYUGA ROAD at its intersection with CLEVELAND DRIVE.
2. Right turns from the north on CAYUGA ROAD at its intersection with MARYVALE DRIVE.

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.

III. GENERAL COMMUNICATIONS

Item No. 7 N.Y.S. Dept. of Transportation - Two (2) Notices of Order re: "No Turn on Red" prohibitions at certain intersections.
Received and Filed.

Item No. 8 Erie County Board of Health - Notice of Public Hearing to be held 2/9/77 re: Changes to the Erie County Sanitary Code (Articles IV and IX).
Received and Filed.

Item No. 9 Cheektowaga Fire District Officers' Association - Correspondence re: Elimination of land lines to various Fire Halls in Town.
Referred to Councilman Frank J. Dux, Chairman, Public Works Committee.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 10 Building Permits.
Received and Filed.

V. RESOLUTIONS

Item No. 11 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, this Town Board, at a regular meeting held on 1/17/77, duly passed a resolution calling for a Public Hearing on February 17, 1977 to consider the application of James Reidy to rezone the premises located at 1185 Harlem Road, AND

Item No. 11 Cont'd.

WHEREAS, uncontrollable and hazardous weather conditions have made it impossible to publish the notice of hearing within the scheduled ten-day period, NOW, THEREFORE, BE IT

RESOLVED that said resolution be and hereby is amended to read as follows:

"WHEREAS, James Reidy has made application and requested the rezoning of property located at 1185 Harlem Road from R-Residential to RC-Restricted Business District, said applicant being owner of aforementioned property, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on March 7, 1977 at 6:30 o'clock P.M., Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Road."

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Suckale, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Chief*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks:
first publication.....*February 10, 1977*.....;
last publication.....*February 10, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Suckale
Sworn to before me this*11th*.....
day of*February*....., 19*77*.....
.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

Public Hearing
Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 7th day of March 1977, at 6:30 o'clock, P.M., Eastern Standard Time of said day for the purpose of considering the application of James T. Reidy to Rezone from R-Residential District to RC, Restricted Business District, the property located at 1185 Harlem Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION

ALL THAT PLOT OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 79, Township 10, Range 7 of the Buffalo Creek Reservation and further distinguished as Subdivision Lots Nos. 27 and 28 in Block No. 7 as shown on a map filed in the Erie County Clerk's Office under Cover No. 799, excepting therefrom that portion of subdivision Lot 27 which was taken for the New York State Thruway Ontario Section, being Map No. 430, Parcel No. 430.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD
Supervisor Kenneth J. Meyers
Councilmen:

Frank E. Swiatek
Thomas M. Johnson, Jr.
Raymond J. Wasielewski
Frank J. Dux
George Kaczmarek
James R. Burst

RICHARD M. MOLESKI
Town Clerk

Item No. 12 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, as part of a long-range program for town-wide drainage improvements, the Consulting Engineering Firm of McFarland-Johnson Engineers, Inc. has prepared plans and specifications for the construction of storm sewers related to the Ellen, Fairhaven, Rosedale drainage area, NOW THEREFORE, BE IT

RESOLVED, that the Town Clerk is directed to publish a Notice to Bidders in connection with said storm and sanitary sewer construction, notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that the Town Board meet on the 7th day of March, 1977 at 7:00 P.M., Eastern Standard Time, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting held for that purpose.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of Cheektowaga, New York, sealed proposals will be received and considered by the Town Board of Cheektowaga on the 7th day of March, 1977, at 7:00 P.M. Eastern Standard Time, in the Town Clerk's Office, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the construction of storm sewers and related work in the Ellen, Fairhaven, Rosedale Area, in accordance with the Contract Documents therefore, including plans, specifications, instructions to bidders, etc., prepared by McFarland-Johnson Engineers, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, from which copies may be secured upon payment of \$25.00 per set of documents.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one half the deposit. Materials suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All Bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposal for Storm Sewers for Ellen, Fairhaven and Rosedale Area".

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

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Attention of the bidders is further called to Section 2604 of the

Item No. 12 Cont'd.

Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

RICHARD M. MOLESKI, TOWN CLERK
TOWN OF CHEEKTOWAGA, NEW YORK

DATED: February 7, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sestito, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *February 17, 1977* ;
last publication..... *February 17, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sestito
.....

Sworn to before me this *18th*

day of *February*, 19*77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

Legal Notice

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of Cheektowaga, New York, sealed proposals will be received and considered by the Town Board of Cheektowaga on the 7th day of March, 1977, at 7:00 P.M. Eastern Standard Time, in the Town Clerk's Office, Town of Cheektowaga Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the construction of storm sewers and related work in the Ellen, Fairhaven, Rosedale Area, in accordance with the Contract Documents therefore, including plans, specifications, instructions to bidders, etc., prepared by McFarland-Johnson Engineers, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, from which copies may be secured upon payment of \$25.00 per set of documents.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one half the deposit. Materials suppliers and anyone returning the Plans and Specifications before the bid opening will also be classes as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposal for Storm Sewers for Ellen, Fairhaven and Rosedale Area".

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best

interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five per cent (5 per cent) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5 per cent) of the amount of the bid.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Attention of the bidders is further called to Section 2604 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

RICHARD M. MOLESKI
Town Clerk

Town of Cheektowaga, New York
DATED: February 7, 1977

Item No. 13 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, it is in order that bids be advertised to cover the purchase of Chlorine Requirements for the Town for the 1977 fiscal year, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with furnishing of Liquid Chlorine, notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that the Town Board meet on the 7th day of March, 1977, at 7:00 P.M., Local Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 7, 1977 at 7:00 P.M., Local Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of Liquid Chlorine for the year of 1977, for use in the treatment of sanitary sewage.

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

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

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

RICHARD M. MOLESKI
TOWN CLERK

DATED: February 7, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Supte, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clady*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*February 17, 1977*.....;
last publication.....*February 17, 1977*.....;
and that no more than six days intervened be-
tween publications.

Clady M. Supte

Sworn to before me this*18th*.....

day of*February*....., 19*77*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 7, 1977 at 7:00 P.M., local time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of liquid chlorine for the year of 1977, for use in the treatment of sanitary sewage.

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

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

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

RICHARD M. MOLESKI

Town Clerk

DATED: February 7, 1977

Item No. 14 Engineering Department - Advertise for Bids for one (1) Front Loading Bucket with attachments for use by the Parks Department.
Item Withdrawn until next regularly scheduled Town Board Meeting to be held on 2/17/77.

Item No. 15 Engineering Department - Advertise for Bids for a new Six Passenger, 4 Wheel Drive Pick-up Truck with Snow Plow for use by the Parks Department.
Item Withdrawn until next regularly scheduled Town Board Meeting to be held on 2/17/77.

Item No. 16 Motion by Councilman Kaczmarek, seconded by Supervisor Meyers

WHEREAS, a traffic signal has been requested on Dick Road 600 feet north of George Urban Blvd., which signal is requested to provide for the safety of the motoring public in ingress and egress from the newly constructed Urbandale Plaza, and

WHEREAS, such traffic light installation will be made at the expense of Wegmans Corporation and annual maintenance cost will be assessed against said Wegmans Corporation, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts this proposal for installation and maintenance of said traffic light, and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized to make application for said traffic light.

***SEE NEXT SIX (6) PAGES

WHEREAS, the Town of Cheektowaga, hereinafter referred to as "Town" and Wegman's Food Markets, Inc., hereinafter referred to as "Wegman's", a Business Corporation incorporated under the laws of the State of New York, with offices located at 1500 Rooks Avenue, Rochester, New York, have entered into negotiations relative to the installation of a traffic signal control, located on Dick Road, Cheektowaga, New York, at the Wegman's/Bell's Markets drives, located approximately 600 feet north of George Urban Blvd. and

WHEREAS, the Erie County Department of Public Works, Division of Highways, has submitted to the Town an application, wherein the applicant is the Town of Cheektowaga, and wherein the Town is required to furnish the necessary parts, equipment, traffic signs or signals and pay all costs of installation, maintenance and operation of same and

WHEREAS, Wegmans has agreed to undertake and underwrite all the costs, obligations and responsibilities of the Town as set forth in said application, dated February 7, 1977, a copy of which is attached hereto and made a part hereof and have, therefore

W I T N E S S E T H:

That the Town has agreed to authorize the Supervisor by resolution adopted February 7, 1977 to sign said application on behalf of the Town and it is hereby

FURTHER agreed that Wegmans hereby agrees to assume all the costs of installation, maintenance and operation of said signal and to assume all the responsibilities, costs and obligations of the Town as set forth in said application by means of reimbursing the Town or by other proper and acceptable accounting methods.

AND IT IS FURTHER AGREED that Wegman's shall provide and pay for the upgrading of a signal presently located at the intersection of George Urban Blvd. and Dick Road. After completion of the upgrading, the Town

shall continue to maintain said signal at George Urban Blvd. and Dick Road at Town expense.

DATED:

WEGMANS FOOD MARKETS, INC.

February 7, 1977

Cheektowaga, New York

By

Edwin J. Wegman
Edwin J. Wegman, President

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
BUFFALO, NEW YORK

PERMIT TO INSTALL, ALTER OR RELOCATE
TRAFFIC SIGNS, SIGNALS OR MARKINGS

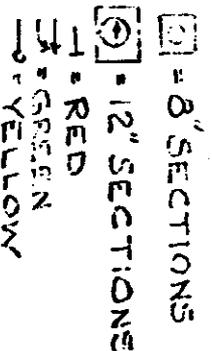
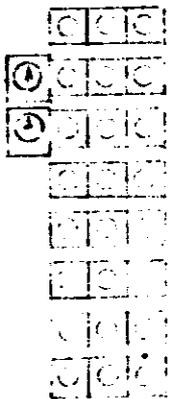
The undersigned hereby requests permission to furnish, install, and maintain an interconnected traffic actuated, traffic control signal system at the intersection of Dick Road CR 317 and George Urban Blvd. CR 316 and the Dick Road - Wegman's/Bells Market Drives approximately 600' North of George Urban Blvd. As a condition of granting this permit, it is agreed that:

1. The applicant shall furnish the necessary parts, equipment, traffic signs or signals and pay all costs of installation, maintenance and operation.

2. There shall be a minimum of two (2) vehicular faces visible to traffic on each approach and they shall have RED, AMBER, and GREEN lenses on each face, with left turn green arrows on Dick - George Urban faces #2 & #3, and on Dick - Wegmans/Bells Market Drives faces #2 & #3. The controller at the driveway will be a two phase semi-actuated controller, and the controller at George Urban and Dick Road will be a three phase full actuated controller to provide for a dual left turn movement from Dick Road. There shall be coordination of the two controllers to insure that traffic will not get stopped twice in any instance. This system will operate per attached phase schedule. This system will allow future pedestrian operation, and be expandable to other vehicle demand requirements. The time settings will allocate maximum green time primarily for Dick Road, and secondarily for George Urban Blvd. and any phase revisions shall be approved by Erie County Department of Public Works - Highways. Minimum green time shall be 17 seconds total for each approach.

FACE	PHASE	DICK-GEORGE URBAN							
		1	2	3	4	5	6	7	8
"A"	CLEAR TO "B"	Y	Y	Y	Y	R	R	R	R
	"B"	R	R	R	R	G	G	G	G
"C"	CLEAR TO "A"	R	R	R	R	Y	Y	Y	Y
	"C"	R	R	R	R	R	R	R	R
"A"	CLEAR TO "B"	R	R	R	R	Y	Y	Y	Y
	"B"	R	R	R	R	R	R	R	R
"C"	CLEAR TO "A"	R	R	R	R	Y	Y	Y	Y
	"C"	R	R	R	R	R	R	R	R
"A"	CLEAR TO "B"	R	R	R	R	Y	Y	Y	Y
	"B"	R	R	R	R	R	R	R	R
"C"	CLEAR TO "A"	R	R	R	R	Y	Y	Y	Y
	"C"	R	R	R	R	R	R	R	R

FACE	PHASE	DICK WEGMAN'S/BELLS DR.							
		1	2	3	4	5	6	7	8
"A" ADVANCE	CLEAR TO "A"	R	R	R	R	Y	Y	Y	Y
	"A"	R	R	R	R	R	R	R	R
"B"	CLEAR TO "B"	R	R	R	R	Y	Y	Y	Y
	"B"	R	R	R	R	R	R	R	R
"C"	CLEAR TO "A"	R	R	R	R	Y	Y	Y	Y
	"C"	R	R	R	R	R	R	R	R



NOTE:

Operation of this permit system will be simultaneous with the revocation of the existing signal

permit at the intersection of Dick Rd. and George Urban Blvd. dated: December 1, 1960 (Copy attached).

3. All signals shall be suspended centrally over the pavement, with a minimum clearance of 15 to 17 feet.
4. All signs, signals, or markings required with this signal system and covered by this permit shall be installed, by the applicant and maintained and shall conform to the standards of the New York State Manual of Uniform Traffic Control Devices.
5. The work authorized by this permit shall be performed under the supervision and to the satisfaction of the Deputy Commissioner of Public Works-Highways of Erie County.
6. Traffic shall be maintained; and traffic and public shall be properly protected at all times during the progress of the work authorized by this permit.
7. All portions of the highway or street which may be disturbed during the progress of the work authorized by this permit shall be restored to their original condition.
8. The applicant hereby agrees that it will keep insured during the performance of the above described work, such employees as are required to be insured under the provisions of Chapter 41 of the Laws of 1914 and act amendatory thereof, known as the Workmen's Compensation Law.
9. The applicant agrees to maintain the sign, signal or marking and any equipment or necessary parts thereof in good condition, and in a manner which will not constitute a hazard to traffic.
10. The applicant hereby agrees to hold the County harmless on account of damages of any kind which may arise during the progress of the work authorized by this permit, or by reason thereof, including any damage that may result from failure of signal to operate at any time. The applicant hereby agrees to provide a protective Liability Insurance policy to protect the County of Erie and in addition to the deposit of a "Surety Bond", the applicant shall include the County of Erie in their comprehensive general liability policy (including contractual).
11. This permit is revocable at the discretion of the Deputy Commissioner of Public Works - Highways after a hearing and for due cause.

The person executing this application on behalf of the applicant certifies that he has full authority to execute this application, and if the applicant is a village, town or school board, he has annexed hereto a certified copy of a resolution by such body, authorizing him to make this application.

Dated: January 11, 1977

Kenneth J. Meyer
(Name of authority requesting permit)

By: Supervisor
(Title)

APPROVED UNDER CHAPTER 63, SECTION 136, OF THE LAWS OF 1936

Dated: 8 FEB 77

DEPUTY COMMISSIONER OF PUBLIC WORKS-HIGHWAYS

Kenneth L. Ritzmaier

ERIE COUNTY
DEPARTMENT OF HIGHWAYS

Buffalo, New York

PERMIT TO INSTALL, ALTER OR RELOCATE
TRAFFIC SIGNS, SIGNALS OR MARKINGS

The undersigned hereby requests permission to furnish, erect and maintain a "Stop and Go" traffic signal at the intersection of Dick Road C.P. # 317 and George Urban Blvd. C.P. 316

As a condition of granting this permit, it is agreed that:

1. The applicant shall furnish the necessary parts, equipment, traffic signs or signals and pay all costs of installation, maintenance and operation.
2. Signal shall be a standard "Stop and Go", with red, green and amber lenses on all four faces.
3. All signals shall be suspended centrally over the pavement, with a minimum clearance of 14'6".
4. All signs, signals or markings covered by this permit shall conform to the standards of the State Traffic Commission.
5. The work authorized by this permit shall be performed under the supervision and to the satisfaction of the County Superintendent of Highways of Erie County.
6. Traffic shall be maintained; and traffic and public shall be properly protected at all times during the progress of the work authorized by this permit.
7. All portions of the highway or street which may be disturbed during the progress of the work authorized by this permit shall be restored to their original condition.
8. The applicant hereby agrees that it will keep insured during the performance of the above described work, such employees as are required to be insured under the provisions of Chapter 41 of the Laws of 1914 and acts amendatory thereof, known as the Workmen's Compensation Law.
9. The applicant agrees to maintain the sign, signal or marking and any equipment or necessary parts thereof in good condition, and in a manner which will not constitute a hazard to traffic.
10. The applicant hereby agrees to hold the County harmless on account of damages of any kind which may arise during the progress of the work which may result from failure of signal to operate at any time.
11. This permit is revocable at the discretion of the County Superintendent after a hearing and for due cause.

The person executing this application on behalf of the applicant certifies that he has full authority to execute this application, and if the applicant is a village, town or school board, he has annexed hereto a certified copy of a resolution by such body, authorizing him to make this application.

Dated:

Town of Chesham

(Name of authority requesting permit)

By James J. Hanly

(Title)

Town Clerk

APPROVED UNDER CHAPTER 63, SECTION 136, OF THE LAWS OF 1936

Dated: Dec 1960

ERIE COUNTY SUPERINTENDENT OF HIGHWAYS

By Harry A. Crafts

Item No. 16 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED that the Town Attorney's Office be and hereby is authorized to Appeal the Decision of Honorable Joseph S. Mattina, Justice Supreme Court with reference to the lawsuit entitled:

BENDERSON DEVELOPMENT COMPANY, INC.

vs.

TOWN OF CHEEKTOWAGA, et at.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Whitmier & Ferris Co., Inc. has requested permission to erect two advertising signs at 1649 Walden Avenue, Cheektowaga, New York pursuant to Article III, Section 3-01 of the Zoning Ordinance of the Town of Cheektowaga, and

WHEREAS, said application was referred to the Building Inspector of the Town of Cheektowaga, and

WHEREAS, said Building Inspector has recommended approval of said application, now, therefore, BE IT

RESOLVED, that Whitmier & Ferris Co., Inc. be and hereby is granted permission to erect two advertising signs at 1649 Walden Avenue, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the Town Board by resolution duly adopted on January 17, 1977 authorized the Town Attorney to attend the New York State Bar Association Seminar in New York City relating to municipal law matter, for the period January 27th to January 29th inclusive, and

WHEREAS, said Town Attorney was unable to return to the Town of Cheektowaga because of the snow emergency until February 2, 1977 and he incurred additional lodging and living expenses as a result thereof, therefore, BE IT

RESOLVED that the Town Board hereby authorizes the payment of the Town Attorney's necessary and reasonable expenses incurred during the period January 29th, 1977 to February 2nd, 1977 and he is further directed to submit his voucher for repayment by the Town.

Item No. 19 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, the State University College of New York at Buffalo is offering a credit-free course entitled, "Community Development Through the Use of Block Grant Funds", AND

WHEREAS, one of the main responsibilities of Jerome Gabryszak, Career Trainee in the Town Council Office, is the development of grant applications for federal aid for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that Jerome Gabryszak is hereby authorized to attend said credit-free seminar in Community Development at the State University College of New York at Buffalo from February 16 to March 9, 1977, and, BE IT FURTHER

RESOLVED that Jerome Gabryszak be reimbursed for all legal expenses, not to exceed \$45.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, through correspondence received from Erie County Personnel, attached hereto and made a part hereof, the Supervisor's Office has been notified of a change in title for "Deputy Assessor", NOW, THEREFORE, BE IT

RESOLVED that the title of "Deputy Assessor" is hereby changed to "Real Property Appraiser".

***SEE NEXT PAGE



County of Erie

EDWARD V. REGAN
COUNTY EXECUTIVE

JUN 11 1976

RECEIVED BY MEYER

PHONE: 716-8

DEPARTMENT OF PERSONNEL

JOHN V. CLARK
COMMISSIONER

KEVIN J. LOOS
DEPUTY COMMISSIONER

June 10, 1976

Mr. Kenneth J. Meyers
Supervisor, Town of Cheektowaga
Broadway and Union Road
Cheektowaga, N.Y. 14227

Dear Mr. Meyers:

As you know from previous communications with this office, the title of Deputy Assessor has become obsolete as a result of the Assessment Improvement Act of 1971.

In the interest of equitable treatment for all present incumbents in the Deputy Assessor title, I have drafted the enclosed Resolution which grants them competitive status in the new title of Real Property Appraiser.

Please note your incumbent(s) and the date of their "cover-in".

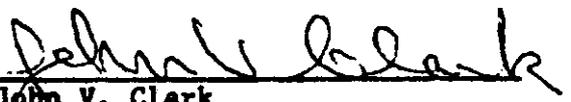
Casimer Kozminski 10/1/71

Please change your payroll and personnel records accordingly. You will not have to send in any PO-1-M forms to this office, as we will change our Civil Service records to indicate the new title and status.

We emphasize that this cover-in will apply to present incumbents only and future vacancies will be filled by competitive exam.

Thank you for your cooperation in this matter.

Sincerely yours,


John V. Clark
Commissioner of Personnel

JVC/dw
encl.

Item No. 21 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Burst, seconded by Councilman Kaczmarek

WHEREAS, Stanley M. Dalka, an employee in the Sanitation Department, has been absent from work due to illness and during said absence has used up his accumulated sick leave time, and

WHEREAS, said employee has requested an extension of his sick leave benefits pursuant to the limitations specified in the Collective Bargaining Agreement between the Town of Cheektowaga and the employees' representative, therefore, BE IT

RESOLVED, that said Stanley M. Dalka be and hereby is granted extended sick leave with pay not to exceed fifteen (15) working days and subject to the provisions of the Collective Bargaining Agreement between the Town of Cheektowaga and the employees' representative, commencing February 7, 1977 through February 28, 1977, inclusive.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Supervisor Meyers, seconded by Councilman Dux

WHEREAS, the necessary PO-17 forms for the creating of a "Detective" position in the Cheektowaga Police Department have previously been submitted to the Erie County Department of Personnel, and

WHEREAS, said creation of "Detective" position has been approved by the County, NOW, THEREFORE, BE IT

RESOLVED that the position of "Detective" in the Cheektowaga Police Department is hereby created.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, the position of "Detective" in the Cheektowaga Police Department has previously been created, and

WHEREAS, Paul D. Mercurio of the Cheektowaga Police Department has been performing his duties under the title of Acting Detective, NOW, THEREFORE, BE IT

RESOLVED that Paul D. Mercurio, of the Cheektowaga Police Department, is hereby appointed "Detective", at a salary in accordance with the Police contract, effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Dux, seconded by Councilman Burst

BE IT RESOLVED that Margaret Nagowski, of Cheektowaga, New York be hired as Clerk, part-time in the Tax Office at a salary of \$22.00 per day, effective January 15, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Swiatek, seconded by Supervisor Meyers

RESOLVED that William F. Fenske Jr. residing at 74 Woodell Avenue, Cheektowaga, New York 14211, be hired to work for the Cheektowaga Youth Bureau as a Recreation Attendant for the C.A.T.C.H. Program at the rate of \$2.50 per hour.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, a temporary vacancy exists in the Cheektowaga Recreation Department in the position of "Recreation Attendant", and

WHEREAS, said temporary vacancy was posted for a period of ten (10) days in accordance with the bargaining agreement between Local 1026 AFL-CIO and the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that Mary Ann Sansone, of , Cheektowaga, New York, is hereby appointed to fill said temporary vacancy of "Recreation Attendant" for a period of six months, beginning February 8, 1977, at a salary of \$7,321.15.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

WHEREAS, the following have been Town Employees under the Comprehensive Employment and Training Act of 1973, Title II, NOW, THEREFORE, BE IT

RESOLVED that the Title of the following be changed from Title II to Title VI, retroactive to February 1, 1977:

<u>NAME AND ADDRESS</u>	<u>DEPARTMENT</u>	<u>POSITION AND SALARY</u>
Ahl, Warren A.	Building Main't.	Laborer - \$4.90 per hour
Arendt, Bernard	Recreation & Parks	Career Trainee - \$12,011 yearly
Arne, Raymond F.	Cheektowaga Central	Laborer - \$4.90 per hour
Augustine, James M.	Parks Dept.	Career Trainee - \$10,963 yearly
Bauer, Frederick A.	Village of Depew	Clerk-Typist - \$8,451.94 yearly

Item No. 28 Cont'd.

<u>NAME AND ADDRESS</u>	<u>DEPARTMENT/S.S. No.</u>	<u>POSITION AND SALARY</u>
Bednarek, Judith	Police Building	Clerk-Typist - \$7,567.24 yearly
Beicke, Ruth E.	E.C.C. - S. Campus	Clerk-Typist - \$8,451.94 yearly
Bonn, Richard N.	Cheektowaga Central	Laborer - \$4.90 per hour
Brem, Lorraine A.	Parks Dept.	Cleaning Lady - \$4.25 per hour
Brezowski, Richard S.	Parks Dept.	Laborer - \$5.15 per hour
Buchholz, Jane A.	Assessor's Office	Clerk-Typist - \$8,451.94 yearly
Butsch, Kathleen	Manpower Office	Clerk-Typist - \$8,451.94 yearly
Caserta, James E.	Depew Central	Laborer - \$4.90 per hour
Castanik, Janice	E.C.C. - S. Campus	Clerk-Typist - \$8,451.94 yearly
Ciesel, Henry	Sloan School	Laborer - \$5.15 per hour
Cirino, Joseph B.	Maryvale School	Laborer - \$4.90 per hour
Digati, Michael	Maryvale School	Laborer - \$4.90 per hour
Dojka, Kenneth J.	Highway Dept.	Laborer - \$4.90 per hour
Fitzhugh, Donald	Parks Dept.	Laborer - \$4.90 per hour
Gabryszak, Jerome	Town Clerk's Off.	Career Trainee - \$10,963 yearly
George, Anelina M.	Village of Depew	Clerk-Typist - \$8,451.94 yearly
Gibbs, Robert	Parks Dept.	Laborer - \$4.90 per hour
Griffin, Paul	Maryvale Central	Laborer - \$4.90 per hour
Kiminiarek, Barbara A.	United Rubber Work	Clerk-Typist - \$8,451.94
Kotarski, Bernie	Highway Department	Trainee Mechanics - \$5.15 per hour
Kowal, Lawrence E.	Police Garage	Laborer - \$5.15 per hour
Krzykowski, Henry	Parks Dept.	Laborer - \$4.90 per hour

Item No. 28 Cont'd.

<u>NAME AND ADDRESS</u>	<u>DEPARTMENT/S.S. No.</u>	<u>POSITION AND SALARY</u>
Lease, Ronald	Parks Dept.	Laborer - \$4.90 per hour
Ledzian, Richard	Highway Dept.	Laborer - \$4.90 per hour
Lueke, Marvin H.	Highway Dept.	Laborer - \$4.90 per hour
Lullia, Judith M.	Lancaster	Clerk-Typist - \$8,833.39
Marsh, Joan	Youth Bureau	Career Trainee - \$10,963 yearly
Math, Wayne	Lancaster	Laborer - \$5.15 per hour
Mazgajewski, Norbert R.	Highway Dept.	Rodman - \$5.15 per hour
Mietlicki, Eugene	Highway Dept.	Laborer - \$4.90 per hour
Mistretta, Janice	Judge's Office	Clerk-Typist - \$7,567.24 yearly
Mroz, Leonard	Village of Depew	Laborer - \$4.90 per hour
Mucha, Dianne	Depew Central	Clerk-Typist - \$8,451.94 yearly
Napierski, David J.	Dept. Environmental	Career Trainee - \$10,963 yearly
Nowak, Leonard	Cheektowaga Central	Career Trainee - \$10,963 yearly
Nowakowski, David	Depew Central	Laborer - \$4.90 per hour
O'Mara, Marie	Depew Central	Clerk-Typist - \$8,451.94 yearly
Pagano, Peggy J.	E.C.C. - S. Campus	Clerk-Typist - \$8,451.94 yearly
Przespo, Eugene	E.C.C. - S. Campus	Career Trainee - \$10,963 yearly
Quinn, James J.	Depew Central	Laborer - \$4.90 per hour
Robichaud, Patricia	Parks Dept.	Cleaner - \$4.25 per hour
Roehner, Larry C.	Village of Depew	Laborer - \$4.90 per hour
Rogalski, Richard N.	Building Main't.	Laborer - \$4.90 per hour
Rogers, Kathleen	Lancaster Central	Clerk-Typist - \$8,833.39 yearly

2/7/77

Item No. 28 Cont'd.

<u>NAME AND ADDRESS</u>	<u>DEPARTMENT/S.S. No.</u>	<u>POSITION AND SALARY</u>
Schmidt, Milton M.	Highway Dept.	Laborer - \$4.90 per hour
Serafini, Carol	Police Department	Clerk-Steno - \$9,044.59 yearly
Sobczak, Steven	Highway Department	Laborer - \$4.90 per hour
Sokolski, Stephan	Boy's Club of Elma	Career Trainee - \$10,441 yearly
Stephan, Donna	E.C.C. - S. Campus	Clerk-Typist - \$8,451.94 yearly
Stevens, Renee'	Manpower Office	Clerk-Typist - \$8,451.94 yearly
Stranz, Gerard	Building Inspector	Career Trainee - \$10,963 yearly
Surdej, Thomas D.	Depew Central	Laborer - \$4.90 per hour
Sydow, Paul	Maryvale	Laborer - \$4.90 per hour
Szczecinski, Henry	Parks Department	Laborer - \$4.90 per hour
Tarapacki, David	Parks Department	Laborer - \$4.90 per hour
Tybor, Carole A.	Village of Depew	Clerk-Typist - \$8,451.94 yearly
Weinstein, Joan	Lancaster School	Clerk-Typist - \$8,833.39 yearly
Wilson, Marie H.	Depew Central	Clerk-Typist - \$8,451.94 yearly
Wilson, Richard L.	Highway Department	Laborer - \$4.90 per hour

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

WHEREAS, funds are presently available under the Comprehensive
Employment and Training Act of 1973, Title VI, NOW, THEREFORE BE IT

RESOLVED, that the following person be and hereby is hired under
the position listed below, at a salary rate as specified, starting date established
by the department head:

Laborer in the Village of Sloan at a rate of \$4.38 an hour

Servicki, Russell

893-9525

Sloan, NY 14212

Item No. 29 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the term of Julia Reinstein of Cheektowaga, New York 14227, on the Cheektowaga Library Board has expired as of December 31, 1976, NOW, THEREFORE BE IT

RESOLVED that said Julia Reinstein be and hereby is reappointed to a five (5) year term on the Cheektowaga Library Board, effective immediately, term to expire December 31, 1981.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Motion by Councilman Wasielewski, seconded by Councilman Swiatek to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

VI. SUSPENSION OF RULES

Item No. 31 Authorization for Chief Operator of Wastewater Treatment Plants to attend Sewage Treatment Plant Operators' School.

Motion by Councilman Johnson, seconded by Councilman Swiatek

WHEREAS, the New York State Department of Conservation requires that the Chief Operator of the wastewater treatment plant be a Grade IB Operator and recommends attendance at the Grade IB Sewage Treatment Plant Operator's Course, AND

WHEREAS, Alfred Zalenski, Chief Operator of Wastewater Treatment Plants No. 3 and No. 5, was authorized to attend said Grade IB Sewage Treatment Plant Operator's School by Town Board Resolution dated April 5, 1976 at Syracuse University for the period of June 14 to July 2, 1976 which course was cancelled, AND

WHEREAS, said Grade IB Operator Course is now scheduled for February 28 to March 18, 1977, NOW, THEREFORE BE IT

RESOLVED, that Alfred Zalenski, Chief Operator be and hereby is authorized to attend the Grade IB Wastewater Treatment Plant Operator Course at Syracuse University From February 28 through March 18, 1977, with all necessary and legal expenses for said business trip be paid for by the Town of Cheektowaga and said expenses to include \$420.00 tuition fee, less the \$315.00 tuition fee paid under the previously authorized resolution, lodging at \$13.00 per day for a total of \$195.00 and mileage and thruway tolls not to exceed \$137.40 and meals not to exceed \$120.00, for a total adjusted cost of \$557.40.

Item No. 31 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 32 Authorization for Wastewater Treatment Plant Operator Trainee to attend training course.

Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the satisfactory completion of a training course of instruction is a requirement of the New York State Sanitary Code and said schooling being a requisite for the position of Sewage Treatment Plant Operator, NOW, THEREFORE, BE IT

RESOLVED that Thomas Skowronski, Wastewater Treatment Plant Operator Trainee, be and hereby is authorized to attend the required training school at State University College at Buffalo during the period of March 7 through March 18, 1977 with all legal expenses to be reimbursed by the Town and said legal expenses to include a \$210.00 tuition fee and mileage not exceed \$21.00 and meals not to exceed \$28.00.

Upon Roll Call...

AYES: Supervisor Meyers, Councilman Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 33 Decision on Rezoning - French and Transit Roads.

Motion by Councilman Wasielewski, seconded by Supervisor Meyers

WHEREAS, James V. Welch & Associates has applied for a rezoning from R-Residential to C-Retail Business District the property located at Transit and French Roads, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT AND PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 43, Township 10, Range 7 and being more particularly described as follows:

BEGINNING at a point which is the Southeast corner of Del Prince Estates as filed in the Erie County Clerk's Office under Map Cover 2269. Thence Easterly, along a line parallel to and 270.60' Northerly from the South line of Lot 43, a distance of 295.58' to a point. Thence Northerly and parallel with the East line of Del Prince Estates, a distance of 440.00' to a point. Thence Westerly and parallel with the South line of Lot 43, a distance of 295.58' to a point in the East line of Del Prince Estates. Thence Southerly and along that same line, a distance of 440.00' to the Point and Place of Beginning and containing 2.99 acres of land be the same more or less.

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-10 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 6th day of December, 1976 at 6:30 o'clock p.m. Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the Applicant has submitted a Development Plan as provided for in Section 10-10 of the Town Zoning Ordinance, and

Item No. 33 Cont'd.

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding area by the owners or occupants thereof, now, therefore, BE IT

RESOLVED, that said rezoning is granted subject to the provisions of Section 10-10 (Development Plan) of the Zoning Ordinance of the Town of Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the above described premises be and hereby are rezoned from R-Residential District to C-Retail Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Siskter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *February 10, 1977* ;
last publication..... *February 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Siskter
.....

Sworn to before me this *11th*

day of *February*, 19 *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAID'NE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *77*

Legal Notice
MINUTE BOOK OF THE TOWN OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 7th day of February, 1977 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilmen:

Frank E. Swiatek
Raymond J. Wasielewski
Thomas M. Johnson, Jr.
Frank J. Dux
George Kaczmarek
James R. Burst

ABSENT: 0

Motion by Councilman Wasielewski
Seconded by Supervisor Meyers

WHEREAS, James V. Walch & Associates has applied for a rezoning from **R-Residential District** to **C-Retail Business District** the property located at **Transit and French Roads**, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT AND PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 43, Township 10, Range 7 and being more particularly described as follows:

BEGINNING at a point which is the Southeast corner of Del Prince Estates as filed in the Erie County Clerk's Office under Map cover 2266. Thence Easterly, along a line parallel to and 270.60' Northerly from the South line of Lot 43, a distance of 295.58' to a point. Thence Northerly and parallel with the East line of Del Prince Estates, a distance of 440.00' to a point. Thence Westerly and parallel with the South line of Lot 43, a distance of 295.58' to a point in the East line of Del Prince Estates. Thence Southerly and along that same line, a distance of 440.00' to the Point and Place of Beginning and containing 2.99 acres of land be the same more or less. and to amend the Zoning Map and Ordinance accordingly, pursuant to

Section 10-10 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 6th day of December, 1976 at 6:30 o'clock p.m. Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the Applicant has submitted a Development Plan as provided for in Section 10-10 of the Town Zoning Ordinance, and

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding area by the owners or occupants thereof, now, therefore, **BE IT**

RESOLVED, that said rezoning is granted subject to the provisions of Section 10-10 (Development Plan) of the Zoning Ordinance of the Town of Cheektowaga, New York, and **BE IT FURTHER**

RESOLVED, that the above described premises be and hereby are rezoned from R-Residential District to C-Retail Business District, and **BE IT FURTHER**

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon roll call
Supervisor Meyers Voting AYE
Councilmen:
Swiatek Voting AYE
Wasielewski Voting AYE
Johnson Voting AYE
Dux Voting AYE
Kaczmarek Voting AYE
Burst Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK)

COUNTY OF ERIE)

I, **RICHARD M. MOLESKI**, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on February 7, 1977, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 33, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 8th day of February, 1977.

RICHARD M. MOLESKI
Town Clerk

Item No. 34 Advertise for Bids for Trailer-Mounted Centrifugal Pumps.

Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, record breaking snowfalls have been experienced by this area with no thawing periods as yet for this year of 1977, AND

WHEREAS, it is the desire of this Town Board to provide relief to Town areas at such time that these record snow deposits melt, AND

WHEREAS, Community Development Block Grant Funds are available for such purposes, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders in connection with the furnishing of trailer-mounted centrifugal pumps, notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED that the Town Board meet on the 17th day of February, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 17, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road for the furnishing of trailer-mounted centrifugal pumps.

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

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

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

RICHARD M. MOLESKI
TOWN CLERK

DATED: February 7, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Schutte, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Chas*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication.....*February 10, 1977*.....;
last publication.....*February 10, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Schutte

Sworn to before me this*11th*.....

day of*February*....., 19..*77*..

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

NOTICE TO BIDDERS
Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 17, 1977 at 7:00 P.M. Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road for the furnishing of trailer-mounted centrifugal pumps.

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

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

Mark
RICHARD M. MOLESKI
Town Clerk

DATED: February 7, 1977

Item No. 35 Motion by Councilman Kaczmarek, seconded by Councilman Swiatek to adjourn this Town Board Meeting until February 9, 1977 at 6:00 P.M., Eastern Standard Time.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

RICHARD M. MOLESKI
TOWN CLERK

Item No. 1 At a regular adjourned 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 9th day of February, 1977 at 6:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Raymond J. Wasielewski
Councilman Frank J. Dux
Councilman George Kaczmarek

ABSENT: Councilman Frank E. Swiatek
Councilman Thomas M. Johnson, Jr.
Councilman James R. Burst

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Sal LaGreca, Assistant Manpower Program Director I.

Item No. 2 Temporary Agreement between Town of Cheektowaga and Lancaster Sanitary Landfill relative to proper disposal of Town refuse and waste materials.

Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, the Town of Cheektowaga and Community Disposal Service, Inc. have entered into a contract whereby said Community Disposal Service, Inc. agreed to accept the refuse from the Town of Cheektowaga; said contract being dated the 27th day of December, 1974, and effective as of January 2, 1975, and

WHEREAS, Community Disposal Service, Inc. may refuse and/or may be unable to accept the refuse and waste material from the Town of Cheektowaga at the transfer station site as provided for in said contract, and

WHEREAS, it is necessary that the Town of Cheektowaga continue to continuously dispose of its refuse and waste materials in order to protect the health and welfare of its residents, and

WHEREAS, the Town has been able to negotiate for the receipt of said refuse and waste material of the Town by Lancaster Sanitary Landfill during such period while Community Disposal Service, Inc. may be unable to accept the Town's refuse and waste material, therefore, BE IT

RESOLVED, that the circumstances as set forth in this resolution are hereby considered an emergency by the Town Board, and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to arrange for the disposal of the Town's refuse and waste materials at Lancaster Sanitary Landfill, if necessary, at a cost of \$1.20 per cubic yard for a period of thirty (30) days or until the Community Disposal Service, Inc. is able to accept the Town's refuse and waste material whichever event occurs first.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Wasielewski, Dux and Kaczmarek
NAYES: 0
ABSENT: Councilmen Swiatek, Johnson and Burst

Item No. 3 Temporary hiring of C.E.T.A. Employees with Funds granted through the Consortium for Emergency Snow Removal.

Motion by Supervisor Meyers, seconded by Councilman Wasielewski

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, and

Item No. 3 Cont'd.

WHEREAS, the Town of Cheektowaga has entered into a consortium agreement with the County of Erie and the Town of Tonawanda, and

WHEREAS, the Federal Government and Department of Labor has granted through the Consortium emergency snow removal funds, and

WHEREAS, for the purpose of disbursement of snow removal funds the Town of Cheektowaga has designated the County Controllers Office to administer the issuance of checks for the Town of Cheektowaga employees employed in the following town departments in this program, NOW THEREFORE, BE IT

RESOLVED, that the following persons be and hereby are hired under the position listed below, for a period not to exceed thirty (30) working days, at a salary rate as specified, starting date established by the department head and, BE IT FURTHER

RESOLVED, that the original date of the first hiring, if any, be and hereby is made retroactive to the 5th day of February, 1977:

Laborer in the Building Maintenance Dept. at a rate of \$4.38 per hour

Camp, Jeffrey	Cheektowaga, NY	14227
Campisi, Glenn	Cheektowaga, NY	14227
Glenn, Neil	Cheektowaga, NY	14225
Guzala, Leon	Cheektowaga, NY	14225
Hughes, Timothy	Cheektowaga, NY	14225

Laborer in Plant No. 5 at a rate of \$4.38 per hour

Erhardt, Arthur	Cheektowaga, NY	14225
Lannon, Patrick	Cheektowaga, NY	14227
Lewandowski, Dan	Cheektowaga, NY	14225
Morosey, Dwayne	Cheektowaga, NY	14227
Morosey, Ricky	Cheektowaga, NY	14227
Pakiela, William	Cheektowaga, NY	14225
Sherk, Sharon	Sloan, NY	14212

Laborer in the Sewer Maintenance Dept. at a rate of \$4.38 per hour

DiGiacomo, Pasquel	Cheektowaga, NY	14225
Dyet, William	Cheektowaga, NY	14225
Havernick, James	Cheektowaga, NY	14227
Pizzolanti, Charles	Cheektowaga, NY	14227
Solberg, James	Depew, NY	14043
Umhauer, Robert	Cheektowaga, NY	14215
Petre, Michael	Cheektowaga, NY	14225
James, Carl	Cheektowaga, NY	14227

Item No. 3 Cont'd.

Laborer in the Sanitation Dept. at a rate of \$4.38 per hour

Baker, Joseph	Cheektowaga, NY	14227
Ciaravino, William	Cheektowaga, NY	14227
Cielinski, Richard	Cheektowaga, NY	14227
Comerford, Thomas	Cheektowaga, NY	14215
Duncan, James	Cheektowaga, NY	14225
Grabbenstatter, Allen	Cheektowaga, NY	14225
Grabbenstatter, Wayne	Cheektowaga, NY	14225
Graves, Wilbert	Depew, NY	14043
Meyers, Donald	Cheektowaga, NY	14225
Miller, Melvin	Cheektowaga, NY	14227

Laborer in the Highway Department at a rate of \$4.38 per hour

Anderson, Charles	Cheektowaga, NY	14225
Becker, Charles	Cheektowaga, NY	14225
Bernys, Stanley	Cheektowaga, NY	14206
Brockner, Erwin	Cheektowaga, NY	14225
Bruno, Joseph	Cheektowaga, NY	14206
Calhoon, David	Cheektowaga, NY	14225
Ertel, John	Cheektowaga, NY	14215
Hughes, Terry	Cheektowaga, NY	14225
Imerese, Michael	Cheektowaga, NY	14225
Krzeminski, Joseph	Cheektowaga, NY	14206
Kszanak, Mike	Cheektowaga, NY	14225
Lock, Norman	Cheektowaga, NY	14227
Mussell, John	Cheektowaga, NY	14225
Molvarec, Michael	Cheektowaga, NY	14225
Paoletta, John	Cheektowaga, NY	14225
Pierson, Terrance	Cheektowaga, NY	14206
Rybczynski, William	Sloan, NY	14212
Scarpace, Charles	Cheektowaga, NY	14227
Schiess, Clifford	Cheektowaga, NY	14225
Shaver, Henry	Cheektowaga, NY	14225
Sheffer, John	Cheektowaga, NY	14206
Shiner, Mark	Cheektowaga, NY	14225

Item No. 3 Cont'd.

Laborers in the Highway Department at a rate of \$4.38 per hour cont'd.

Schmidt, David	Cheektowaga, NY	14225
Stambach, Michael	Cheektowaga, NY	14227
Srutowski, Paul	Cheektowaga, NY	14227
Szraher, Lawrence	Cheektowaga, NY	14225
Szczeniak, Thaddeus	Cheektowaga, NY	14225
Thurnherr, Brian	Cheektowaga, NY	14227
Wesolowski, Mark	Cheektowaga, NY	14225
Wiese, Richard	Cheektowaga, NY	14206

Laborer in the Police Garage at a rate of \$4.38 per hour

Walkowiak, Raymond	Cheektowaga, NY	14225
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Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Wasielewski, Dux and Kaczmarek
NAYES: 0
ABSENT: Councilmen Swiatek, Johnson and Burst

Item No. 4 Warrant List.

Motion by Supervisor Meyers, seconded by Councilman Dux

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending February 9th, 1977, be and hereby are approved and the Supervisor pay said warrants:

<u>FUND</u>	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
GENERAL	9597	9610	\$ 395,921.55
SPECIAL DISTRICT	2517	2583	213,939.62
HIGHWAY	2125	2178	142,864.37
PART TOWN	527	540	6,343.21
FEDERAL REVENUE SHARING	25	26	534.00
TRUST AND AGENCY	359	367	<u>289,201.23</u>
			<u>\$1,048,803.98</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Wasielewski, Dux and Kaczmarek
NAYES: 0
ABSENT: Councilmen Swiatek, Johnson and Burst

Item No. 5 Motion by Councilman Wasielewski, seconded by Councilman Dux to adjourn the meeting.

RICHARD M. MOLESKI
TOWN CLERK

BIDS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 5 February 17, 1977</u>		
2	Engineering Dept. - Trailer-mounted Centrifugal Pumps.	1
3	Engineering Dept. - Furnishing of equipment, etc. for storm sewers and ditch improvements in St. Felix Drainage Area - Part I.	1

Meeting No. 7 March 7, 1977

2	Engineering Dept. - Equipment, etc. for construction of storm sewers and related work in Ellen, Fairhaven & Rosedale Area.	1
3	Engineering Dept. - Furnishing of Liquid Chlorine.	1-2

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 7 March 7, 1977</u>	
4	Request for rate increase by Cablevision.	3
5	Amendment to Traffic Ordinance - Article X: "Parking, Standing & Stopping" - Vegola Avenue.	3

 GENERAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 5 February 17, 1977</u>		
4	N.Y.S. Public Service Commission - public notice of rescheduled hearing on rates, charges, etc. for N.Y.S. Electric & Gas.	1
5	N.Y.S. Dept. of Environmental Conservation - Notice of hearing on Freshwater Wetlands Appeals Board.	1
6	Army Corps of Engineers - Public notice regarding application for permit by Town to construct temporary cofferdams on Scajaquada Creek.	1
7	Erie County Water Authority - Request location of any damaged fire hydrants in Town.	1
8	William Rogowski, Mayor, Village of Sloan - Request for additional equipment for teen center.	1
9	SUMMONS & COMPLAINT - Marcia Kilianski vs. Town of Cheektowaga	1
10	SUMMONS & COMPLAINT - Homer Mashtare vs. Town of Cheektowaga.	2

Meeting No. 7 March 7, 1977

6	Gerald J. O'Reilly, West Seneca Town Attorney - Notification of hearing on special permit and rezoning of 2207 Union Road.	3
7	Cheektowaga Fire Chief's Mutual Aid Ass'n. - Letter regarding phones in fire halls; also, winter parking ban.	3
8	Claim from H. Marszalkowski regarding damage to his car.	3
9	Claim from E. Winkelman regarding damage to his basement and garage.	3
10	SUMMONS & COMPLAINT - Bradley Hurd vs. Assessors of various cities and towns of Erie County.	3
11	NOTICE OF CLAIM - Christine Pilarski, guardian of Denise Pilarski vs. Town of Cheektowaga.	4
12	SUMMONS & COMPLAINT - Robert & Jean Goulding, as Administrators of Goods, etc. of Michael D. Goulding (deceased) vs. M. Amico, K. Caffery, A. Rozansky and F. Netzel and Town of Cheektowaga.	4*

DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 5 February 17, 1977</u>		
11	Building Permits	2
12	Letter from Acting Chief Gruber requesting addition of tow operator to Police Department.	2
13	Health report for January, 1977.	2

Meeting No. 7 March 7, 1977

13	Building Permits	4
14	Extract of Annual Financial Report of Supervisor for 1976.	4
15	Health report for February.	4

 RESOLUTIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 5 February 17, 1977</u>		
14	Call for public hearing for rezoning at 2789 Union Road.	2
15	Call for public hearing to amend Traffic Ordinance - Article X: "Parking, Standing & Stopping" - Vegola Avenue.	3
16	Engineering Dept. - Notice to Bidders for one (1) Front Loading Bucket with attachments for use by the Parks Department.	4
17	Engineering Dept. - Notice to Bidders for new Six (6) passenger, 4-wheel drive pick-up truck with Snow Plow for Parks Dept.	4
18	Engineering Dept. - Award of Bid for trailer-mounted centrifugal pumps.	4
19	Engineering Dept. - Award of Bid for Fleet Washing.	4-5
20	Engineering Dept. - Award of Bid for Work Uniforms.	5-6
21	Engineering Dept. - Authorization to submit grant application to N.Y.S. Department of Transportation.	6
22	Authorization for Supervisor to sign Sporting Goods Concession Contract.	6-7
23	Designation of Supervisor as local agent for Town for Federal financial assistance under Disaster Relief.	7-8
24	Amendment of 1976 Community Development Application - drainage projects.	8
25	Amendment of 1976 Community Development Application - consultant fees.	8
26	Retain consulting firm for planning services for Walden Avenue area revitalization.	8-10
27	Authorization to pay cost of sewer improvements on George Urban Boulevard.	10
28	Authorization to pay cost of sewer improvements on Kokomo Place.	10-11
29	Call for public hearing regarding International Cable rates.	11
30	Authorization for Town Engineer to travel to Philadelphia Regional Office regarding grant for Town Projects.	12
31	Resolution requesting assistance of U.S. Army Corps of Engineers for construction of Diversion Channel T-2A and T-3 on Scajaquada Creek.	12
32	Authorization for Town Engineer to travel to Albany, N.Y. to meet with officials regarding flood control diversion channel on Scajaquada Creek.	12-13
33	Adjusting of Acting Chief of Police salary.	13
34	Appointment of laborers under C.E.T.A. Program for snow removal.	13-14
35	Appointment to Cheektowaga Planning Commission.	14

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 5 February 17, 1977 Cont'd.</u>		
36	Appointment of ex-officio members to Youth Board.	14
37	Leave of absence for J. Dunn, Plant No. 5.	14-15
38	Acceptance of resignation of Thomas McGinty, Senior Citizen Advisory Council.	15
39	Appointment to Senior Citizen Advisory Council.	15
40	Appointment of van driver for Senior Citizens.	15
41	Transfer of Funds.	15
42	Warrant List.	16
<u>Meeting No. 7 March 7, 1977</u>		
16	Call for public hearing to amend Traffic Ordinance - Article X: "Parking, Standing & Stopping" - various streets.	4-6
17	Decision on Rezoning - 437 French Road.	7
18	Decision on Rezoning - 2550 Union Road.	7-8
19	Decision on Rezoning - 4042 Union Road.	8-9
20	Decision on Rezoning - 4673 Union Road.	9
21	Decision on Rezoning - 301 Cleveland Drive.	10
22	Decision on Rezoning - 1399 Harlem Road.	11
23	Engineering Dept. - Award of bid for construction of Storm Sewers - St. Felix - Part I.	11-12
24	Engineering Dept. - Notice to Bidders for storm sewer construction of St. Felix, Part II.	12-13
25	Engineering Dept. - Notice to Bidders for construction of Northeast Interceptor Sewer.	14-15
26	Engineering Dept. - Notice to Bidders for moving of Election Machines to and from election polling locations.	16
27	Engineering Dept. - Notice to Bidders for tractor drawn 200 gallon Turf sprayer for Parks Department.	17
28	Engineering Dept. - Notice to Bidders for two (2) automatic wastewater samplers for Wastewater Treatment Plant No. 5.	18
29	Authorization for Nussbaumer & Clarke to prepare specifications for proposed Sanitary Sewer District No. 8.	19-20
30	Highway Dept. - Notice to Bidders for new trees for spring planting.	20
31	Highway Dept. - Award of bid for road materials.	21-22
31A	Highway Dept. - Notice to Bidders for cement and concrete mix.	22

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 7 March 7, 1977 Cont'd.</u>		
32	Landfill Operations.	23
33	Authorization for Supervisor to sign temporary permission agreement with Niagara Mohawk.	23-24
34	Authorization for Supervisor to sign renewal agreement with Manufacturers and Traders Trust Company.	24-25
35	Authorization for Supervisor to execute agreement submitted by Maryvale School Board.	25-26
36	Amend resolution of January 17, 1977 regarding Tiorunda Neighborhood Improvement Project.	26
37	Amend resolution of February 17, 1977 regarding reallocation of 1976 Community Development Funds.	26
38	Retain firm to represent town in proceedings involving easements.	26
39	Naming of consultant fees for Percival Bixby & Company.	27
40	Appointment of Senior Citizen Van Driver.	27
41	Hiring under C.E.T.A. Program.	27-28
42	Reappointment to Board of Assessment Review.	28
43	Warrant List.	28

SUSPENSION OF RULES

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 5 February 17, 1977</u>	
43	Authorization for Supervisor to sign Terms and Conditions of Economic Development Administration regarding grant for \$1,854,203.00 in aid in storm sewer for homes and industry.	16-17
44	Award of bid for Police Van.	17-18
45	Restoration of Local state assistance funds for Youth Programs.	18

Meeting No. 7 March 7, 1977

44	Authorization for Town to make payment to County of Erie for Sanitary Trunk Sewer Relocation re: Road Improvement Project-- George Urban Blvd.	29-30
45	Authorization for Town to make payment to County of Erie for Kokomo Storm Sewer Construction re: Road Improvement Project-- George Urban Blvd.	30

REGULAR ADJOURNED MEETINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 6 February 18, 1977</u>	
2	Warrant List.	1

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 17th day of February, 1977 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson
Councilman Frank Dux
Councilman George Kaczmarek
Councilman James R. Burst

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Sal LaGreca, Assistant Manpower Program Director I; Ron Martin, Building and Plumbing Inspector; Ken Kopacz, Executive Director of the Youth Bureau; Ron Zoeller, Working Foreman in the Sanitation Department; Chester Bryan, Town Engineer; Ed Leak, Recreation Director; Julia Reinstein, Town Historian; Robert Miller, Deputy Town Attorney; Dr. Louis Vendetti, Health Officer.

I. BIDS

Item No. 2 Engineering - trailer-mounted centrifugal pumps
Referred to Chester Bryan, Town Engineer

Item No. 3 Engineering - furnishing of equipment, etc. for storm sewers & ditch improvements in St. Felix Drainage area - Part I
Referred to Chester Bryan, Town Engineer.

II. GENERAL COMMUNICATIONS

Item No. 4 N.Y.S. Public Service Commission - public notice of rescheduled hearing on rates, charges, etc. for N.Y.S. Electric & Gas.
Received and Filed.

Item No. 5 N.Y.S. Dept. of Environmental Conservation - Notice of Hearing on Freshwater Wetlands Appeals Board.
Received and Filed.

Item No. 6 Army Corps of Engineers - Public notice regarding application for permit by Town to construct temporary cofferdams on Scajaquada Creek.
Referred to Chester Bryan, Town Engineer.

Item No. 7 Erie County Water Authority - request location of any damaged fire hydrants in Town.
Received and Filed.

Item No. 8 William Rogowski, Mayor, Village of Sloan - request for additional equipment for teen center.
Referred to Parks & Recreation Committee- Frank Swiatek, Chairman.

Item No. 9 SUMMONS & COMPLAINT - Marcia Kilianski vs Town of Cheektowaga
Referred to Transamerican Insurance.

Item No. 10 SUMMONS & COMPLAINT - Homer Mashtare vs Town of Cheektowaga
Referred to Transamerican Insurance

III. DEPARTMENTAL COMMUNICATIONS

Item No. 11 Building Permits.
Received and Filed.

Item No. 12 Letter from Acting Chief Gruber requesting addition of tow operator
to Police Department.
Referred to the Town Board.

Item No. 13 Health report for January, 1977.
Received and Filed.

IV. RESOLUTIONS

Item No. 14 Motion by Councilman Kaczmarek, seconded by Councilman Wasielewski

WHEREAS, Benderson Development Co., Inc. has made application and
requested the rezoning of property located at 2789 Union Road from C-Retail Business
to CM-General Commercial Business, said applicant being the owner of property
aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under
the provisions of the Zoning Ordinance on March 21, 1977 at 6:30 o'clock P.M.,
Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Decker of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 10, 1977* ;
last publication *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Decker
Sworn to before me this *11th*
day of *March*, 19*77*
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

NOTICE
It is hereby ordered that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 21st day of March 1977, at 6:30 o'clock P.M., Eastern Standard Time of said day for the purpose of considering the application of Benderson Development Co. Inc. to Rezone from C-Retail Business District to CM-General Commercial District the property located at 2789 Union Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DESCRIPTION SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot No. 10, Township 11, Range 7 of the Holland Land Company's Survey bounded and described as follows:

Beginning at a point on the east line of Union Road as presently monumented as a 100 foot street and 42' south of the southerly line of Bennett Road, as a 49.50 feet street; thence southerly along the east line of Union Road 103.0 feet; thence easterly and parallel with the south line of Bennett Road 110 feet; thence northerly and parallel with the east line of Union Road 145 feet to the south line of Bennett Road; thence westerly along the south line of Bennett Road 71.3 feet; and thence southwesterly to the point or place of beginning.

TOGETHER with a right-of-way or easement to provide ingress and egress for vehicles and pedestrians on, over and across a triangular parcel of land adjacent to the southwest portion of the above described premises, bounded and described as follows: BEGINNING at the point of intersection of the southerly line of the above-described premises with the easterly line of Union Road; thence southerly along the easterly line of Union Road, 23 feet; thence north-easterly 35 feet to a point in the southerly line of the above described premises 25 feet east of the point of beginning; and thence westerly along the southerly line of said premises, 25 feet to the easterly line of Union Road at the point of beginning.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Kenneth J. Meyers

Councilmen:

Thomas M. Johnson

Frank Dux

George Kaczmarek

James R. Burst

Frank E. Swiatek

Raymond J. Wasielewski

RICHARD M. MOLESKI

Town Clerk

Item No. 15 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

BE IT RESOLVED that a Public Hearing on proposed amendments to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 7th day of March, 1977 at 7:00 P.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 February 24, 1977; the said amendments being set forth in the Notice of Hearing.

NOTICE OF 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, corner of Broadway and Union Road, in said Town of Cheektowaga on the 7th day of March, 1977 at 7:00 o'clock P.M., Eastern Standard Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by adding thereto the following titles as shown:

NO STANDING HERE TO CORNER

- VEGOLA AVENUE - Eastside: 60 feet north from curb of GENESEE STREET
- VEGOLA AVENUE - Westside: 60 feet north from curb of GENESEE STREET

Dated; February 17, 1977

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

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Herbst, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *February 24, 1977*;
last publication..... *February 24, 1977*;
and that no more than six days intervened be-
tween publications.

Gladys M. Herbst
Sworn to before me this *25th*
day of *February*, 19*77*..
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

NOTICE OF PUBLICATION
TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 7th day of March, 1977 at 7:00 o'clock p.m. Eastern Daylight Saving Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping
Section 162 is amended by adding thereto the following titles as shown:
No Standing Here to Corner
VEGOLA AVENUE - East side: 60 feet north from curb of GENESEE STREET
VEGOLA AVENUE - Westside: 60 feet north from curb of GENESEE STREET

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

Dated: February 17, 1977
RICHARD M. MOLESKI
Town Clerk

Item No. 16 Engineering - Notice to Bidders for one (1) Front loading bucket with attachments for use by Parks Department.

This item was withdrawn until further notice.

Item No. 17 Engineering - Notice to Bidders for a new six (6) passenger, 4-wheel drive pick-up truck with Snow Plow for Parks Department.

This item was withdrawn until further notice.

Item No. 18 Motion by Councilman Johnson, seconded by Councilman Wasielewski

WHEREAS, bids were duly received on February 17, 1977 as the result of advertisement, therefore, for the furnishing of trailer-mounted centrifugal pumps and hoses, and said bids were referred to the Town Engineer for analysis, tabulation, and report, and

WHEREAS, due to the emergency need for said centrifugal pumps said analysis was performed during this February 17, 1977 public meeting, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of four (4), four inch (4") and four (4), six inch (6") trailer-mounted centrifugal pumps and eight (8) lengths of four inch (4") suction hose be and the same is hereby awarded to Rupp Rental Corporation, 101 Great Arrow Avenue, Buffalo, New York 14216 for the total bid price of \$28,160.00, said bid being the lowest responsible bidder meeting the specifications, and BE IT FURTHER

RESOLVED that this cost be drawn upon the Town Federal Revenue Sharing Funds.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 19 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, Notice to Bidders was duly published for the receipt of bids for Fleet Washing for exterior washing and drying of Town of Cheektowaga automobiles during the year of 1977, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, and

WHEREAS, said Town Engineer has submitted the same, which is hereto attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of Fleet Washing be awarded to Delta Sonic Car Wash Systems, Inc., 570 Delaware Avenue, Buffalo, New York 14202, for their bid in the amount of one dollar twelve cents (\$1.12) per vehicle, said bid meeting the requirements of the specifications.

* See next page for letter.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

February 10, 1977

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Bid for Fleet Washing

Gentlemen:

At the regular Town Board Meeting of February 7, 1977, bids were received and publicly opened for exterior washing and drying of Town of Cheektowaga automobiles during the year of 1977.

Only one (1) bid was received, that being from Delta Sonic Car Wash Systems, Inc., for a bid price of one dollar and twelve cents (\$1.12) per wash.

It is recommended that the bid be awarded to Delta Sonic Car Wash Systems, Inc., 570 Delaware Avenue, Buffalo, New York 14202, for submitting the lowest bid meeting all specification requirements.

Very truly yours,
TOWN OF CHEEKTOWAGA


Chester L. Bryan, P.E.
Town Engineer

CLB:mjh

Item No. 19 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, bids were duly received on February 7, 1977, as the result of advertisement, therefore, for the furnishing of work uniforms to the Town of Cheektowaga employees, and said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated February 10, 1977, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of work uniforms to the Town of Cheektowaga employees, as recommended by the Town Engineer, be and the same is hereby awarded to Reliable Wholesalers, Inc., 146 Broadway, Buffalo, New York 14203, for:

Work pants (sizes up to 42)	\$ 6.75 ea.
Work Pants (sizes 44 and up)	7.45 ea.
Shirts (long sleeve, sizes up to 17)	5.90 ea.
Shirts (long sleeve, sizes 17½ and up)	6.40 ea.
Shirts (short sleeve)	5.40 ea.
Coveralls (long sleeve)	12.90 ea.

said bid being the lowest responsible bidder meeting specifications.

* See next page for letter.



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14225

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

February 10, 1977

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Work Uniform Bids

Gentlemen:

At the regular Town Board Meeting of February 7, 1977 bids were received and opened for the furnishing of work uniforms to Town employees as required thru the Local 1026, AFL-CIO Agreement. Four (4) bidders submitted bids on six (6) items of the specifications. The totals of the bids submitted are as follows:

Reliable Wholesalers, Inc.	\$10,675.00
United Uniform Co., Inc.	\$10,780.00
Cadet Uniform and Career Apparel	\$10,853.00
Interstate Uniform Services Corporation	\$11,307.00

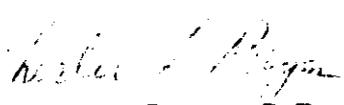
It is recommended that the bid be awarded to Reliable Wholesalers, Inc, 146 Broadway, Buffalo, New York 14203, for the submission of the lowest total bid meeting Town requirements.

This bid will be awarded on the basis of unit prices which are quoted as follows:

Work pants (sizes up to 42)	\$ 6.75 ea.
Work pants (sizes 44 and up)	7.45 ea.
Shirts (long sleeve sizes up to 17)	5.90 ea.
Shirts (long sleeve sizes 17½ and up)	6.40 ea.
Shirts (short sleeve)	5.40 ea.
Coveralls (long sleeve)	12.90 ea.

Very truly yours,

TOWN OF CHEEKTOWAGA


Chester L. Bryan, P.E.
Town Engineer

CLB:mjh

Item No. 20 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, funds for a pavement marking program are available under the 1976 Highway Safety Act, and

WHEREAS, it has been determined that the Town of Cheektowaga is eligible for said funds, and

WHEREAS, a preliminary application for funds for said pavement marking program has been prepared by Jerome Gabryszak, Administrative Assistant, and Steve Marcynski, Senior Engineer Assistant, NOW, THEREFORE, BE IT

RESOLVED that Jerome Gabryszak be authorized to submit said application to the appropriate authorities on behalf of the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Swiatek, seconded by Councilman Wasielewski

WHEREAS, an agreement has been drawn between the Town of Cheektowaga and Sherwood L. Lichtenberger and Michael Lichtenberger for the operation of a Sporting Foods Shop concession at the Cheektowaga Recreation Center in the Town Park, and

WHEREAS, said agreement has been approved by the parties thereto, NOW THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute said agreement on behalf of the Town of Cheektowaga.

* See next five (5) pages for agreement

LICENSE AGREEMENT

THIS AGREEMENT, made and entered into as of the 17 day of FEB, 1977, by and between the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at Broadway and Union Road, Cheektowaga, New York, party of the first part, hereinafter referred to as the "Town"

and

SHERWOOD L. LICHTENBERGER and MICHAEL LICHTENBERGER, individuals who currently reside at No. 92 North Creek Drive, Cheektowaga, New York, parties of the second part, hereinafter referred to as the "Concessionaires."

WITNESSETH:

WHEREAS, the Town is the owner of the Cheektowaga Recreation Center located in the Cheektowaga Town Park, Cheektowaga, New York, and

WHEREAS, the Concessionaires have submitted a proposal for the operation of a Sporting Goods Shop Concession at said Recreation Center,

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. The Town hereby grants a license to the Concessionaires for the "Ice Season" occurring at the Cheektowaga Recreation Center during the period commencing the 28 day of FEB, 1977, and terminating the 1st day of May, 1978, with the option and privilege to the Town to renew said license for the succeeding "Ice Season", to use and occupy a sporting goods concession room located at the said Cheektowaga Recreation Center, but subject to the following:

(a) This license is limited to the "Ice Season" only, which Season usually commences on or about the 15th day of September and terminates on or about the 1st day of May.

(b) The dates of commencement and termination of the "Ice Season" are determinations made solely by the Town and/or Recreation-Parks Committee of the Town of Cheektowaga.

2. The Concessionaires shall have the exclusive right and privilege to use and occupy the aforementioned concession room during the "Ice Season" for the purpose of selling sporting goods of all kinds, renting ice skates and sharpening ice skates; and, the Concessionaires have the right and privilege to store their merchandise and equipment in said concession room at all times during the term of this license.

3. The Concessionaires agree to have available, and to maintain, at least fifty to one hundred (50-100) pair of ice skates, in various sizes, for rental to all those who are using the ice skating rink at the recreational facility.

4. The Concessionaires agree to furnish for their concession all necessary furniture, fixtures and equipment to adequately and properly serve the public.

5. The Concessionaires agree that no structural changes shall be made in the concession room assigned to them, nor shall any fixtures or equipment be affixed to the building without first obtaining the written permission of the Town and/or Recreation-Parks Committee of the Town of Cheektowaga; however, Concessionaires agree to put, maintain and insure that the concession room assigned to them is in keeping with the decor of the recreational facility itself.

6. The Concessionaires agree to keep the concession room assigned to them in a clean and sanitary condition.

7. The Concessionaires agree to comply with all laws, rules and regulations of any municipal authority applicable to their concession.

8. The Concessionaires agree not to post any signs of any type whatsoever, other than on the inner or inside limits of the concession room; and any permitted sign(s) shall not be attached to the inner walls or parts thereof without first obtaining the written permission of the Town and/or Recreation-Parks Committee of the Town of Cheektowaga.

9. The Concessionaires agree to return the concession room assigned to them, at the termination of this License Agreement, in the same condition as at the commencement of the term of said License, normal wear and tear excepted.

10. The Town agrees to supply light, heat, power and water service for the usage of the Concessionaires in the area assigned to them.

11. The Concessionaires agree that no adjustment shall be made in their favor, nor may a claim by them against the Town be based, upon any shut-down of the said Recreation Center caused by weather, faulty construction or equipment or for any reason whatsoever other than by the gross negligence of the Town.

12. The Concessionaires agree not to assign or sublet the license hereby granted to any other person, firm or corporation without first obtaining the written consent of the Town and/or the Recreation-Parks Committee of the Town of Cheektowaga.

13. The Concessionaires agree to assume all risk of loss to property owned, leased or used by them, whether arising out of loss by fire, theft, inclemency of weather or otherwise.

14. The Concessionaires agree to take out, assume and pay for public liability insurance, in an amount determined sufficient by the Town, indemnifying and holding the Town free and

harmless from any and all claims for personal injury and/or property damage which may at any time occur on account of the use and operation of Concessionaires' Sporting Goods Shop Concession; said liability insurance must also include "products liability" coverage and "Blanket Contractual Liability" coverage, naming the Town as an additional insured. A certificate of said insurances, written by an insurance company authorized to conduct such business in New York State, shall be filed with the Town Clerk; and said insurances shall be maintained in full force and effect at all times during the term of this license, and whether in or out of the "Ice Season".

15. The Concessionaires agree to pay to the Town, during the "Ice Season" only, the sum of THREE HUNDRED FIFTY (\$350.00) DOLLARS for each full month, or, in the event the said "Ice Season" commences and/or terminates during a month, a prorated amount of the said sum of THREE HUNDRED FIFTY (\$350.00) DOLLARS; said payments are to be made ten (10) days prior to the first day of each and every month of operation.

16. This agreement represents the entire agreement between the parties hereto and there are no other understandings, agreements, representations or warranties, express or implied, not specifically specified herein.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

TOWN OF CHEEKTOWAGA

By Kenneth J. Meyers
Kenneth J. Meyers Supervisor

CONCESSIONAIRES

Sherwood D. Lichtenberger
Sherwood D. Lichtenberger

Michael Lichtenberger
Michael Lichtenberger

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
TOWN OF CHEEKTOWAGA)

On this 17th day of FEBRUARY, 1977, before me personally came KENNETH J. MEYERS, to me personally know, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, New York; that he is the Supervisor of the Town of Cheektowaga; that he knows the seal of the said Town of Cheektowaga and that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name thereto by like order.

Richard M. Molecki
Town Clerk

RICHARD M. MOLECKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 28, 1977

STATE OF NEW YORK)
COUNTY OF ERIE)
TOWN OF CHEEKTOWAGA)

On this 17 day of FEBRUARY, 1977, before me personally came SHERWOOD L. LICHTENBERGER and MICHAEL LICHTENBERGER, to me known, who being by me duly sworn, did depose and say that they reside in the Town of Cheektowaga, New York, that they are the individuals described in and who executed the above instrument.

Richard M. Molecki

RICHARD M. MOLECKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 28, 1977

Item No. 22 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 23 Motion by Councilman Wasielewski, seconded by Councilman Johnson

WHEREAS, the U.S. Department of Housing and Urban Development requires a designation of applicant's Local Agent under the Federal Disaster Assistance Administration, and more specifically under the Disaster Relief Act (Public Law 288, 93rd Congress), NOW, THEREFORE, BE IT

RESOLVED that Kenneth J. Meyers as Supervisor of the Town of Cheektowaga is hereby authorized to execute for and in behalf of the Town of Cheektowaga, an application for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund, and as more specifically designated in the proposed resolution form attached hereto and made a part hereof.

* See next page for resolution.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL DISASTER ASSISTANCE ADMINISTRATION

DESIGNATION OF APPLICANT'S LOCAL AGENT
RESOLUTION

BE IT RESOLVED BY TOWN BOARD OF TOWN OF CHEEKTOWAGA
(Governing Body) (Public Entity)
THAT KENNETH J. MEYERS SUPERVISOR
(Name of Incumbent) (Official Position)
BROADWAY AND UNION ROADS : 716-683-2200
(Address) (Telephone No.)
CHEEKTOWAGA NEW YORK 14227
(City) (State) (Zip Code)

is hereby authorized to execute for and in behalf of TOWN OF CHEEKTOWAGA
TOWN OF CHEEKTOWAGA, a public entity established under the laws of the State of NEW YORK
this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance
under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief
Fund.

THAT TOWN OF CHEEKTOWAGA, a public entity established under the laws of the State of NEW YORK
TOWN OF CHEEKTOWAGA, hereby authorizes its agent to provide to the State and to the Federal Disaster Assistance
Administration (FDAA), Department of Housing and Urban Development (HUD) for all matters pertaining to such Federal
disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 17th day of February, 19 77

Kenneth J. Meyers, Supervisor
(Name and Title)
Frank W. Swiatek, George Kaczmarek, Thomas
(Name and Title)
Johnson, Raymond Wasielewski, Frank Dux and
(Name and Title)
James Burst, Councilmen

CERTIFICATION

I, MARY F. HOLTZ, duly appointed and DEPUTY TOWN CLERK of
(Title)
TOWN OF CHEEKTOWAGA, do hereby certify that the above is a true and correct copy of a resolution

passed and approved by the TOWN BOARD of TOWN OF CHEEKTOWAGA
(Governing Body) (Public Entity)
on the 17th day of February, 19 77
Date: February 17, 1977

DEPUTY TOWN CLERK
(Official Position)

Mary F. Holtz
(Signature)

Item No. 23 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, application was made to the Economic Development Administration for funding of the Princeton-Sandra-Rogers Drainage Project under the Public Works Employment Act of 1976, and

WHEREAS, the Princeton-Sandra-Rogers Drainage Project was not funded under the said federal program, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga's 1976 Community Development Block Grant application be and hereby is amended to reallocate \$35,000 to the Princeton-Sandra-Rogers Drainage Project, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to William Donohue, Erie County Community Development Director, 95 Franklin Street, Buffalo, New York

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga desires to pursue a program of residential and commercial revitalization in the Walden Avenue area, and

WHEREAS, fees for professional planning services for projects such as the above are an eligible activity for funding under the Housing and Community Development Act of 1974, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga's 1976 Community Development Block Grant Application be and hereby is amended to reallocate \$8,900.00 for planning and consultant fees in relation to the above mentioned program, and BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to William Donohue, Erie County Community Development Director, 95 Franklin Street, Buffalo, New York.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga is interested in pursuing a program of residential and commercial revitalization in the Walden Avenue area, and

WHEREAS, such a program of commercial and residential revitalization would encompass various components, such as physical, structural, and capital and programmatic improvements, and

WHEREAS, a number of federal assistance programs may be available for economic stimulation and physical rehabilitation programs, and

Item No. 26 cont'd

WHEREAS, the area has already been targeted for Section 312, low-interest loans, the Section 8 rental-assistance program and the Erie County Community Development Revolving Loan Fund program, NOW, THEREFORE, BE IT

RESOLVED that the firm of Stuart Alexander & Associates be and hereby is retained by the Town of Cheektowaga for professional planning and design services relating to Walden Avenue revitalization, as per the attached proposal from said form, dated February 9, 1977, and BE IT FURTHER

RESOLVED that the fee for said services shall not exceed \$8,900.00, and BE IT FURTHER

RESOLVED that said fee shall be drawn from 1976 Community Development Funds.

* See next pages for proposal.

Item No. 26 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, the County of Erie is preparing to commence the road improvement project on George Urban Boulevard in the Town of Cheektowaga, and said County is contemplating the opening and awarding of bids for said project, and

WHEREAS, the County will undertake the cost of the road widening with the exception of relocating a portion of the Sewer Line owned and maintained by a Town Sewer District on said George Urban Boulevard, and

WHEREAS, the cost of relocating the Sewer Line will be a charge to Town Sanitary Sewer District No. 5, and said relocation project will be included in the bid specifications of the County of Erie as part of this road improvement project, and

WHEREAS, the County of Erie, Division of Highways requested assurances from the Town of Cheektowaga that the Town will pay for the cost of that portion of the bid award relating to the sewer relocation project, NOW, THEREFORE, BE IT

RESOLVED that the Town Board, acting as Commissioners for Sanitary Sewer District No. 5, hereby agree to pay the cost of the sewer relocation project on George Urban Boulevard, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to place in escrow with the County of Erie, Division of Highways a sum of money equal to the cost of the sanitary sewer line relocation project as will be awarded to the successful lowest and responsible bidder when the County opens and awards said bids, and BE IT FURTHER

RESOLVED that said cost be charged to and paid out from the Surplus Funds of the Sanitary Sewer District No. 5 current budget.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the County of Erie is preparing to commence the road improvement project on Kokomo Place in the Town of Cheektowaga, and said County is contemplating the opening and awarding of bids for said project, and

WHEREAS, the County will undertake the cost of the road widening with the exception of relocating a portion of the storm sewer line owned and maintained by the Town Storm Sewer District on said Kokomo Place, and

WHEREAS, the cost of relocating the storm sewer line will be a charge to Town Storm Sewer District No. 5, and said relocation project will be included in the bid specifications of the County of Erie as part of its road improvement project, and

WHEREAS, the County of Erie, Division of Highways requested assurances from the Town of Cheektowaga that the Town will pay for the cost of that portion of the bid award relating to the storm sewer relocation project, NOW, THEREFORE, BE IT

RESOLVED that the Town Board, acting as Commissioners for Storm Sewer District No. 5, hereby agree to pay the cost of the storm sewer relocation project on Kokomo Place, and BE IT FURTHER

Item No. 28 cont'd

RESOLVED that the Supervisor be and hereby is authorized to place in escrow with the County of Erie, Division of Highways a sum of money equal to the cost of the storm sewer line relocation project as will be awarded to the successful, lowest and responsible bidder when the County opens and awards said bids, and BE IT FURTHER

RESOLVED that the cost of said project shall not exceed \$10,000.00 and shall be paid by interim borrowing from the General Fund and the Town Board intends to reimburse said General Fund from proceeds to be received from the 1977 Community Development fund application.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilman Kaczmarek, seconded by Councilman Wasielewski

WHEREAS, Cheektowaga Cablevision, Inc., now known as International Cable, has petitioned the Town Board for a rate increase as to the maximum monthly amount to be charged to subscribers, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing on the proposed rate increase as to the maximum monthly amount to be charged to subscribers be held on March 7, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and BE IT FURTHER

RESOLVED that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of the hearing.

N O T I C E O F H E A R I N G

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 17th day of February, 1977, a Public Hearing will be held on the 7th day of March, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place the Town Board shall consider the request of Cheektowaga Cablevision, Inc., now known as International Cable, for a rate increase as to the maximum monthly amount to be charged to subscribers of said International Cablevision.

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

RICHARD M. MOLESKI
Town Clerk

Dated: February 17, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Charles M. Sestito, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Chief*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks:
first publication.....*February 24, 1977*.....;
last publication.....*February 24, 1977*.....;
and that no more than six days intervened be-
tween publications.

Charles M. Sestito
Sworn to before me this*25th*.....
day of*February*....., 19*77*.
.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

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 17th day of February, 1977, a Public Hearing will be held on the 7th day of March, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place the Town Board shall consider the request of Cheektowaga Cablevision, Inc., now known as International Cable, for a rate increase as to the maximum monthly amount to be charged to subscribers of said International Cablevision.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEK-TOWAGA, ERIE COUNTY, NEW YORK.

Dated: February 17, 1977

RICHARD M. MOLESKI
Town Clerk

Item No. 30 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga submitted applications for one hundred percent (100%) federal funding under the Local Public Works Employment Act, and

WHEREAS, the Town of Cheektowaga has received a grant in the amount of \$1,854,203.00 for one (1) of the projects submitted by the Town, and

WHEREAS, it appears to be appropriate for the Town Engineer and a representative of the firm of Nussbaumer & Clarke, Inc., to travel to the E.D.A. Regional Office in Philadelphia in order to review said project and the status of other projects applied for under said Local Public Works Employment Act, NOW, THEREFORE BE IT

RESOLVED that the Town Engineer be and hereby is authorized to travel to said Philadelphia Regional Office, AND BE IT FURTHER

RESOLVED that all reasonable and necessary expenses for said trip be reimbursed by the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, record breaking snowfalls have been experienced by the Western New York area during the winter of 1976-1977, and

WHEREAS, communities are warned by the U.S. Weather Bureau and the U.S. Army Corps of Engineers of the possibilities of flooding at times when this record snowfall melts, and

WHEREAS, the Corps of Engineers has a Flood Control Program desiged from Scajaquada Creek and its tributaries, and

WHEREAS, due to the emergency nature of the situation in this area the U.S. Army Corps of Engineers can exercise its authority to begin part of the Flood Control Program, namely, the construction of a Diversion Channel T-2A and T-3, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor, on behalf of this Town Board, request assistance of the U.S. Army Corps of Engineers for the construction of said Diversion Channel T-2A and T-3 as soon as possible, and BE IT FURTHER

RESOLVED that the Supervisor, on behalf of this Town Board, attach his signature to the petition asking for said flood control assistance.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 32 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the Town of Cheektowaga is petitioning the U.S. Army Corps of Engineers for the immediate construction of the Scajaquada Creek Diversion Channel T-2A and T-3, and

WHEREAS, such a diversion channel is to be construction primarily on the New York State Thruway right-of-way, NOW, THEREFORE, BE IT

RESOLVED that the Town Engineer is hereby directed to travel to Albany, New York and meet with official representatives of the New York State Thruway Authority in order to secure the necessary right-of-entry permission from said authorities for the construction of the flood control diversion channel within their right-of-way, and BE IT FURTHER

Item No. 32 cont'd

RESOLVED that the reasonable and necessary expenses for said travel to Albany, New York be paid by the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

WHEREAS, Assistant Police Chief John B. Gruber of the Cheektowaga Police Department has been performing the duties of Acting Police Chief and assumed the duties and responsibilities of the Chief of Police during the absence from such office by Police Chief Benedict Kostrzewski, and

WHEREAS, said John B. Gruber commenced to undertake the duties of Chief of Police of said department on October 27, 1976 and still continues to act in said capacity, NOW, THEREFORE, BE IT

RESOLVED that Acting Police Chief John B. Gruber be paid a salary equal of the Police Chief, position during the time of assuming said duties of Police Chief, said payments to be retroactive and effective as of the 27th day of October, 1976.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
NAYES: 0

Item No. 34 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, and

WHEREAS, the Town of Cheektowaga has entered into a consortium agreement with the County of Erie and the Town of Tonawanda, and

WHEREAS, the Federal Government and Department of Labor has granted thru the Consortium emergency snow removal funds, and

WHEREAS, for the purpose of disbursement of snow removal funds the Town of Cheektowaga has designated the County Controllers office to Administer the issuance of checks for the Town of Cheektowaga employees employed in the following town departments in this program, NOW, THEREFORE, BE IT

RESOLVED that the following persons be and hereby are hired under the position listed below, for a period not to exceed 30 working days, at a salary rate as specified, starting date established by the department head, and BE IT FURTHER

Laborer in the Parks & Recreation Dept. at a rate of \$4.38 an hour

Morella, Joseph II	Cheektowaga, NY 14225
Wutz, Andrew II	Cheektowaga, NY 14225
Loudenslager, Dennis II	Cheektowaga, NY 14225
Boyle, Robert II	Cheektowaga, NY 14225
Ciminelli, Anthony I	Cheektowaga, NY 14225
Cieply, Gary S. II	Cheektowaga, NY 14206

Item No. 34 cont'd

Laborer in the Sewer Maintenance Dept. at a rate of \$4.38 an hour

Szafranski, James II Cheektowaga, NY 14227

Laborer in the Sanitation Dept. at a rate of \$4.38 an hour

McGowan, Michael II Cheektowaga, NY 14225

Jusiak, David II Cheektowaga, NY 14225

Cogan, Kevin M. II Cheektowaga, NY 14225

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 35 Motion by Councilman Burst, seconded by Councilman Dux

RESOLVED that Joseph Lipowski, , Depew, New York, be appointed a member of the Cheektowaga Planning Commission to fill the unexpired term of John Jarecki, effective March 1st, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 36 Motion by Councilman Swiatek, seconded by Supervisor Meyers

WHEREAS, the Cheektowaga Youth Board is a public agency concerned with the problems of youth development and juvenile delinquency, and

WHEREAS, it is desirous to have professional input into the decisions reached by the Youth Board, and BE IT HEREBY

RESOLVED that the following officials or their designated representative are ex-officio members of the Youth Board for a period to coincide with their term of office:

The Executive Director of the Cheektowaga Youth Bureau
Officer in charge of the Juvenile Division
Director of Recreation, and BE IT FURTHER

RESOLVED that the following people will represent the above named offices:

Kenneth J. Kopacz, Director, Youth Bureau

John Schaller, Detective, Juvenile Division

Edward J. Leak, Director of Recreation

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 37 Motion by Councilman Kaczmarek, seconded by Councilman Johnson

BE IT RESOLVED that Jack Dunn, , Cheektowaga, New York be and hereby is granted a leave of absence from his position as Motor Equipment Operator in Plant #5, for a period of up to six (6) weeks, commencing February 21, 1977 without pay.

Item No. 37 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 38 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, Thomas McGinty, _____, Cheektowaga, New York,
has informed the Town Board that he wishes to resign his membership on the Cheektowaga
Senior Citizen Advisory Council, NOW, THEREFORE, BE IT

RESOLVED that the Town Board regretfully accepts the resignation of
Thomas McGinty as a member of the Cheektowaga Senior Citizen Advisory Council.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 39 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, a vacancy exists on the Cheektowaga Senior Citizen Advisory
Council due to a resignation, NOW, THEREFORE, BE IT

RESOLVED that Beatrice Ruda, of _____ Sloan, New York,
currently an ex-officio member of the Advisory Council, be appointed a regular member
of the Council for a two year term, commencing on February 17, 1977, AND BE IT FURTHER

RESOLVED that Irene Zyglis, of _____ Cheektowaga, New
York be appointed an ex-officio member of the Cheektowaga Senior Citizen Advisory
Council for a two year term, commencing February 17, 1977, to fill the vacancy
created by Beatrice Ruda.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 40 Motion by Councilman Burst, seconded by Councilman Dux

WHEREAS, a vacancy exists in the position of Senior Citizen Van
Driver, NOW, THEREFORE, BE IT

RESOLVED that Wilson Prout, of _____, Cheektowaga, New
York be hired as Senior Citizen Van Driver, part-time, at a salary of \$2.75 per hour.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 41 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

BE IT RESOLVED that funds in the amount of \$5,000.00 be transferred
from the contingent account (A.1990.480) to the Police-Equipment account (A.3120.200)
to allow for the purchase of a police car to replace one that was damaged.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 42

Warrant List

This item was withdrawn until February 18, 1977 at 3:00 P.M.

Motion by Councilman Johnson, seconded by Councilman Swiatek to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

V. SUSPENSION OF RULES

Item No. 43 Authorization for Supervisor to sign Terms and Conditions of Economic Development Administration regarding grant for \$1,854,203.00 to aid in storm sewer for homes and industry.

Motion by Councilman Johnson, seconded by Councilman Wasielewski

BE IT RESOLVED that the Supervisor and the Town Attorney be and hereby are authorized to sign the EDA (Economic Development Administration) Offer and Grant Document which is attached hereto and made a part hereof.

* See next page for document.

Item No. 43 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 44 Award of bid for Police Van

Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) 1977 Van Type Truck to be used for the Traffic Safety Program, which bids were duly received and opened at this meeting, and

WHEREAS, said bids were referred to the Police Department for analysis, tabulation and report, and

WHEREAS, said Chief of Police - Acting - has submitted the same, which is hereto attached and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the contract for the furnishing of one (1) 1977 Van Type Truck be awarded to Bison Ford Truck Sales, 2370 Walden Avenue, Cheektowaga, New York, 14225, for their bid in the amount of \$5,890.00, said bid being the lowest bid meeting all the requirements of the specifications.

* See next three (3) pages

OFFICE OF THE CHIEF OF POLICE



Town of Cheektowaga

ERIE COUNTY, NEW YORK



BENEDICT L. KOSTRZEWSKI
CHIEF OF POLICE
5223 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227



TELEPHONE: 683 6100
Area Code: 716

February 9, 1977

Kenneth J. Meyers, Supervisor
Town Hall
Broadway and Union Roads
Cheektowaga, New York

Dear Sir:

The responses to the advertisement for bids that were received February 7, 1977 for a 1977 Van-type truck to be used for a Traffic Safety Program, are as follows:

Lou Awald Chevrolet	\$5,575.00
Mernan Chevrolet	\$5,600.00
Keller Chevrolet	\$5,662.66
Bison Ford Truck Sales	\$5,890.00

The low bid of \$5,575.00 was received from Lou Awald Chevrolet, however, specifications in three (3) items were not met.

1. 3500 lbs. rear end instead of 3800 lbs.
2. JR78-15 tires instead of LR78-15
3. Tinted windshield only instead of all windows

The next lowest bid of \$5,600.00 was received from Mernan Chevrolet. All specifications were met with the exception of Item 11. In the response column, JR78-15 tires were listed instead of LR78-15 as specified.

Keller Chevrolet submitted a bid of \$5,662.66. Requirements were met with the exception of Item 11, JR78-15 tires were listed instead of LR78-15.

OFFICE OF THE CHIEF OF POLICE



Town of Cheektowaga

ERIE COUNTY, NEW YORK



TELEPHONE: 683-6100
Area Code: 716

BENEDICT L. KOSTRZEWSKI
CHIEF OF POLICE
3223 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

February 9, 1977

p-2

Bison Ford Truck Sales submitted the highest bid, \$5,890.00 This bid met all requirements.

Enclosed is a copy of a letter from Officer William Fenske who discussed the bids with George Burst, Garage Foreman and Robert Miller, Deputy Town Attorney. Their recommendation was to purchase the truck from Bison Ford Truck Sales, the only dealer to meet all requirements.

If the purchase from Bison Ford is approved, it is essential that it be handled at the February 17, 1977 Town Board meeting as there may be a significant increase in price by the end of the month.

Respectfully submitted,

John B. Gruber
Acting Chief of Police

JBG:mm
enc.

OFFICE OF THE CHIEF OF POLICE

Town of Cheektowaga

ERIE COUNTY, NEW YORK



BENEDICT L. KOSTRZEWSKI
CHIEF OF POLICE
3233 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227



TELEPHONE: 683-6100
Area Code: 716

Feb. 8, 1977

TO: CHIEF GRUBER

FROM: PTLM. WILLIAM FENSKE

SUBJECT: ACCEPTANCE OF BID FOR POLICE VAN (4 BIDS)

Lou Awald Chevrolet, 3232 Delaware Ave.--bid of \$5575.00

Did not meet specifications in three items--1. 3500 lb. rear end instead of 3800 lb., 2. JR78-15 tires instead of LR78-15, 3. Tinted Windshield only instead of all tinted windows.

Hernan Chevrolet, 2751 Bailey Ave.-- Bid of \$5600.00

Did not meet the specifications in item 11. Tires, offered JR78-15 instead of LR78-15 as specified.

Keller Chevrolet, 3600 Genesee St.-- Bid of \$5662.66

Did not meet the specifications in item 11. Tires, offered JR78-15 instead of LR78-15 as specified.

Bison Ford Truck Sales, 2370 Walden Ave.--Bid of \$5890.00

This bid met all specifications.

After discussing this matter with Geo. Burst and Robert Miller, the Assistant Town Attorney, we feel this is the only bid we can accept. We recommend the acceptance of this bid.

Item No. 44 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 45 Restoration of Local State Assistance for Youth Programs

Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the New York State Division for Youth has been working cooperatively, with our municipality, helping us develop and operate our municipal youth programs for the past eight years, and

WHEREAS, the Division for Youth has aided us with both staff and vitally important local assistance funds to offer these important services to our youth and to youth across this State, and

WHEREAS, the availability of youth services, recreation and quality leisure time activities for our youth people during their important, formative years are serving to help build character in youth, and

WHEREAS, these timely, available youth services activities are an important and valuable aid in preventing juvenile delinquency, and

WHEREAS, the Division for Youth only three years ago was given a clear mandate by the unanimous passage in both the N.Y.S. Senate and Assembly, to further develop and assist local government to increase and improve delinquency prevention services in Chapter 1000 of the Laws of 1974, and

WHEREAS, the Governor has recommended a severe and literally crippling reduction in these funds for Youth Development and delinquency prevention which will most assuredly and adversely affect local governments capacity to serve the needs and problems of our youths before they escalate into actual and costly delinquency, and

WHEREAS, the proposed changes in the technical language of the Governor's Budget Bill as it relates to local assistance to municipalities for youth programs, will prohibit expansion and funding of our community's youth programs, not only in this fiscal year, but for years to come, NOW, THEREFORE, BE IT

RESOLVED that the New York State Legislature restore to the 1977/78 State Budget, Division for Youth local assistance funds, at least to the level of the last two fiscal years, namely \$16,369,000 and further, that the proposed changes resulting from the technical language of the Governor's proposed Budget Bill, be rejected and that the original language as embodied in the 1976/77 Adopted Budget Bill remain in effect and unchanged, and BE IT FURTHER

RESOLVED that a Certified Copy of this Resolution be sent to Governor Hugh Carey, Assemblyman Dennis Gorski and State Senator Volker.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 46 Motion by Councilman Wasielewski, seconded by Councilman Dux to adjourn the meeting until Friday, February 18, 1977 at 3:00 o'clock P.M. in memory of Carl O. Reese, Patrolman in City of Buffalo, William Michalski, and Ray Mack, President of Rescue Volunteer Hose Company.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular adjourned 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 February, 1977 at 3:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Raymond J. Wasielewski
Councilman Frank J. Dux

ABSENT: Councilman Thomas M. Johnson, Jr.
Councilman George Kaczmarek
Councilman James R. Burst

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney.

Item No. 2 Warrant List

Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending February 17th, 1977, be and hereby are approved and the Supervisor pay said warrants:

<u>FUND</u>	<u>CHECK NO.</u>		<u>AMOUNT</u>
	<u>FROM</u>	<u>TO</u>	
General Fund	144-269,	9611	\$3,917,552.25
Special District Fund	2584	2618	147,043.96
Highway Fund	2179	2206	1,286,091.35
Part Town Fund	541	547	2,366.30
Trust and Agency Fund	368	377	<u>1,162,519.35</u>
			<u>\$6,515,573.21</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, and Dux
NAYES: 0
ABSENT: Councilmen Johnson, Kaczmarek and Burst

Item No. 3 Motion by Councilman Swiatek, seconded by Councilman Dux to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th day of March, 1977 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Raymond J. Wasielewski
Councilman Thomas M. Johnson, Jr.
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Chester L. Bryan, Town Engineer; Captain Smolarek, Police Department; Casey Kozminski, Real Property Appraiser; Ronald Marten, Building & Plumbing Inspector; Ronald Zoeller, Working Foreman of the Sanitation Dept.; Sal LaGreca, Assistant Manpower Program Director I; Ken Kopacz, Executive Director of the Youth Board; Edward Leak, Recreation Director; Raymond Matot, Superintendent of Buildings and Grounds; Julia Reinstein, Town Historian; Dr. Louis Vendetti, Town Health Officer.

I. BIDS

Item No. 2 Engineering Dept. - Equipment, etc. for construction of storm sewers and related work in Ellen, Fairhaven, Rosedale area.
Referred to Chester L. Bryan, Town Engineer.

Item No. 3 Engineering Dept. - Furnishing of liquid chlorine.
No Bids Received!

Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, it is in order that bids be advertised to cover the purchase of chlorine requirements for the Town for the 1977 fiscal year, AND

WHEREAS, no bids were received for the scheduled bid opening of March 7, 1977, NOW, THEREFORE BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of liquid chlorine, Notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that the Town Board meet on the 21st day of March, 1977, at 7:00 P.M., Local Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

N O T I C E T O B I D D E R S

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 21, 1977 at 7:00 P.M., Local Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of liquid chlorine for the year of 1977, for use in the treatment of sanitary sewage.

Information for bidders and specifications may be obtained from the

Item No. 3 Cont'd.

Town Clerk at his office in said Town Hall.

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

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

RICHARD M. MOLESKI
TOWN CLERK

DATED: March 7, 1977

* * * * *

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. DeSoto, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Chief* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 10, 1977* ;
last publication *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. DeSoto

Sworn to before me this *11th*

day of *March*, 19..... *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

~~Resolution No. 100-1977~~
~~Resolved, that the following~~
and considered by the Town Board of
the Town of Cheektowaga on March
21, 1977 at 7:00 P.M., Local Time, at
the Town Hall, corner of Broadway
and Union Road, for the furnishing of
liquid chlorine for the year of 1977, for
use in the treatment of sanitary
sewage.

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

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

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

RICHARD M. MOLESKI

Town Clerk

DATED: March 7, 1977

II. PUBLIC HEARINGS

Item No. 4 This was the time and place advertised for a Public Hearing to consider the request of Cheektowaga Cablevision, Inc., now known as International Cable, for a rate increase as to the maximum monthly amount to be charged to subscribers of said International Cablevision. 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.

Item No. 5 This being the time and place advertised for a public hearing to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga, which was adopted on July 17, 1967, hereinafter more particularly described, 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. Said proposed amendment being as follows:

* * * * *

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by adding thereto the following titles as shown:

No Standing Here to Corner

VEGOLA AVENUE - Eastside: 60 feet north from curb of
GENESEE STREET

VEGOLA AVENUE - Westside: 60 feet north from curb of
GENESEE STREET

* * * * *

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.

III. GENERAL COMMUNICATIONS

Item No. 6 Gerald J. O'Reilly, West Seneca Town Attorney - Notification of hearing on special permit and rezoning of 2207 Union Road.
Received and Filed.

Item No. 7 Cheektowaga Fire Chief's Mutual Aid Association - Letter regarding phones in Fire Halls; also, winter parking ban.
Received and Filed.

Item No. 8 Claim from H. Marszalkowski regarding damage to his car.
Received and Filed.

Item No. 9 Claim from E. Winkelman regarding damage to his basement and garage.
Received and Filed.

Item No. 10 SUMMONS & COMPLAINT - Bradley Hurd vs. Assessors of various cities and towns of Erie County.
Received and Filed.

Item No. 11 NOTICE OF CLAIM - Christine Pilarski, guardian of Denise Pilarski vs. Town of Cheektowaga.
Received and Filed.

Item No. 12 SUMMONS & COMPLAINT - Robert & Jean Goulding, as Administrators of Goods, etc. of Michael D. Goulding (deceased) vs. M. Amico, K. Caffery, A. Rozansky and F. Netzel and Town of Cheektowaga.
Received and Filed.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 13 Building Permits.
Received and Filed; Approved.

Item No. 14 Extract of Annual Financial Report of Supervisor for 1976.
Received and Filed.

Item No. 15 Health Report for February, 1977.
Received and Filed.

V. RESOLUTIONS

Item No. 16 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

BE IT RESOLVED that a Public Hearing on proposed amendments to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967 be held on the 21st day of March, 1977 at 7:00 p.m. Eastern Standard Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 March 10, 1977; the said amendments being set forth in the Notice of Hearing.

* * * * *

N O T I C E O F H E A R I N G

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 21st day of March, 1977 at 7:00 p.m. Eastern Standard Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by deleting therefrom the following:

NO PARKING ANYTIME

BIGELOW ROAD North side: from east curb of MAPLEVIEW ROAD to HUTH ROAD

WEST GRAND BOULEVARD West side: from entrance of ST. JOSEPH'S HOSPITAL lot to south curb of SOUTHERN PARKWAY

Item No. 16 Cont'd.

Section 102 is amended by adding thereto the following:

NO PARKING ANYTIME

AIRPORT AVENUE	South side:	east from BANKO DRIVE to DEAN ROAD
AIRPORT AVENUE	North side:	east from BANKO DRIVE to DEAN ROAD
BIGELOW ROAD	South side:	from MAPLEVIEW ROAD to HUTH ROAD
CLAUDE DRIVE	East side:	from DINGENS STREET north to HURD STREET
COREY COURT	North side:	from HARLEM ROAD to MAPLEVIEW ROAD
COREY COURT	Southwest side:	from MAPLEVIEW ROAD to a point 160 feet northwesterly therefrom
HENRY STREET	West side:	from WILLIAM STREET south to bridge over New York State Thruway
HOMESGARTH AVENUE	North side:	from HARLEM ROAD to SOUTH ROYCROFT BOULEVARD
MAPLEVIEW ROAD	West side:	from ROST PLACE to HOMESGARTH AVENUE
MERRYMONT DRIVE	East side:	from CLEVELAND DRIVE to MAPLEVIEW ROAD
NORTH MEADOWBROOK PKWY	West side:	from DINGENS STREET north to BISMARCK STREET
NORTH PLEASANT PARKWAY	West side:	from DINGENS STREET north to RICHARD DRIVE
NORTH WILLOWLAWN PKWY	West side:	from DINGENS STREET north to BISMARCK STREET
PARKER STREET	North side:	west from GARLAND AVENUE TO CASS AVENUE
SOUTH ROYCROFT BLVD	West side:	from CLEVELAND DRIVE to terminus of street

NO PARKING HERE TO CORNER

BRIGHT AVENUE	East side:	from south curb line of WILLIAM STREET to a point 100 feet southerly therefrom
EDMUND STREET	West side:	from south curb line of WILLIAM STREET to a point 100 feet southerly therefrom
GARLAND AVENUE	East side:	from south curb line of WILLIAM STREET to a point 100 feet southerly therefrom
HEDLEY STREET	East side:	from south curb line of WILLIAM STREET to a point 100 feet southerly therefrom
WARSAW STREET	East side:	from north curb line of WILLIAM STREET to a point 100 feet northerly therefrom

Section 103 is amended by deleting therefrom the following:

NO STANDING 7:30 AM to 3:30 PM SCHOOLDAYS

BIGELOW ROAD	South side:	from MAPLEVIEW ROAD to HUTH ROAD
--------------	-------------	----------------------------------

NO PARKING 7:00 AM to 4:00 PM

MAPLEVIEW ROAD	East side:	from north line of HOMESGARTH AVENUE to 109 MAPLEVIEW ROAD
MAPLEVIEW ROAD	West side:	from north line of COREY COURT to south line of ROST PLACE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Sedate of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 10, 1977* ;
last publication *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Clady M. Sedate

Sworn to before me this *11th*

day of *March*, 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

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, corner of Broadway and Union Road, in said Town of Cheektowaga on the 21st day of March, 1977 at 7:00 p.m. Eastern Standard Time, to consider the advisability of adopting amendments to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping
Section 102 is amended by deleting therefrom the following:

NO PARKING ANYTIME

BIGELOW ROAD North side: from east curb of **MAPLEVIEW ROAD** to **HUTH ROAD**

WEST GRAND BOULEVARD West side: from entrance of **ST. JOSEPH'S HOSPITAL** lot to south curb of **SOUTHERN PARKWAY**

Section 102 is amended by adding thereto the following:

NO PARKING ANYTIME

AIRPORT AVENUE - South side: from **BANKO DRIVE** to **DEAN ROAD**

AIRPORT AVENUE - North side: east from **BANKO DRIVE** to **DEAN ROAD**

BIGELOW ROAD - South side: from **MAPLEVIEW ROAD** to **HUTH ROAD**
CLAUDE DRIVE - East side: from **DINGENS STREET** north to **HURD STREET**

COREY COURT - North side: from **HARLEM ROAD** to **MAPLEVIEW ROAD**

COREY COURT - Southwest side: from **MAPLEVIEW ROAD** to a point 100 feet northwesterly therefrom

HENRY STREET - West side: from **WILLIAM STREET** south to bridge over New York State Thruway

HOMESGARTH AVENUE - North side: from **HARLEM ROAD** to **SOUTH ROYCROFT BOULEVARD**

MAPLEVIEW ROAD - West side: from **ROST PLACE** to **HOMESGARTH AVENUE**

MERRYMONT DRIVE - East side: from **CLEVELAND DRIVE** to **MAPLEVIEW ROAD**

NORTH MEADOWBROOK PKWY. - West side: from **DINGENS STREET** north to **BISMARCK STREET**

NORTH PLEASANT PARKWAY - West side: from **DINGENS STREET** north to **RICHARD DRIVE**

NORTH WILLOWLAWN PKWY. - West side: from **DINGENS STREET** north to **BISMARCK STREET**

PARKER STREET - North side: west from **GARLAND AVENUE** to **CASS AVENUE**

SOUTH ROYCROFT BLVD. - West side: from **CLEVELAND DRIVE** to terminus of street

NO PARKING HERE TO CORNER

BRIGHT AVENUE - East side: from south curb line of **WILLIAM STREET** to a point 100 feet southerly therefrom

EDMUND STREET - West side: from south curb line of **WILLIAM STREET** to a point 100 feet southerly therefrom

GARLAND AVENUE - East side: from south curb line of **WILLIAM STREET** to a point 100 feet southerly therefrom

HEDLEY STREET - East side: from south curb line of **WILLIAM STREET** to a point 100 feet southerly therefrom

WARSAW STREET - East side: from north curb line of **WILLIAM STREET** to a point 100 feet northerly therefrom

Section 103 is amended by deleting therefrom the following:

NO STANDING 7:30 AM to 3:30 PM SCHOOLDAYS

BIGELOW ROAD - South side: from **MAPLEVIEW ROAD** to **HUTH ROAD**

NO PARKING 7:00 AM to 4:00 PM

MAPLEVIEW ROAD - East side: from north line of **HOMESGARTH AVENUE** to 109 **MAPLEVIEW ROAD**

MAPLEVIEW ROAD - West side: from north line of **COREY COURT** to south line of **ROST PLACE**

Section 103 is amended by adding thereto the following:

NO PARKING 7:00 AM to 4:00 PM SCHOOLDAYS

BIGELOW ROAD - North side: from **MAPLEVIEW ROAD** to **HUTH ROAD**

COREY COURT - South side: from **HARLEM ROAD** to a point 100 feet northwest of **MAPLEVIEW ROAD**

MAPLEVIEW ROAD - East side: from traffic circle to **HOMESGARTH AVENUE**

NO STANDING ANYTIME

WEST GRAND BOULEVARD - West side: north from **ST. JOSEPH'S HOSPITAL** lot to south curb of **SOUTHERN PARKWAY**

WEST GRAND BOULEVARD - East side: north from **ST. JOSEPH'S HOSPITAL** lot to south curb of **SOUTHERN PARKWAY**

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

Dated: March 7, 1977
RICHARD M. MOLESKI
Town Clerk

Item No. 17 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Margaret Pawela has applied for a rezoning from R-Residential District to RC-Restricted Business District the property located at 437 French Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 110, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

COMMENCING at a point in the center line of French Road, which is also the north line of said Lot Number 110, distant 488.163 feet easterly from the northwest corner of said Lot Number 110; thence easterly along the center line of French Road, 88.113 feet to the northeast corner of lands conveyed to Burton G. Monin and wife by deed recorded in the Erie County Clerk's Office in Liber 7223 of Deeds at page 45; thence southerly along the east line of said lands conveyed to Burton G. Monin and wife, 176.67 feet to the north line of lands as shown on map of Chateau Village and filed in the Erie County Clerk's Office under Cover Number 2230; thence westerly along the said north line of lands as shown on said map of Chateau Village, 88.45 feet to the southeast corner of lands conveyed to Myron A. Monin and wife by deed recorded in the Erie County Clerk's Office in Liber 7301 of Deeds at page 473; thence northerly along the east line of said lands conveyed to Myron A. Monin and wife, 176.49 feet to the point or place of beginning.
Excepting property conveyed to the County of Erie in Liber 7603 of Deeds at page 313 of the Erie County Clerk's Office being the property within French Road,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 3rd day of January, 1977 at 6:30 o'clock p.m. Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the Erie County Department of Planning has recommended denial of said application, and

WHEREAS, the proposed rezoning of said premises would be detrimental to the surrounding residential properties, therefore, BE IT

RESOLVED, that the said application for rezoning be and hereby is denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Theodore B. Kulbacki has applied for a rezoning from RC-Restricted Business District to CM-General Commercial District the property located at 2550 Union Road, Cheektowaga, New York, and being more particularly described as follows:

Beginning at the point of intersection of the west line of Union Road as presently laid out and the south line of great lot 63; running thence northerly along the west line of Union Road 271.5' to a point;

Item No. 18 Cont'd.

running thence westerly and along a line parallel to the north line of land deeded by Palmer & Griffith, as Executors to Vogel, recorded in the Erie County Clerk's Office in Liber 1255 of Deeds, Page 402, for a distance of 250' running thence southerly on a line parallel to the said west line of Union Road, to the south line of great lot 63; running thence easterly and along said south line of great lot 63 for a distance of 250' to the west line of Union Road, point or place of beginning,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 3rd day of January, 1977 at 6:30 o'clock p.m. Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the Cheektowaga Planning Commission has recommended denial of said application, and

WHEREAS, the proposed rezoning of said premises would not be compatible with the surrounding properties, therefore, BE IT

RESOLVED, that the said application for rezoning be and hereby is denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Harry E. and Mildred T. Rawson have applied for a rezoning from R-Residential District to M1-Light Manufacturing District the property located at 4042 Union Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 17, Township 11, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lot No. 1, as shown on map filed in Erie County Clerk's Office under Cover No. 962, situate on the west side of Union Road.

ALL THAT TRACT OR PARCEL OF LAND, with the buildings and improvements thereon erected or to be erected, situate, lying and being in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot No. 17, Township 11, Range 7 of the Holland Land Company's Survey and according to a map filed in Erie County Clerk's Office under Cover No. 963 is known and distinguished as Subdivision Lots Numbers 140 and 141, being situate on the westerly side of Union Road and being sixty-one and fifty hundredths (61.50) feet front and sixty-two and fifteen hundredths (62.15) feet rear by one hundred twenty-two and sixty-four hundredths (122.64) feet in depth on the northerly lot line and one hundred twenty (120) feet in depth on the southerly lot line, commencing sixty (60) feet southerly from the point of intersection of the westerly line of Union Road with the southerly line of Wellworth Place,

Item No. 19 Cont'd.

said premises being now known as No. 4042 Union Road,
and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00
of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town
Board on the 6th day of December, 1976 at 6:30 o'clock p.m. Eastern Standard Time
after publication of the notice as required by the provisions of the Town Ordinance
and the Town Law of the State of New York and all interested parties were
given an opportunity to be heard at said hearing, and

WHEREAS, the Erie County Department of Planning and the Cheektowaga
Planning Commission have recommended denial of said application, and

WHEREAS, the proposed rezoning of said premises would be detrimental
to the surrounding residential properties, therefore, BE IT

RESOLVED, that the said application for rezoning be and hereby is
denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Mary E. Stephan has applied for a rezoning from R-Residential
District to C-Retail Business District the property located at 4673 Union Road,
Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the
Town of Cheektowaga, County of Erie and State of New
York, being part of Lot No. 14, Township 11, Range 7
of the Holland Land Company's Survey and according to
map filed in Erie County Clerk's Office under Cover
No. 1628 is known as Subdivision Lot Number 231.

SUBJECT to all rights, restrictions and ease-
ments of record, if any.

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00
of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town
Board on the 6th day of December, 1976 at 6:30 o'clock p.m. Eastern Standard Time
after publication of the notice as required by the provisions of the Town Ordinance
and the Town Law of the State of New York and all interested parties were
given an opportunity to be heard at said hearing, and

WHEREAS, the Erie County Department of Planning and the Cheektowaga
Planning Commission have both recommended denial of said application, and

WHEREAS, the proposed rezoning of said premises would not be com-
patible with the surrounding residential properties, therefore, BE IT

RESOLVED, that the said application for rezoning be and hereby is
denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Friar's Table Ltd., Edward J. Meyer, Jr. has applied for a rezoning from R-Residential (Non-Conforming Use) District to C-Retail Business District the property located at 301 Cleveland Drive, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 36, Township 11, Range 7 of the Holland Land Company's Survey, is known as subdivision Lot No. 1 according to a map filed under Cover No. 1107 and subdivision Lots Nos. 35, 36, 37 and 38 according to a map filed under Cover No. 1342, being situate on the south side of Cleveland Drive (formerly Zumstein Road and Kensington Road) at its intersection with the east line of Sugnet Avenue, bounded and described as follows:

BEGINNING at the intersection of said southerly line of Cleveland Drive with the easterly line of Sugnet Avenue; thence easterly along said line of Cleveland Drive, 136 feet to the northeast corner of subdivision Lot No. 1; thence southerly along the east line of subdivision Lot No. 1, 133 feet to the southeast corner of subdivision Lot No. 1, thence westerly along the southerly line of said subdivision Lot No. 1, 35.77 feet to the east line of subdivision Lot No. 35; thence southerly along said line of subdivision Lot No. 35, 22 feet more or less to the southeast corner of subdivision Lot No. 35; thence westerly along the southerly line of subdivision Lot No. 35, 99.815 feet to the west line of Sugnet Avenue; thence northerly along said line of Sugnet Avenue, 155 feet to said line of Cleveland Drive, the point of beginning,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of December, 1976 at 6:30 o'clock p.m. Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinances and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the Cheektowaga Planning Commission has recommended approval of said application, with the exception of the 40 x 99.815 foot lot facing Sugnet Avenue which would still remain in the R-Residential District, and

WHEREAS, it appears that the proposed rezoning, with the above exception, would not interfere with the use and enjoyment of the surrounding areas by the owners or occupants thereof, therefore, BE IT

RESOLVED, that said rezoning is granted and that the above described premises be and hereby are rezoned from R-Residential (Non-Conforming) District to C-Retail Business District, with the exception of the 40 x 99.815 foot lot facing Sugnet Avenue which would still remain in the R-Residential District, and BE IT FURTHER

RESOLVED, that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Heston, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 10, 1977* ;
last publication *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Heston

Sworn to before me this *11th*

day of *March*, 19..... *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

**EXTRACTS FROM MINUTES OF
CHECKTOWAGA TOWN BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 7th day of March, 1977 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:
Supervisor Kenneth J. Meyers
Councilmen:

Frank E. Swiatek
Raymond J. Wasielewski
Thomas M. Johnson, Jr.
Frank J. Dux
George Kaczmarek
James R. Burst

ABSENT: 0

Motion by Councilman Wasielewski
Seconded by Councilman Kaczmarek

WHEREAS, Friar's Table Ltd., Edward J. Meyer, Jr. has applied for a rezoning from R-Residential (Non-Conforming Use) District to C-Retail Business District the property located at 301 Cleveland Drive, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 36, Township 11, Range 7 of the Holland Land Company's Survey, is known as subdivision Lot No. 1 according to a map filed under Cover No. 1107 and subdivision Lots Nos. 35, 36, 37 and 38 according to a map filed under Cover No. 1342, being situate on the south side of Cleveland Drive (formerly Zumbstein Road and Kensington Road) at its intersection with the east line of Sugnet Avenue, bounded and described as follows:

BEGINNING at the intersection of said southerly line of Cleveland Drive with the easterly line of Sugnet Avenue; thence easterly along said line of Cleveland Drive, 136 feet to the northeast corner of subdivision Lot No. 1; thence southerly along the east line of subdivision Lot No. 1, 133 feet to the southeast corner of subdivision Lot No. 1, thence westerly along the southerly line of said subdivision Lot No. 1, 35.77 feet to the east line of subdivision Lot No. 35; thence southerly along said line of subdivision Lot No. 35, 22 feet more or less to the southeast corner of subdivision Lot No. 35; thence westerly along the southerly line of subdivision Lot No. 35, 99.815 feet to the west line of Sugnet Avenue; thence northerly along said line of Sugnet Avenue, 155 feet to said Line of Cleveland Drive, the point of beginning,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 20th day of December, 1976, at 6:30 p.m. Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinances and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the Cheektowaga Planning Commission has recommended approval of said application, with the exception of the 40 x 99.815 foot lot facing Sugnet Avenue which would still remain in the R-Residential District.

and
WHEREAS, it appears that the proposed rezoning, with the above

areas by the owners or occupants thereof, therefore, **BE IT**

RESOLVED, that said rezoning is granted and that the above described premises be and hereby are rezoned from R-Residential (Non-Conforming) District to C-Retail Business District, with the exception of the 40 x 99.815 foot lot facing Sugnet Avenue which would still remain in the R-Residential District, and **BE IT FURTHER**

RESOLVED, that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon roll call

Supervisor Meyers	Voting AYE
Councilmen:	
Swiatek	Voting AYE
Wasielewski	Voting AYE
Johnson	Voting AYE
Dux	Voting AYE
Kaczmarek	voting AYE
Burst	Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK)

COUNTY OF ERIE)

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, **DO HEREBY CERTIFY** as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on March 7, 1977, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 21, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 9th day of March, 1977.

RICHARD M. MOLESKI
Town Clerk

Item No. 22 Motion by Councilman Wasielewski, seconded by Councilman Kaczmarek

WHEREAS, Robert and Patricia Puckett have applied for a rezoning from R-Residential District to C-Retail Business District the property located at 1399 Harlem Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number seventy-two (72), Township ten (10), Range seven (7) of the Buffalo Creek Reservation and further distinguished as Subdivision Lots Numbers five (5) and six (6), in Block Number one (1), as shown on Map filed in Erie County Clerk's Office under Cover Number 799, situate on the east side of Harlem Road,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 7th day of September, 1976 at 6:30 o'clock p.m. Eastern Daylight Saving Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the Erie County Department of Planning and the Cheektowaga Planning Commission have recommended denial of said application, and

WHEREAS, the proposed rezoning of said premises would not be compatible with the surrounding residential properties, therefore, BE IT

RESOLVED, that the said application for rezoning be and hereby is denied.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 23 Motion by Councilman Johnson, seconded by Councilman Wasielewski

WHEREAS, Notice to Bidders was duly published for the receipt of bids for the construction of a storm sewer system identified as St. Felix Part I, which bids were duly received and opened at the regular Town Board meeting on February 17, 1977, AND

WHEREAS, said bids were referred to the consulting engineering firm of Nussbaumer & Clarke, Inc. and the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in the letter to the Town Board dated March 3, 1977, and where said report recommended that the bid be awarded to Freeway Contracting Company, Inc., 68 Churchill Street, Buffalo, New York at the bid price of \$226,750, said bid being the lowest bid complying with specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the construction of storm sewers known as St. Felix Part I be and hereby is awarded to Freeway Contracting Company, Inc. for their submission of the lowest bid complying with specifications, said bidder being the responsible bidder for said project to be funded under the Community Development Grants of F.Y. 75 and F.Y. 76.

*See Next two (2) pages



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

HESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

March 3, 1977

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: St. Felix Storm Sewers Part I

Gentlemen:

At the regular Town Board meeting, bids were received for the construction of storm sewers for the St. Felix Part I Project. Funding for this part of the St. Felix Storm Sewer System has been committed under Community Development Funds for 1975 and Community Development Funds for 1976. Seven (7) bids were received with the totals as follows:

1. Freeway Contracting Company, Inc.	\$226,750
2. Amadori Construction Company, Inc.	\$242,900
3. Herbert F. Darling, Inc.	\$257,575
4. Case Boring Corporation	\$262,870
5. E. Cardarelli & Company, Inc.	\$263,440
6. Marin Concrete Company, Inc.	\$309,840
7. Northern Demolition, Inc.	\$329,500

The bids were reviewed by the consulting firm of Nussbaumer & Clarke, Inc., which firm submitted the tabulation and report in the letter of February 21, 1977 to this office.

It is recommended that the bid be awarded to Freeway Contracting Company, Inc., 68 Churchill Street, Buffalo, New York 14207 for their submission of the lowest bid in the amount of \$226,750, this being the lowest bid meeting the specifications.

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS

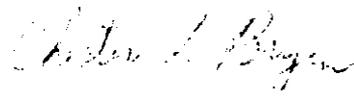
March 3, 1977

The bid as submitted was broken down into the following:

Bid Section "A" - Ditch & Chambers	\$58,910
Bid Section "B" - Thruway Crossing	\$75,000
Bid Section "C" - Connecting Pipe and Cayuga Creek Road	\$92,840

Very truly yours

TOWN OF CHEEKTOWAGA



Chester L. Bryan, P.E.
Town Engineer

CLB:dmc

Item No. 23 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Johnson, seconded by Councilman Wasielewski

WHEREAS, the Town Engineer has informed the Town Board members that final plans and specifications are ready for the St. Felix Drainage Project Part II, AND

WHEREAS, said drainage project was awarded a one hundred percent (100%) Federal grant under the Local Public Works Capital Development and Investment Program (Public Law 94-369) NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders in connection with said storm sewers construction, notice to be published in the BUFFALO EVENING NEWS, COURIER EXPRESS and the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that the Town Clerk obtain certified copies of the publication of said Notice to Bidders from each newspaper, and, BE IT FURTHER

RESOLVED, that this Town Board will meet on the 28th day of March, 1977 at 7:00 P.M., Local Time, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at the public meeting held for that purpose.

* * * * *

N O T I C E T O B I D D E R S

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 28th day of March, 1977 at 7:00 P.M. Local Time in the Town Hall in the Town of Cheektowaga, New York, for furnishing all tools, equipment, materials and labor for the construction of storm sewers in the St. Felix Drainage Area - Part II, including chambers, manholes, receivers and related work, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer and Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office in the Town Hall.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at the office of Nussbaumer & Clarke, Inc. upon payment of \$50.00 per set of documents. Checks shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Proposal for the Construction of Storm Sewers in St. Felix Drainage Area - Part II, Contract 2."

Item No. 24 Cont'd.

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

Each proposal must be accompanied by a certified check for a sum equal to ten percent (10%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to ten percent (10%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

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

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

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER, WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT, ARE EXPLAINED IN THE SPECIFICATIONS.

Town of Cheektowaga, New York
Richard M. Moleski, Town Clerk

Dated: March 7, 1977

Published: March 10, 1977

* * * * *

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK
Erie County City of Buffalo, } ss.

NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 28th day of March 1977 at 7:00 P.M. in the Town Hall in the Town of Cheektowaga, New York, for furnishing all tools, equipment, materials and labor for the construction of storm sewers in St. Felix Drainage Area—Part II, including chambers, manholes, receivers and related work, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clark, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office in the Town Hall.
Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at the office of Nussbaumer & Clark, Inc., upon payment of \$50.00 per set of documents. Checks shall be made payable to the Town of Cheektowaga.
Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be treated as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.
All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Proposals for the Construction of Storm Sewers in St. Felix Drainage Area—Part II, Contract 2."
The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.
Each proposal must be accompanied by a certified check for a sum equal to ten per cent (10%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, of bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to ten per cent (10%) of the amount of the bid, conditioned that if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.
No bidder may withdraw his bid within 45 days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled time for the opening of bids.
The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.
Attention of the bidders is further called to Section 2006 of the Public Authorities Law which regulates a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.
BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11541, THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER, WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT, ARE EXPLAINED IN THE SPECIFICATIONS.
Town of Cheektowaga, New York
Richard M. Moloch, Town Clerk
Dated: March 7, 1977

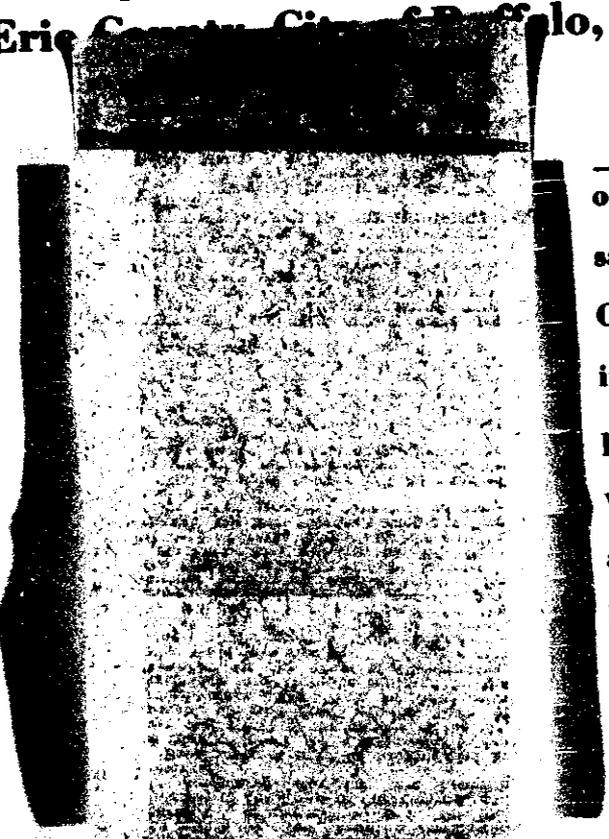
Sworn
of...

Alice Anderson

of the City of Buffalo, being duly sworn, deposes and says, that he is chief clerk in the office of BUFFALO COURIER-EXPRESS a daily newspaper published in said City, that the notice, of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein... once... a week for ... weeks the first insertion being on the ... 10 ... day of March ... 19 77 and the last insertion being on the ... day of ... , 19 ... , and not more than ... days intervened between any two publications thereof.

Alice Anderson
Rao

STATE OF NEW YORK
Erie County, City of Buffalo, } ss.



Alice Anderson

of the City of Buffalo, being duly sworn, deposes and says, that he is chief clerk in the office of BUFFALO COURIER-EXPRESS a daily newspaper published in said City, that the notice, of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein... once... a week for weeks the first insertion being on the 10 day of March 19 77 and the last insertion being on the day of, 19 .., and not more than days intervened between any two publications thereof.

Sworn before me this 10... day
of March 19 77

Notary Public, State of New York

Qualified in Erie County
by ~~Notary Public, Erie County, NY~~

Alice Anderson
Per

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Decker of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady M. Decker* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *March 10, 1977*;
last publication..... *March 10, 1977*;
and that no more than six days intervened be-
tween publications.

Clady M. Decker
Sworn to before me this *11th*
day of *March*, 19.. *77*
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1979

[REDACTED]

... Law which requires a
... certificate of non-discrimination
... is part of the bid or
... and bids, awarded
... WILL
... TO COMPLY WITH
... EXECUTIVE
... ORDER NO. 11811, THE ENFORCE-
... FOR BIDDERS AND CON-
... UNDER THE ORDER,
... CONCERN NON-DIS-
... IN EMPLOYMENT,
... IN THE SPECI-
... FICATIONS.

Town of Cheektowake, New York
Richard M. Hotsch, Town Clerk
Dated: March 7, 1977
Published: March 10, 1977

State of New York

ERIE COUNTY
CITY OF BUFFALO

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 11th day of March, 1977, at 1:00 P.M. Local Time in the Town Hall in the Town of Cheektowaga, New York, for furnishing all tools, equipment, materials and labor for the construction of storm sewers in the St. Felix Drainage Area. Plans, specifications, and related work, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, and General Conditions, are on file in the Office of the Town Clerk, Town Hall, Cheektowaga, New York. All bidders must be accompanied by a certified check for a sum equal to ten percent (10%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to ten percent (10%) of the amount of the bid, conditioned that if his proposal is accepted, he will enter into a contract for the work and that he will be bound by the terms and conditions of the contract.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, shall be reserved to the Board of the Town of Cheektowaga, and in accordance with Sec. 105-A of the General Law of the State of New York.

Plans and Specifications may be examined at the above office and at the office of the Engineers at 388 Delaware Avenue, Buffalo, New York 14202. Copies may be secured at the office of Nussbaumer & Clarke, Inc. upon payment of \$50.00 per set of documents. Checks shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of the deposit. Bidders who do not return their Plans and Specifications in good condition will also be deemed as non-bidders. Any bidder who returns more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Proposal for the Construction of Storm Sewers in St. Felix Drainage Area - Part II, Contract 2."

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

Attention of the bidders is further called to the fact that the Town of Cheektowaga is an Equal Opportunity Employer and that all bidders and contractors under this order, which concerns non-discrimination in employment, are explained in the specifications.

RICHARD M. MOLESKI, Town Clerk
Town of Cheektowaga, New York
Dated: March 7, 1977

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn, deposes and says that he is Principal Clerk of the BUFFALO EVENING NEWS, INC., Publisher of the BUFFALO EVENING NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein once ~~times~~ per week for xxxxxxxx ~~weeks~~ the first insertion being on the 10th ~~day~~ of March 1977 ~~and the last~~ insertion being on the xxxxx day of xxxxxx

D. Eileen Perry

Sworn to 11th day of 77

2 months

ROBERT L. MOORE
Notary Public, Erie County
Qualified in Erie County
My Commission Expires March 30 1977

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn,
deposes and says that he is Principal Clerk
of the BUFFALO EVENING NEWS, INC.,
Publisher of the BUFFALO EVENING NEWS, a
newspaper published in said city, that the notice of
which the annexed printed slip taken from said
newspaper is a copy, was inserted and published
therein once ~~times~~ ~~for~~ ~~XXXXXX~~
~~times~~ the first insertion being on the 10th
day of March 19 77 ~~and the last~~
~~insertion being on the~~ ~~XXXXXX~~ ~~day of~~ ~~XXXX~~ ~~19~~ ~~XX~~

D. Eileen Perry

Sworn to before me this 11th day

of March 19 77

Robert L. Moore

ROBERT L. MOORE
Notary Public, Erie County, State of New York
Qualified in Erie County
My Commission Expires March 30, 1977

Item No. 25 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, as part of the Town's Water Pollution Control Program for Sanitary Sewer District No. 5, the Town of Cheektowaga has submitted plans and specifications for funding under the Federal Water Pollution Abatement Program (PL92-500), AND

WHEREAS, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency have approved Phase I of the program, namely, the construction of the Northeast Interceptor with State funding at 12½%, Federal funding at 75% and Local funding at 12½%, AND

WHEREAS, the Town Engineer has informed this Town Board that said Northeast Interceptor Project is ready for bidding, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is directed to publish a Notice to Bidders in connection with said Northeast Interceptor Sewer Construction, Notice to be published in the Buffalo Evening News, Courier Express and the Cheektowaga Times, and, BE IT FURTHER

RESOLVED, that the Town Clerk is to obtain certified copies of the said publication of the Notice to Bidders from all these newspapers, and, BE IT FURTHER

RESOLVED, that this Town Board meet on the 18th day of April, 1977, at 7:00 P.M. Local Time for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at the public meeting held for that purpose.

* * * * *

N O T I C E T O B I D D E R S

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of Cheektowaga, New York, sealed proposals will be received and considered by the Town Board of Cheektowaga on the 18th day of April 1977, at 7:00 P.M. Local Time, in the Town Clerk's Office, Town of Cheektowaga Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the construction of an Interceptor Sewer and Related Works from Genesee Street and Sugg Road to the Wastewater Treatment Plant No. 5, Contracts 1 and 2, all complete, in place, tested and ready for use, in accordance with the Contractor Documents therefor, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Both Contracts 1 and 2 are in the same set of documents. Checks shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 14 calendar days following the bid opening, will be refunded the full amount of his deposit. Non-bidders will be refunded one-half of the deposit. Any bidder requesting more than one set of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposal for Contract 1 or 2 or both, Northeast Interceptor Sewer, and related work".

The right to reject any or all bids, to waive any informalities in,

Item No. 25 Cont'd.

or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

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

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

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this Contract.

Attention of the bidders is further called to Section 2604 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDERS NO. 11246 AND 11375. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THESE ORDERS, WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT, ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the sewer system, pursuant to the provisions of the Contract. These taxes are not to be included in the bid.

The work on Contract 1 shall be completed within 270 consecutive calendar days, Contract 2 shall be completed within 270 consecutive calendar days and Contracts 1 and 2 combined shall be completed within 360 consecutive calendar days, which would begin five days after the "Order to Commence Work" is issued.

TOWN OF CHEEKTOWAGA, NEW YORK
RICHARD M. MOLESKI, TOWN CLERK

Dated: March 7, 1977

Published: March 10, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK

Eric County, ~~City of Buffalo~~ } ss.

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of Cheektowaga, New York, sealed proposals will be received and considered by the Town Board of Cheektowaga on the 15th day of April 1977, at 1:00 P.M. local time, in the Town Clerk's Office, Town of Cheektowaga Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the construction of an interceptor sewer and related work from Genesee Street and Sunn Road to the wastewater treatment plant No. 1. Contract 1 and 2, all complete, in place, tested and ready for use, in accordance with the Contractor Documents therefor, including plans, specifications, instructions to bidders, etc., prepared by Hunsbauer & Clark, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227. Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Both Contracts 1 and 2 are in the same set of documents. Checks shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 14 calendar days following the bid opening, will be refunded the full amount of his deposit. Non-bidders will be refunded one-half of the deposit. Any bidder requesting more than one set of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposed for Contract 1 or 2 or both, Southeast Interceptor Sewer, and related work".

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

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

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

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this Contract. Attention of the bidders is further called to Section 2604 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless completed with such bid will not be accepted.

REQUIREMENTS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11848 AND 11878, THE EXECUTIVE ORDER FOR BIDDERS AND CONTRACTORS UNDER FEDERAL CONTRACTS, AND THE EXECUTIVE ORDER NO. 11848, WHICH REQUIREMENTS ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the sewer system, pursuant to the provisions of the Contract. These taxes are not to be included in the bid.

The work on Contract 1 shall be completed within 270 consecutive calendar days, Contract 2 shall be completed within 270 consecutive calendar days and Contracts 1 and 2 combined shall be completed within 360 consecutive calendar days, which would begin five days after the "Order to Commence Work" is issued.

TOWN OF CHEEKTOWAGA, NEW YORK
RICHARD M. MOLESKI,
TOWN CLERK

Dated: March 7, 1977

Alice Anderson

of the City of Buffalo, being duly sworn, deposes and says, that he is chief clerk in the office of BUFFALO COURIER-EXPRESS a daily newspaper published in said City, that the notice, of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein... once... a week for ... weeks the first insertion being on the ... 10... day of ... March... 19 77 and the last insertion being on the ... day of ... , 19 ... , and not more than ... days intervened between any two publications thereof.

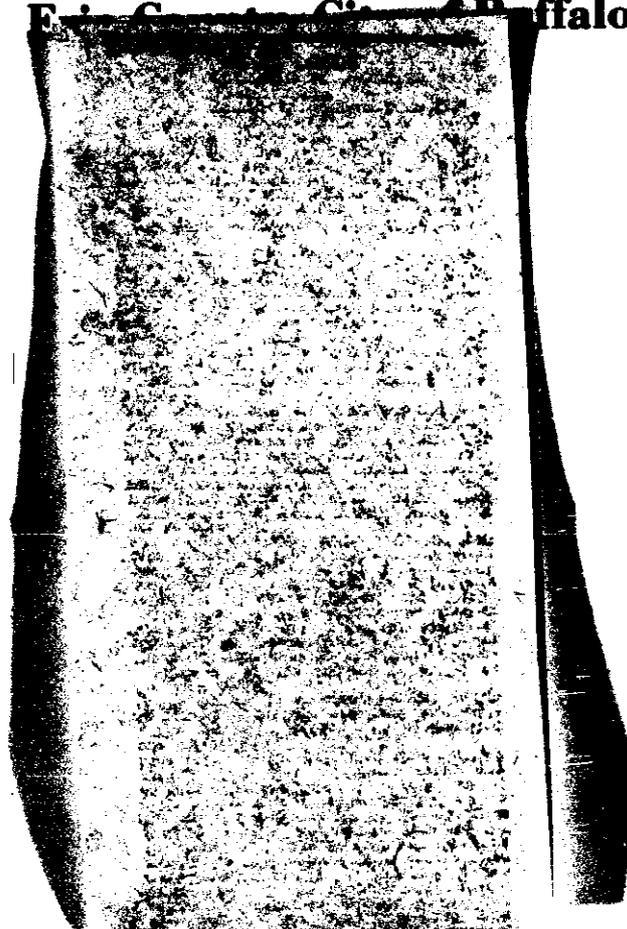
Alice Anderson

2 Pos
Y 78

Swc
of.

STATE OF NEW YORK

Erie County, City of Buffalo, } ss.



Alice Anderson

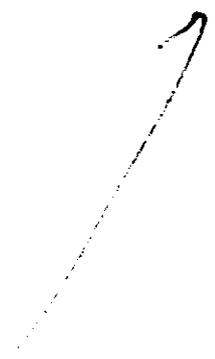
of the City of Buffalo, being duly sworn, deposes and says, that he is chief clerk in the office of BUFFALO COURIER-EXPRESS a daily newspaper published in said City, that the notice, of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein . . . once . . . a week for . . . weeks the first insertion being on the . . . 10 . . . day of . . . March . . . 19 77 and the last insertion being on the . . . day of . . . , 19 . . . , and not more than . . . days intervened between any two publications thereof.

Sworn before me this . 10 . day
of March 19 77 .

Alice Anderson

SEYMOUR ROSENG
~~Notary Public, State of New York~~
~~Qualified Notary Public, Erie County, N.Y.~~
My Commission Expires March 20, 19 78

S. Rose



State of New York
ERIE COUNTY
CITY OF BUFFALO

NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of Cheektowaga, New York, sealed proposals will be received and considered by the Town Board of Cheektowaga on the 15th day of April 1977, at 7:00 P.M. local time, in the Town Clerk's Office, Town of Cheektowaga, Town Hall, Broadway and Union Rds., Town of Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the construction of an interceptor sewer for the Town of Cheektowaga, New York, under the terms and conditions set forth in the attached documents, including plans, specifications, etc., prepared by Rasmussen & Clarke, Inc., Consulting Engineers for the said project. Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227. Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Both Contracts 1 and 2 are in the same set of documents. Seals should be placed in the Town of Cheektowaga. Any bidder returning such Plans and Specifications in good condition within 14 calendar days following the bid opening, will be refunded the full amount of his deposit. Non-bidders will be refunded one-half of the deposit. Any bidder requesting more than one set of documents may purchase the excess, but it is understood that they are not returnable. All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposed for Contract 1 or 2 or both, Northeast Interceptor Sewer, and related work". The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are hereby reserved. Each proposal must be accompanied by a certified check for a sum equal to five per cent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or a bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five per cent (5%) of the amount of the bid, conditioned that, if the proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract. No bidder may withdraw his bid within 45 days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled time for the opening of bids. The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award. Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this Contract. Attention of the bidders is further called to Section 200 of the Public Authority Law which requires that a certificate of nondiscrimination is part of the bid or proposal form, and unless completed with such bid will not be accepted. **BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDERS NO. 11246 AND 11375. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THESE ORDERS, WHICH CONCERN NONDISCRIMINATION IN EMPLOYMENT, ARE EXPLAINED IN THE SPECIFICATIONS.** The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the sewer system, pursuant to the provisions of the Contract. These taxes are not to be included in the bid. The work on Contract 1 shall be completed within 270 consecutive calendar days. Contract 2 shall be completed within 90 consecutive calendar days and Contract 1 and 2 shall be completed within 360 consecutive calendar days, which would begin five days after the "Order to Commence Work" is issued. Dated: March 7, 1977
TOWN OF CHEEKTOWAGA,
NEW YORK
RICHARD M. MOLESKI, Town Clerk

D. Eileen Perry
of the City of Buffalo, New York, being duly sworn,
deposes and says that she is Principal Clerk
of the BUFFALO EVENING NEWS, INC.,
Publisher of the BUFFALO EVENING NEWS, a
newspaper published in said city, that the notice of
which the annexed printed slip taken from said
newspaper is a copy, was inserted and published
therein ~~once~~ ~~xxxx~~ ~~xxxx~~ ~~xxxx~~
~~times~~ the first insertion being on the 10th
day of March 1977 and the last
insertion being on the ~~xxxx~~ ~~xxxx~~ ~~xxxx~~ ~~xxxx~~ 19
~~xxxx~~ ~~xxxx~~ ~~xxxx~~ ~~xxxx~~

D. Eileen Perry

Sworn of 11th day 19 77

ROBERT L. MOORE
Notary Public, Erie County, New York
Qualified since 1974
My Commission Expires March 20, 1977

D. Eileen Perry

of the City of Buffalo, New York, being duly sworn,
deposes and says that she is Principal Clerk
of the BUFFALO EVENING NEWS, INC.,
Publisher of the BUFFALO EVENING NEWS, a
newspaper published in said city, that the notice of
which the annexed printed slip taken from said
newspaper is a copy, was inserted and published
therein ~~once~~ ~~XXXXXX~~
~~times~~ the first insertion being on the 10th
day of March 1977 and the last
insertion being on the ~~XXXXXX~~

D. Eileen Perry

Sworn to before me this 11th day
of March 1977

Robert L. Moore

ROBERT L. MOORE
Notary Public, State of New York
Qualified in Erie County
Notary Public, Erie County, N. Y. Commission Expires March 30 1977

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Sestito of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for *1* weeks;
first publication *March 10, 1977* ;
last publication *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Clady M. Sestito

Sworn to before me this *11th*

day of *March*, 19 *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *79*

NOTICE TO BIDDERS
Pursuant to a resolution of the Town Board of Cheektowaga, New York, sealed proposals will be received and considered by the Town Board of Cheektowaga on the 18th day of April 1977, at 7:00 P.M. Local Time, in the Town Clerk's Office, Town of Cheektowaga Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the construction of an Interceptor Sewer and Related Works from Genesee Street and Sugg Road to the Wastewater Treatment Plant No. 5. Contracts 1 and 2, all complete, in place, tested and ready for use, in accordance with the Contractor Documents therefor, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, Town Hall, Broadway and Union Road, Town of Cheektowaga, New York 14227.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office, and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Both Contracts 1 and 2 are in the same set of documents. Checks shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 14 calendar days following the bid opening, will be refunded the full amount of his deposit. Non-bidders will be refunded one-half of the deposit. Any bidder requesting more than one set of documents may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Board of the Town of Cheektowaga, New York, and marked as "Proposed for Contract 1 or 2 or both, Northeast Interceptor Sewer, and related work".

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

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

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

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract Award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this Contract.

Attention of bidders is further called to Section 2004 of the Public Authority Law which requires a bidder's certificate of non-collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDERS NO. 11246 AND 11375. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THESE ORDERS, WHICH CONCERN NONDISCRIMINATION IN EMPLOYMENT, ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and cities and counties of the State on all materials which are to be incorporated into the sewer system, pursuant to the provisions of the Contract. These taxes are not to be included in the bid.

The work on Contract 1 shall be completed within 270 consecutive calendar days, Contract 2 shall be completed within 270 consecutive calendar days and Contracts 1 and 2 combined shall be completed within 360 consecutive calendar days, which would begin five days after the "Order to Commence Work" is issued.

Town Of Cheektowaga, New York
RICHARD M. MOLESKI, Town Clerk
Dated: March 7, 1977
Published: March 10, 1977

Item No. 26 Motion by Councilman Kaczmarek, seconded by Councilman Wasielewski

WHEREAS, the Town Clerk desires to initiate competitive bidding for the moving of election machines to and from various locations in the Town, NOW, THEREFORE, BE IT

RESOLVED, that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said moving of election machines, notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that the Town Board will meet on the 21st day of March, 1977 at 7:00 P.M., Eastern Standard Time for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 21, 1977 at 7:00 P.M., at the Town Hall, corner of Broadway and Union Road to move Election Machines to and from election polling locations.

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

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

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

RICHARD M. MOLESKI
TOWN CLERK

DATED: March 7, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Deute, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 10, 1977* ;
last publication *March 19, 1977* ;
and that no more than six days intervened be-
tween publications.

Clady M. Deute
Sworn to before me this *11th*
day of *March* , 19*77* ..
..... *Naidine C. Williams* ..

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

Resolution by the Town Board of
the Town of Cheektowaga on March
21, 1977 at 7:30 P.M. at the Town Hall,
corner of Broadway and Union Road
to move Election Machines to and
from election polling locations.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 7, 1977

Item No. 27 Motion by Councilman Swiatek, seconded by Councilman Wasielewski

WHEREAS, the Parks Department is in need of a Turf Sprayer to fit an existing tractor, AND

WHEREAS, a tractor drawn Turf Sprayer is required to apply fertilizer, weed killer, insecticides and growth retardants to the Town's parks turfs, NOW, THEREFORE, BE IT

RESOLVED, that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said Turf Sprayer, notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that the Town Board will meet on the 21st day of March, 1977, at 7:00 P.M. Eastern Standard Time, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 21, 1977 at 7:00 P.M., at the Town Hall, corner of Broadway and Union Road for (1) Tractor Drawn, 200 Gallon Turf Sprayer.

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

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

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

RICHARD M. MOLESKI
TOWN CLERK

DATED: March 7, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. DeWitt of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *March 10, 1977* ;
last publication..... *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. DeWitt.....

Sworn to before me this *11th*
day of *March*, 19..... *77*
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *79*

NOTICE TO BIDDERS
The Town of Cheektowaga, Erie County, New York, is hereby advertising for bids for the purchase of 200,000 lbs. of 20-20-0 Fertilizer, at the Town Hall, corner of Broadway and Union Road, for (1) Tractor Drawn, 200 Gallon Turf

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town. The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informality, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
RICHARD M. MOLESKI
Town Clerk
DATED: March 7, 1977

Item No. 28 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the Wastewater Treatment Plant is in need of two (2) Automatic Wastewater Samplers, AND

WHEREAS, the Wastewater Samplers are required to improve our method of testing incoming and treated sewage, NOW, THEREFORE, BE IT

RESOLVED that the request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said Wastewater Samplers, notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED that the Town Board will meet on the 21st day of March, 1977, at 7:00 P.M., Eastern Standard Time, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 21, 1977 at 7:00 P.M., at the Town Hall, corner of Broadway and Union Road for two (2) Automatic Wastewater Samplers.

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

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

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

RICHARD M. MOLESKI
TOWN CLERK

DATED: March 7, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Heston of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Chas* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for 1 weeks:
first publication *March 10, 1977* ;
last publication *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Heston

Sworn to before me this *11th*

day of *March*, 19*77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

and presented by the Town Board of
the Town of Cheektowaga on March
21, 1977 at 7:00 P.M. at the Town Hall,
corner of Broadway and Union Road
for item (2) Automatic Waterwater

Signings

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informality, and award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 7, 1977

Item No. 29 Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, final plans and specifications are required for submission to the United States Department of Environmental Conservation in order to qualify under the Federal Water Pollution Control Program (PL92-500) for a seventy-five percent (75%) federal grant, NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Nussbaumer & Clarke, Inc. of Buffalo, New York is authorized to prepare the necessary plans and specifications for the construction of collector sanitary sewers in proposed Town Sanitary Sewer District No. 8, and, BE IT FURTHER

RESOLVED, that the retainer fee to be charged and the scope of work to be provided should be in accordance with the attached proposal submitted with the letter of February 22, 1977 from Nussbaumer & Clarke, Inc., and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to sign said agreement submitted by the engineering firm of Nussbaumer & Clarke, Inc. on behalf of the Town of Cheektowaga.

*See next several pages



Town of Cheektowaga

TOWN HALL - BROADWAY AND UNION ROAD - CHEEKTOWAGA, NEW YORK 14227

CHESTER L. BRYAN, P.E.
TOWN ENGINEER
716-683-2200

March 3, 1977

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Proposed Sanitary Sewer
District No. 8

Gentlemen:

As your honorable body is aware, the Engineering Department has applied for Collector System Aid under the Federal Water Pollution Control Act (PL92-500). The application was for the construction of collector sewers along Genesee Street, Sugg Road, Aero Drive, Rein Road and Pfohl Road.

In our meetings with members of the N.Y.S.D.E.C. in Albany, it was established that these sewers would qualify under the Federal Water Pollution Abatement Program for seventy-five percent (75%) federal aid. For such collector sewers there is no state aid. The balance, twenty-five percent (25%) costs must be funded by a sanitary sewer district which has to be created. Such sewer district will be identified as Sanitary Sewer District No. 8. In order to take advantage of funding under this program, it is necessary that the Town submit plans and specifications no later than May 1977. This timetable was reported to your Capital Improvements Committee in our memo of January 17, 1977 and as a result of our Albany trip.

At this time it is necessary, in order to take advantage of this funding which has a limited amount of funds available, the Town Board must move on the creation of the proposed Sanitary Sewer District No. 8. It is also necessary that the consulting engineering firm of Nussbaumer & Clarke, Inc. be authorized to prepare plans and specifications to meet this tight timetable.

Yours truly,

TOWN OF CHEEKTOWAGA

Chester L. Bryan
Chester L. Bryan, P.E.
Town Engineer

CLB:mjh

A G R E E M E N T

Agreement made this 7th day of March , 1977, by and between the Town of Cheektowaga, New York, with its principal place of business at the Town Hall, Cheektowaga, New York 14227, party of the first part, hereinafter called the Town, and NUSSBAUMER & CLARKE, INC., licensed engineering corporation in the State of New York, with offices at 310 Delaware Avenue, Buffalo, New York 14202, party of the second part, hereinafter called the "Engineer."

W I T N E S S E T H:

WHEREAS, the Town of Cheektowaga is in the process of establishing a Sanitary Sewer District No. 8 to provide wastewater disposal service to a presently unsewered area in the northeast corner of the Town, and

WHEREAS, the Engineer has prepared a Map, Plan and Report identifying the nature and scope of facilities to be provided, which Map, Plan and Report will be utilized for obtaining an eligibility determination from the State and Federal funding agencies, and

WHEREAS, the State and Federal funding agencies will consider the work to be undertaken as an increase in scope of the presently funded District No. 5 project, identification number C-36-323, and make additional funds available accordingly, and

WHEREAS, engineering services are required to assemble the data needed to accompany an application for an increase in scope of the existing grant, and

WHEREAS, Nussbaumer & Clarke, Inc. has been found to be qualified to perform the required services, and

WHEREAS, by resolution of the Town Council, dated March 7, 1977 , the proposal made by the Engineers is accepted as the basis for this Agreement,

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

The Town hereby retains the Engineer to furnish the engineering services set forth in this Agreement upon the terms and conditions set forth herein, and the Engineer hereby agrees to perform such services in accordance herewith. All services performed by the Engineer shall be done in a professional manner and in accordance with the provisions of this Agreement.

Section I - Scope of Work (See Attached Map for Sewers Included)

A. Preliminary Work

1. Assist the Town in meeting various administrative requirements including:

a. securing an eligibility determination for the proposed work from the regulatory agencies,

b. preparation of A-95 (planning) and SHPO (historic preservation) review documents, and

c. preparation of Application for Increase in Scope of Federal Grant.

2. Assist the Town in the preparation of an Environmental Assessment Statement and a Cultural Resources (Archaeological) Survey and Report, including a Public Hearing.

3. Prepare a Design Report for the proposed sewers.

B. Final Plans and Specifications

1. Obtain field topographic survey data required for final design of sewers.

2. Prepare Design Drawings and Specifications including:

a. obtaining borings as required along the lines of the proposed work and reviewing the subsurface data provided from the boring logs.

b. preparing detailed cost estimates based on the final Design Drawings, and

c. assisting the Town in securing approval of the Drawings and Specifications from the regulatory agencies.

C. General Services during Construction

1. Assist the Town in taking bids for construction of the sewers, and make recommendations with regard to the same.
2. Provide services of an officer, licensed engineer and/or other engineers as needed, who will observe the construction as necessary to see that it generally conforms with the requirements of the Plans and Specifications. The Engineer shall report the findings of his observations to the Town in monthly progress reports.
3. Review shop drawings submitted by contractors and manufacturers of equipment and materials for compliance with Plans and Specifications and affix to the shop drawings a stamp indicating the results of the review.
4. Issue supplemental drawings to further explain the intent of Plans and Specifications when necessary.
5. Witness and/or review tests for materials and equipment as submitted by contractors for acceptance and recommend to the Town such of those that fail to meet the standards of quality required by the Contract Documents be rejected.
6. Check monthly and final estimates for payment to the contractors as prepared by the contractors and checked by the Project or Resident Engineer and certify the same for payment.
7. Notify the Town when a change in the work is proposed which will cause an adjustment in the contract cost, prepare change orders, field directives and make recommendations for approval.

Changes in the plans or procedures authorized by the Engineer will be discussed with the Town prior to implementation.
8. Cooperate with local municipal representatives.
9. Attend local meetings with the Town's representatives as requested.

10. Provide certificate of completion for each contract, including certification of all test results.

11. Provide as built drawings of the construction from the Contractors.

D. Construction Surveying

1. Provide detailed initial stake out (once only), including all manholes, chambers and other appurtenances; also cut stakes at 50 foot intervals along the route of the proposed sewers.

2. Provide detailed cut sheets to the Project Engineer and to the contractor at the same 50 foot interval as in the stake out (once only).

E. Detailed Inspection

1. The Engineer shall provide a Resident Engineer and/or construction inspectors who shall (1) observe the construction, (2) witness tests for acceptance of work, materials and equipment as to the general conformance of the construction with the Plans and Specifications, and (3) make recommendations as to acceptance.

Section II - General Provisions - Town of Cheektowaga's Responsibilities

1. Provide full information as to his requirements for this project.

2. Assist the Engineer by placing at his disposal all available information pertinent to the project, including previous reports and any other data relative to the project and be responsible for the reasonable correctness of the data furnished to the Engineers.

3. Guarantee access to and make all provisions for the Engineer to enter upon public and private property as required for the Engineer, to perform his services under this Agreement.

4. Provide water, power and drainage, where available and required for the Engineer, to perform his services under this Agreement.

5. Examine preliminary and final submittals presented by the Engineer, obtain advice of an attorney, assessor or other Consultants as the Town deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of the Engineer.

6. Designate in writing a person to act as the Town's representative in respect to the Engineer's services. Such person shall have complete authority to transmit instructions, receive information and interpret and define the Town's policies and decisions with respect to materials, equipment elements and systems pertinent to the Engineer's services.

7. Bear all costs incidental to compliance with the requirements of this Section II.

Section III - General Provisions - Engineer's Responsibilities

1. The Engineer will perform and complete the services listed in Section I within the following time limits from the date of execution of this Agreement.

2. The Engineer will be granted extension of these time limits for delays due to circumstances beyond his control.

3. The Engineer has or will secure at his own expense all personnel, equipment and facilities as necessary to accomplish the work within the required time.

4. The Engineer will supply as many copies of the various documents as necessary for review and to gain approval of the various agencies.

5. The Engineer agrees to secure compensation insurance for the benefit of, and keep insured during the life of the contract, such employees of his as are necessary to be insured in compliance with the provisions of the Workmen's Compensation Law of the State of New York.

a. During the course of this Agreement, the Engineer shall, at his sole cost, maintain in full force and effect the insurance listed below:

(1) Comprehensive General Public Liability and Property Damage, including Bodily Injury and Property Damage, with a combined limit of \$1,000,000.

(2) Comprehensive Automobile Liability, including Bodily Injury and Property Damage, with a combined limit of \$1,000,000. This policy shall contain Non-ownership Liability and Hired Car Coverage endorsements of \$1,000,000 per occurrence each.

(3) Workmen's Compensation and Employer's Liability - Statutory limit for all states in which the work hereunder is to be performed, \$500,000.

6. The Engineer represents that it is licensed and authorized to practice engineering in the State of New York, and there shall be attached to the Design Report and Plans and Specifications the corporate seal for professional engineering.

7. The Engineer may subcontract work to firms specializing in aerial photography, environmental and archaeological surveys, soil borings and soil boring inspection as necessary to complete the services outlined in Section I.

8. The Town has entered into this Agreement in order to receive the professional services of the Engineer. The Engineer will, therefore, not make any assignment to the third party of all or any portion of the services required under this Agreement which, in effect, serves to assign responsibility for any of the services required of the Engineer under this Agreement without first obtaining the written consent of the Town.

9. The Engineer, his agents and employees shall at all times conduct themselves consistent with their status as independent consultants and shall not represent themselves as employees or agents of the Town.

10. The Engineer shall in all respects comply with the pertinent provisions of the laws, rules and regulations of the United States, the State of New York and the County of Erie.

11. It is recognized that at the request of the Town, the Engineer has initiated preliminary work prior to the execution of this Agreement which will be billable under the terms of this Agreement, and are included in the stated compensations.

12. Since the Engineer has no control over the cost of labor, materials or equipment, or over the construction contractor(s) methods of determining prices, or over competitive bidding or market conditions, his opinion of probable Project Cost or Construction Cost provided for herein is to be made on the basis of his experience and qualifications and represents his best judgment as a design professional familiar with the construction industry; but the Engineer cannot, and does not guarantee that proposals, bids or the construction cost will not vary from opinions of probable cost prepared by him.

13. The Town agrees to limit the Engineer's liability to the Owner and to all construction contractors and subcontractors on the project, due to the Engineer's professional negligent acts, errors or omissions, such that the total aggregate liability of the Engineer to those named shall not exceed \$50,000 (fifty thousand dollars) or the Engineer's total fee for services rendered on this project, whichever is greater.

Section IV - Compensation

1. For services rendered under this Agreement, fees and payments will be made by the Town to the Engineer.

a. Preliminary Phase and Preparation of Final Plans and Specifications

Payment for services rendered under Section I, Paragraph A, Items 1 through 3, and Paragraph B, Items 1 and 2, shall be the lump sum of \$155,000.00, which is to constitute full payment for these items.

The Engineer may submit monthly or periodic statements requesting payments, based upon the percentage of work completed as shown in supporting data submitted with the request.

b. Services during Construction (General Services, Surveying and Detailed Inspection)

Payment for services rendered under Section I, Paragraph C, Items 1 through 11, Paragraph D, Items 1 and 2, and Paragraph E, Item 1, shall be at cost plus a fixed fee. The fixed fee shall be a lump sum in the amount of Twenty-nine Thousand Dollars (\$29,000.00). The total compensation for Services during Construction, including the fixed fee for engineering services as listed above, shall not exceed One Hundred Seventy-four Thousand Six Hundred Ninety-two Dollars and Seventy-eight Cents (\$174,692.78, assuming construction contracts are awarded by January 1978 and that all construction is completed by August 1979. The total compensation shall be renegotiated if the time schedule stated above is extended for any reason not attributable to the actions of the Engineer. The Engineer will submit monthly or periodic statements regarding payments based upon actual cost for that period plus a portion of the fixed fee.

The method of cost computation is detailed in the attached EPA Forms 5700-41 (2-76) which are herewith made part of this Agreement.

The Engineer reserves the right to substitute other categories of direct labor, not listed in the attached form, as required for this project and to bill the charges at the average rate of such categories, as resulting from his records, without exceeding the stated total compensation.

2. Payment for any work required as a result of EPA auditing request, or of any other work not included in the scope of this Agreement, or of any work beyond the scope of original estimates from subcontractor's proposals, shall be negotiated with the Owner.

Section V - General Provisions - USEPA Provisions for Consulting Engineering Agreements

1. Appendix C-1 (attached herewith) to Title 40, Chapter I, Part 35, par. 35.937-9(c) as published in Fed. Reg. 41, No. 251, December 29, 1976, pages 56636-56638, containing, among others, provisions on Changes, Termination, Payment, Subcontracts, etc., are herewith made part of this Agreement, except as follows:

Par. 5 Termination: Written Notice of Termination shall be given at least 14 days in advance.

Par. 7 Payment: Payment shall be made to the Engineer within 60 days of the request for payment.

Par. 11 Subcontracts: a) The following subcontractors may be employed by the Engineer in this project:

Ecology and Environment, Inc. - Environmental Assessment Statement and/or Cultural Resources Survey

New York Archaeological Council - Cultural Resources Survey

Parratt-Wolff, Inc. - Soil Borings

J. P. Collins Associates - Soil Boring Inspection

Lockwood Mapping Corp. - Aerial Photography

Jack Donovan & Associates - Electrical Consultants

Albert E. Kreutter - Structural Consultant

Abstract Title & Guarantee Co. - Title Maps.

Ten percent (10%) of billings for the preliminary phase and preparation of Final Plans and Specifications shall be retained until such time as the Design Report and Plans and Specifications shall be approved by the Department of Environmental Conservation (DEC) and one-half that amount shall be retained until approval by the Environmental Protection Agency (EPA). The Town agrees to promptly submit the Design Report and Plans and Specifications to the DEC and EPA for review.

IN WITNESS WHEREOF, the Engineer and the Town have affixed their signatures on the day and year first set forth above.

TOWN OF CHEEKTOWAGA, NEW YORK

By Kenneth J. Meyer
Supervisor Title

Date 3-8-1977

NUSSBAUMER & CLARKE, INC.

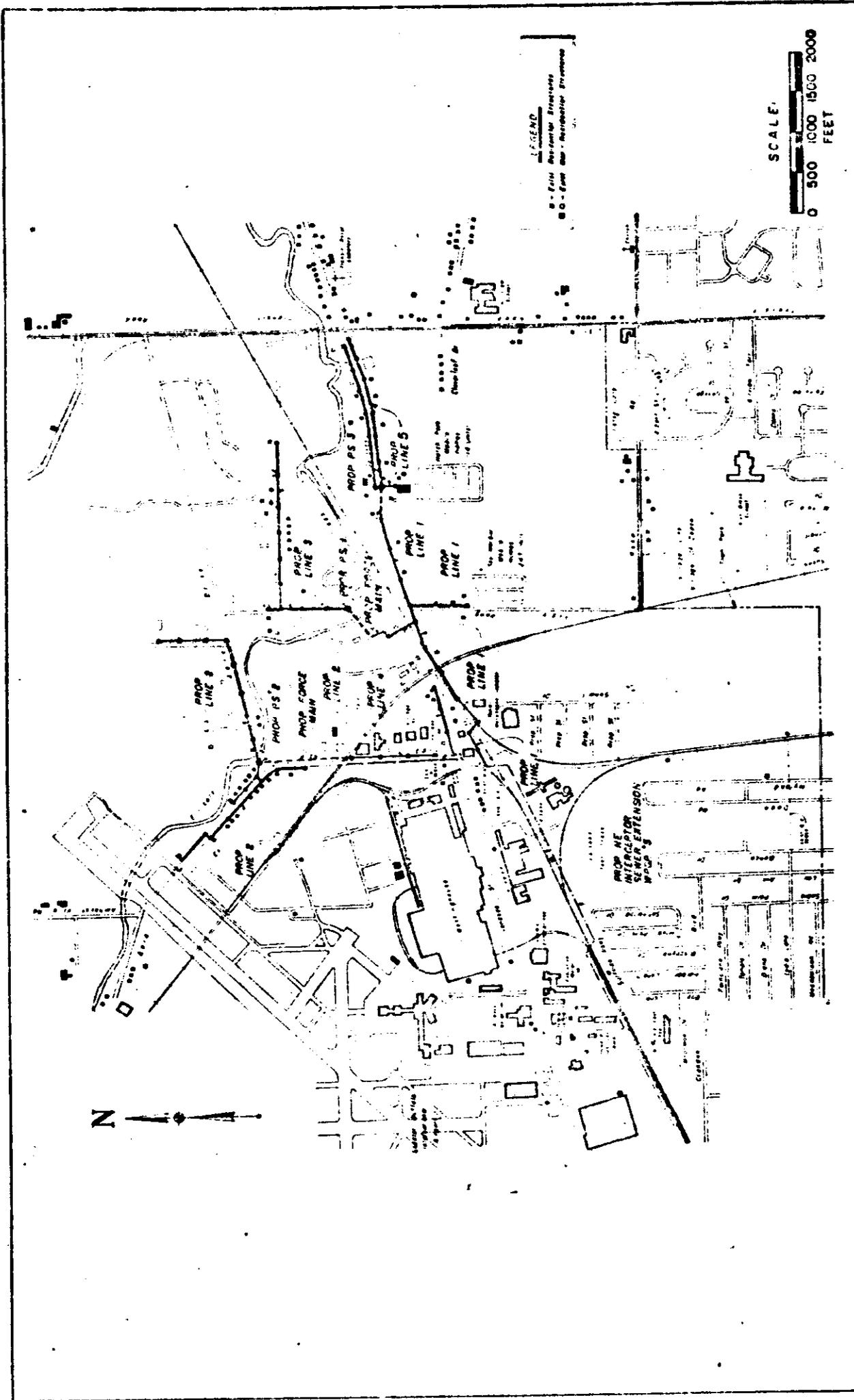
By Richard E. Handrick
Vice Pres Title

Date 2/22/77

Richard M. Molaski
Witness
Town Clerk

Paul J. Baber
Witness

Attachments: EPA Form 5700-41 (2-76)
EPA Appendix C-1



TOWN OF CHEEKTOWAGA, NEW YORK
 PLAN OF PROPOSED
 SANITARY SEWER LATERALS

NUSBAUMER & CLARKE, INC.
 CONSULTING ENGINEERS
 BUFFALO, NEW YORK

PREPARED BY: RES. ENGINEER: RIN
 DRAWN BY: RIN
 CHECKED BY: RIN
 DATE: APR. 24, 1964
 PROJECT NO.: 64-001

COST OR PRICE SUMMARY FORMAT FOR SUBAGREEMENTS UNDER U.S. EPA GRANTS
 (See accompanying instructions before completing this form)

EPA Form 5700-41
 OMB No. 155-R0134

PART I - GENERAL

1. GRANTEE Town of Cheektowaga, New York		2. GRANT NUMBER	
3. NAME OF CONTRACTOR OR SUBCONTRACTOR Nussbaumer & Clarke, Inc.		4. DATE OF PROPOSAL February 1977	
5. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR (include ZIP code) 310 Delaware Avenue Buffalo, New York 14202		6. TYPE OF SERVICE TO BE FURNISHED Engineering services associated with Step I and II Construction Grant Activities required to provide collection system facilities for a proposed sanitary sewer district	

PART II - COST SUMMARY

7. DIRECT LABOR (Specify labor categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
See Attachment "A"		\$	\$41,076.86	
DIRECT LABOR TOTAL:				\$ 41,076.86
8. INDIRECT COSTS (Specify indirect cost pools)	RATE	* BASE *	ESTIMATED COST	
Overhead	120%	\$ 41,076.86	\$49,292.14	
INDIRECT COSTS TOTAL:				\$ 49,292.14
9. OTHER DIRECT COSTS				
a. TRAVEL See Attachment "B"			ESTIMATED COST	
(1) TRANSPORTATION			\$ 2,131.40	
(2) PER DIEM			\$ 155.00	
TRAVEL SUBTOTAL:			\$ 2,286.40	
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify categories)	QTY	COST	ESTIMATED COST	
Xerox copies	8500	\$ 0.05	\$ 425.00	
Prints of Drawings	3880	0.125	485.00	
Xerox (stick on repro)	66	0.25	16.50	
Binders, Covers and misc.	--	--	558.50	
EQUIPMENT SUBTOTAL:			1,485.00	
c. SUBCONTRACTS			ESTIMATED COST	
EAS & Cultural Resources Survey, Court Steno & Public Notices			\$10,300.00	
Aerial Mapping, Subsurface investigations and Title Maps			20,110.00	
Structural and Electrical Consultants			4,624.00	
SUBCONTRACTS SUBTOTAL:			\$35,034.00	
d. OTHER (Specify categories)			ESTIMATED COST	
			\$	
OTHER SUBTOTAL:			\$	
9. OTHER DIRECT COSTS TOTAL:			\$ 38,805.40	
10. TOTAL ESTIMATED COST			\$ 129,174.40	
11. PERCENT Fee			\$ 25,825.60	
12. TOTAL PRICE			\$ 155,000.00	

ATTACHMENT "A"
EPA FORM 5700-41 (2-76)

PART II - COST SUMMARY

7. Direct Labor Categories

	<u>Estimated Hours</u>	<u>Hourly Rate</u>	<u>Estimated Cost</u>	<u>Total</u>
Corporate Officer	172	\$23.00	\$3,956.00	
Chief Engineer	125	\$13.00	1,625.00	
Project Engineer	555	\$ 8.50	4,717.50	
Engineer	842	\$ 6.60	5,557.20	
Mathematician	268	\$ 5.90	1,581.20	
Draftsman	1514	\$ 5.30	8,024.20	
Printman	139	\$ 4.00	556.00	
Chief Surveyor	495	\$11.60	5,742.00	
Surveyors	1312	\$ 6.18	8,108.16	
Typist	216	\$ 5.60	<u>1,209.60</u>	\$41,076.86

ATTACHMENT "B"
 EPA FORM 5700-41 (2-76)

9. Other Direct Cost

a. Travel	<u>Transportation</u>	<u>Per Diem</u>
1. Transportation - Long Distance - 7 trips to Albany or New York at \$125-150/trip =	\$ 950.00	
<u>Per Diem</u>		
Meals and miscellaneous at \$20-25/trip =		\$155.00
Transportation - Local - 22 trips to Cheektowaga at \$4.50/trip = (25 miles @ \$0.16/mile)	99.00	
2. <u>Surveying Services</u> (3-man crew)		
Transportation - To and around job site - 6,765 miles @ \$0.16/mile	<u>1,082.40</u>	_____
Total estimated transportation expenses	\$2,131.40	
Total estimated per diem expenses		\$155.00

COST OR PRICE SUMMARY FORMAT FOR SUBAGREEMENTS UNDER U.S. EPA GRANTS
 (See accompanying instructions before completing this form)

EPA Form 5700-41
 GMS No. 158-R0144

PART I - GENERAL

1. GRANTEE Town of Cheektowaga, New York		2. GRANT NUMBER	
3. NAME OF CONTRACTOR OR SUBCONTRACTOR Nussbaumer & Clarke, Inc.		4. DATE OF PROPOSAL February 1977	
5. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR (include ZIP code) 310 Delaware Avenue Buffalo, New York 14202		6. TYPE OF SERVICE TO BE FURNISHED Engineering services associated with Step III Construction Grant Activities required to provide collection system facilities for a proposed sanitary sewer district	

PART II - COST SUMMARY

7. DIRECT LABOR (Specify labor categories)	ESTI- MATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
See Attachment "A" for breakdown		\$	\$	
Office Personnel			19,960.46	
Field Personnel			69,425.72	
DIRECT LABOR TOTAL:				\$ 89,386.18
8. INDIRECT COSTS (Specify indirect cost pools)	RATE	= BASE =	ESTIMATED COST	
Overhead (office)	120%	\$ 19,960.46	\$ 23,952.55	
Overhead (field)	41%	69,425.72	28,464.55	
INDIRECT COSTS TOTAL:				\$ 52,417.10
9. OTHER DIRECT COSTS				
a. TRAVEL See Attachment "B"			ESTIMATED COST	
(1) TRANSPORTATION			\$ 963.90	
(2) PER DIEM			\$	
TRAVEL SUBTOTAL:			\$ 963.90	
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify categories)	QTY	COST	ESTIMATED COST	
Xerox copies	3800	\$ 0.05	\$ 190.00	
Prints of drawings	320	0.125	40.00	
Reproducible tracings	12	15.00	180.00	
EQUIPMENT SUBTOTAL:			410.00	
c. SUBCONTRACTS			ESTIMATED COST	
Structural Consultant			\$ 917.60	
Electrical Consultant			1,398.00	
Notices in newspapers			200.00	
SUBCONTRACTS SUBTOTAL:			\$ 2,515.60	
d. OTHER (Specify categories)			ESTIMATED COST	
			\$	
OTHER SUBTOTAL:			\$	
OTHER DIRECT COSTS TOTAL:			\$ 3,889.50	
10. TOTAL ESTIMATED COST				\$ 145,692.78
11. XXXXX Fixed Fee				\$ 29,000.00
12. TOTAL PRICE				\$ 174,692.78

ATTACHMENT "A"
 EPA FORM 5700-41 (2-76)

PART II - COST SUMMARY

(2) = 1978

(3) = 1979

7. Direct Labor Categories

	<u>Estimated Hours</u>	<u>Hourly Rate</u>	<u>Estimated Cost</u>	<u>Total</u>
Corporate Officer	44 (2)	\$24.60	\$ 1,082.40	
	20 (3)	\$26.32	526.40	
Chief Engineer	46 (2)	\$14.00	644.00	
	22 (3)	\$14.98	329.56	
Project Engineer	386 (2)	\$ 9.10	3,512.60	
	190 (3)	\$ 9.74	1,850.60	
Engineer	222 (2)	\$ 7.10	1,576.20	
	112 (3)	\$ 7.60	851.20	
Draftsman	68 (2)	\$ 5.70	387.60	
	20 (3)	\$ 6.10	122.00	
Printman	3 (2)	\$ 4.30	12.90	
	2 (3)	\$ 4.60	9.20	
Chief Surveyor	178 (2)	\$12.40	2,207.20	
Surveyors	956 (2)	\$ 6.61	6,319.16	
Typist	54 (2)	\$ 6.00	324.00	
	32 (3)	\$ 6.42	205.44	
Sub-Total (Office)				\$19,960.46
Resident Engineer	2016 (2)	\$13.91	\$28,042.56	
	1512 (3)	\$14.88	22,498.56	
Inspector	1640 (2)	\$ 7.50	12,300.00	
	820 (3)	\$ 8.03	6,584.60	
Sub-Total (Field)				\$69,425.72
Grand Total				\$89,386.18

ATTACHMENT "B"
EPA FORM 5700-41 (2-76)

9. Other Direct Cost

a. Travel

1. Transportation - Local - 62 trips to Cheektowaga @ \$4.50/trip = (25 miles @ \$0.18/mile)	\$279.00
2. Surveying Services (3-man crew)	
Transportation - To and around job site - 3,805 miles @ \$0.18/mile	<u>684.00</u>
Total estimated transportation expense	\$963.90

RULES AND REGULATIONS

plans, reports, notes, and other records of the contractor which are pertinent to the project for the purpose of making audits, evaluations, cost accounting, and financial statements. The contractor must ensure that access to a submittal will afford access to such project work, sites, documents, and records. See §§ 30.603 (Access) and 30.605 (Records) of this chapter. Change 9 of Appendix C-1 to this subpart, and Change 10 of Appendix C-2 to this subpart.

5. By revising § 35.935-11 to read as follows:

§ 35.935-11 Project changes.

(a) In addition to the notification of project changes required pursuant to § 30.903 of this chapter, prior written approval by the Regional Administrator and (where necessary) the State agency is required for:

(i) Project changes which may (ii) substantially alter the design and scope of the project; (iii) alter the type of treatment to be provided; (iv) substantially alter the location, size, capacity, or quality of any major item of equipment; or (v) increase the amount of Federal funds needed to complete the project. *Provided*, That prior EPA approval is not required for changes to correct minor errors, minor changes, or emergency changes; and

(2) Submittal amendment amounting to more than \$10,000 for which EPA review is required pursuant to §§ 35.937-6(b) and 35.938-5(d) and (g).

(b) No approval of a project change pursuant to § 35.930 of this chapter shall commit or obligate the United States to any increase in the amount of the grant or payments thereunder unless a grant increase is approved pursuant to § 35.955. The preceding sentence shall not preclude submission or consideration of a request for a grant amendment pursuant to § 30.900-1 of this chapter.

§ 35.935-15 (Reserved)

6. By deleting and reserving § 35.935-15.

7. By revising § 35.937-10 to read as follows:

§ 35.937-10 Submittal payments—architectural or engineering services.

Payment by the grantee to the engineer shall be made in accordance with the payment schedule incorporated in the engineering agreement or in accordance with paragraph 7c of Appendix C-1 to this subpart. Any retention is at the option of the grantee. No payment request made by the Engineer under the agreement may exceed the estimated amount and value of the work and services performed.

§ 35.938-6 (Amended)

7. By changing the word "or" to "and" at the end of § 35.938-6(c) (1).

8. By revising § 35.938-8 to read as follows:

§ 35.938-8 Required construction contract provisions.

Each construction contract must include the "Supplemental General Conditions" set forth in Appendix C-2 to this subpart.

10. By amending § 35.945 by deleting the entire first paragraph and substituting the following new first paragraph:

§ 35.945 Grant payments.

The grantee shall pay the Federal share of allowable project costs incurred within the scope of an approved project and which the grantee is currently obligated to pay, subject to the limitations of §§ 35.925-13, 35.930-5, 35.930-6, and 35.955 (a) and (c), up to the grant amount set forth in the grant agreement and any amendments thereto. Payments for engineering services for Step 1, or 3 shall be made in accordance with § 35.937-10 and payments for Step 2 construction contracts shall be made in accordance with §§ 35.933-6 and 35.938-7. All allowable costs incurred prior to initiation of construction of the project must be claimed in the application for grant assistance for that project prior to the award of such assistance or no subsequent payment will be made for such costs.

11. By revising Appendixes C-1 and C-2 to read as follows:

APPENDIX C-1

REQUIRED PROVISIONS—CONSULTING ENGINEERING AGREEMENTS

1. General.
2. Responsibility of the engineer.
3. Scope of work.
4. Changes.
5. Termination.
6. Remedies.
7. Payment.
8. Project design.
9. Audit; access to records.
10. Price reduction for defective cost or pricing data.
11. Subcontracts.
12. Labor standards.
13. Equal employment opportunity.
14. Utilization of small or minority business.
15. Covenant against contingent fees.
16. Gratuities.
17. Patents.
18. Copyrights and rights in data.

1. GENERAL

(a) The Owner and the Engineer agree that the following provisions shall apply to the EPA grant-eligible work to be performed under this agreement and that such provisions shall supersede any conflicting provisions of this agreement.

(b) The work under this agreement is funded in part by a grant from the U.S. Environmental Protection Agency. Neither the United States nor the U.S. Environmental Protection Agency (hereinafter, "EPA") is a party to this agreement. This agreement which covers grant-eligible work is subject to regulations contained in 40 CFR 35.936, 35.937, and 35.939 in effect on the date of execution of this agreement. As used in these clauses, the words "the date of execution of this agreement" mean the date of execution

of this agreement and any subsequent modification of the terms, compensation or scope of services pertinent to unperformed work.

(c) The rights and remedies of the owner provided for in these clauses are in addition to any other rights and remedies provided by law or under this agreement.

2. RESPONSIBILITY OF THE ENGINEER

(a) The Engineer shall be responsible for the professional quality, technical accuracy, timely completion, and the coordination of all designs, drawings, specifications, reports, and other services furnished by the Engineer under this agreement. The Engineer shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in his designs, drawings, specifications, reports and other services.

(b) The Engineer shall perform such professional services as may be necessary to accomplish the work required to be performed under this agreement, in accordance with this agreement and applicable EPA requirements in effect on the date of execution of this agreement.

(c) Approval by the Owner or EPA of drawings, designs, specifications, reports, and incidental engineering work or materials furnished hereunder shall not in any way relieve the Engineer of responsibility for the technical adequacy of his work. Neither the Owner's nor EPA's review, approval or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under this agreement or of any cause of action arising out of the performance of this agreement.

(d) The Engineer shall be and remain liable in accordance with applicable law for all damages to the Owner or EPA caused by the Engineer's negligent performance of any of the services furnished under this agreement, except for errors, omissions or other deficiencies to the extent attributable to the Owner, Owner-furnished data or any third party. The Engineer shall not be responsible for any time delays in the project caused by circumstances beyond the Engineer's control. Where new or advanced processes, methods or technology (see 40 CFR 35.909) are recommended by the Engineer and are utilized, the Engineer shall be liable only for gross negligence to the extent of such utilization.

3. SCOPE OF WORK

The services to be rendered by the Engineer shall include all services required to complete the task of Step 1 in accordance with applicable EPA regulations (40 CFR Part 35, Subpart E) in effect on the date of execution of this agreement) to the extent of the scope of work as defined and set out in the engineering services agreement to which these provisions are attached.

4. CHANGES

(a) The Owner may, at any time, by written order, make changes within the general scope of this agreement in the services or work to be performed. If such changes cause an increase or decrease in the Engineer's cost of, or time required for, performance of any services under this agreement, whether or not changed by any order, an equitable adjustment shall be made and this agreement shall be modified in writing accordingly. Any claim of the Engineer for adjustment under this clause must be asserted in writing within 90 days from the date of receipt by the Engineer of the notification of change unless the Owner grants a further period of time before the date of that payment under this agreement.

RULES AND REGULATIONS

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(b) No services for which an additional compensation will be charged by the Engineer shall be furnished without the written authorization of the Owner.

(c) In the event that there is a modification of EPA requirements relating to the services to be performed under this agreement subsequent to the date of execution of this agreement, the increased or decreased cost of performance of the services provided for in this agreement shall be reflected in an appropriate modification of this agreement.

5. TERMINATION

(a) This agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this agreement through no fault of the terminating party. Provided, That no such termination may be effected unless the other party is given (1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.

(b) This agreement may be terminated in whole or in part in writing by the Owner for its convenience. Provided, That such termination is for good cause (such as for legal or financial reasons, major changes in the work or program requirements, initiation of a new Step) and that the Engineer is given (1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.

(c) If termination for default is effected by the Owner, an equitable adjustment in the price provided for in this agreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the Engineer at the time of termination may be adjusted to the extent of any additional costs occasioned to the Owner by reason of the Engineer's default. If termination for default is effected by the Engineer, or if termination for convenience is effected by the Owner, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the Engineer for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the Engineer relating to commitments which had become firm prior to the termination.

(d) Upon receipt of a termination action pursuant to paragraphs (a) or (b) above, the Engineer shall (1) promptly discontinue all services effected (unless the notice directs otherwise), and (2) deliver or otherwise make available to the Owner all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Engineer in performing this agreement, whether completed or in process.

(e) Upon termination pursuant to paragraphs (a) or (b) above, the Owner may take over the work and prosecute the same to completion by agreement with another party or otherwise. Any work taken over by the Owner for completion will be completed at the Owner's risk, and the Owner will hold harmless the Engineer from all claims and damages arising out of improper use of the Engineer's work.

(f) If, after termination for failure of the Engineer to fulfill contractual obligations, it is determined that the Engineer had not so failed, the termination shall be deemed to

have been effected for the convenience of the Owner. In such event, adjustment of the price provided for in this agreement shall be made as provided in paragraph (c) of this clause.

6. REMEDY

Except as may be otherwise provided in this agreement, all claims, counter-claims, disputes and other matters in question between the Owner and the Engineer arising out of or relating to this agreement or the breach thereof will be decided by arbitration if the parties hereto mutually agree, or in a court of competent jurisdiction within the State in which the Owner is located.

7. PAYMENT

(a) Payment shall be made in accordance with the payment schedule incorporated in this agreement as soon as practicable upon submission of statements requesting payment by the Engineer to the Owner. If no such payment schedule is incorporated in this agreement, the payment provisions of paragraph (b) of this clause shall apply.

(b) Monthly progress payments may be requested by the Engineer and shall be made by the Owner to the Engineer as soon as practicable upon submission of statements requesting payment by the Engineer to the Owner. When such progress payments are made, the Owner may withhold up to ten percent of the vouchered amount until satisfactory completion by the Engineer of work and services within a Step called for under this agreement. When the Owner determines that the work under this agreement or any specified task hereunder is substantially complete and that the amount of retained percentage is in excess of the amount considered by him to be adequate for the protection of the Owner, he shall release to the Engineer such excess amount.

(c) No payment request made pursuant to paragraph (a) or (b) of this clause shall exceed the estimated amount and value of the work and services performed by the Engineer under this agreement, which estimates shall be prepared by the Engineer and supported or accompanied by such supporting data as may be required by the Owner.

(d) Upon satisfactory completion of the work performed hereunder, and prior to final payment under this agreement for such work, or prior settlement upon termination of the agreement, and as a condition precedent thereto, the Engineer shall execute and deliver to the Owner a release of all claims against the Owner arising under or by virtue of this agreement, other than such claims, if any, as may be specifically exempted by the Engineer from the operation of the release in stated amounts to be set forth therein.

8. PROJECT DESIGN

(a) In the performance of this agreement, the Engineer shall, to the extent practicable, provide for maximum use of structures, machines, products, materials, construction methods, and equipment which are readily available through competitive procurement, or through standard or proven production techniques, methods, and processes, consistent with 40 CFR 35.936-3 and 35.935-13 in effect on the date of execution of this agreement, except to the extent that advanced technology may be utilized pursuant to 40 CFR 35.936 in effect on the date of execution of this agreement.

(b) The Engineer shall not, in the performance of the work called for by this agreement, produce a design or specification such as to require the use of structures, machines, products, materials, construction methods, equipment, or processes which are

known by the Engineer to be available only from a sole source, unless such use has been adequately justified in writing by the Engineer.

(c) The Engineer shall not, in the performance of the work called for by this agreement, produce a design or specification which would be restrictive in violation of Sec. 204(a)(6) of the Federal Water Pollution Control Act (PL 92-500). This statute requires that no specification for bid, or statement of work shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing, or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words "or equal." With regard to materials, if a single material is specified, the Engineer must be prepared to substantiate the basis for the selection of the material.

(d) The Engineer shall report to the Owner any sole source or restrictive design or specification giving the reason or reasons why it is considered necessary to restrict the design or specification.

(e) The Engineer shall not knowingly specify or approve the performance of work at a facility which is in violation of Clean Air or Water standards and which is listed by the Director of the EPA Office of Federal Activities pursuant to 40 CFR Part 15.

9. AVAIL; ACCESS TO RECORDS

(a) The Engineer shall maintain books, records, documents and other evidence directly pertinent to performance on EPA grant work under this agreement in accordance with generally accepted accounting principles and practices consistently applied, and 40 CFR 30.803, 30.805, and 35.935-7 in effect on the date of execution of this agreement. The Engineer shall also maintain the financial information and data used by the Engineer in the preparation or support of the cost submission required pursuant to 40 CFR 35.937-6(b) in effect on the date of execution of this agreement and a copy of the cost summary submitted to the Owner. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, Owner, and [the State water pollution control agency] or any of their duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The Engineer will provide proper facilities for such access and inspection.

(b) The Engineer agrees to include paragraphs (a) through (e) of this clause in all his contracts and all tier subcontracts directly related to project performance which are in excess of \$10,000.

(c) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards and established procedures and guidelines of the reviewing or audit agency(ies).

(d) The Engineer agrees to the disclosure of all information and reports resulting from access to records pursuant to paragraphs (a) and (b) above, to any of the agencies referred to in paragraph (a) above, provided that the Engineer is afforded the opportunity for an audit exit conference and an opportunity to comment and submit any supporting documentation on the pertinent portions of the draft audit report and that the final audit report will include written comments of reasonable length, if any, of the Engineer.

(e) Records under paragraphs (a) and (b) above shall be maintained and made avail-

RULES AND REGULATIONS

able during performance on EPA grant work under this agreement and until three years from date of final EPA grant payment for the project. In addition, the contractor shall relate to any "dispute" appeal under an EPA grant agreement, or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

10. PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(This clause is applicable if the amount of this agreement exceeds \$100,000.)

(a) If the Owner or EPA determines that any price, including profit, negotiated in connection with this agreement or any cost reimbursable under this agreement was increased by any significant sum because the Engineer or any subcontractor furnished incomplete or inaccurate cost or pricing data or data not current as certified in his certification of current cost or pricing data (EPA Form 5700-41), then such price or cost or profit shall be reduced accordingly and the agreement shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be subject to the Remedies clause of this agreement.

(NOTE—Since the agreement is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, the Engineer may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Engineer. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

11. SUBCONTRACTS

(a) Any subcontractors and outside associates or consultants required by the Engineer in connection with the services covered by this agreement will be limited to such individuals or firms as were specifically identified and agreed to during negotiations, or as are specifically authorized by the Owner during the performance of this agreement. Any substitutions in or additions to such subcontractors, associates, or consultants will be subject to the prior approval of the Owner.

(b) The Engineer may not subcontract services in excess of thirty percent (or _____ percent, if the Owner and the Engineer hereby agree) of the contract price to subcontractors or consultants without prior written approval of the Owner.

12. LABOR STANDARDS

To the extent that this agreement involves "construction" (as defined by the Secretary of Labor), the Engineer agrees that such construction work shall be subject to the following labor standards provisions, to the extent applicable:

(a) Davis-Bacon Act (40 U.S.C. 276a-276a-7);

(b) Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333);

(c) Copeland Anti-Kickback Act (18 U.S.C. 874); and

(d) Executive Order 11246 (Equal Employment Opportunity);

and implementing rules, regulations, and relevant orders of the Secretary of Labor or EPA; and the Engineer further agrees that this agreement shall include and be subject to the "Labor Standards Provisions for Federally Assisted Construction Contracts" (EPA

Form 5700-4) in effect at the time of execution of this agreement.

13. EQUAL EMPLOYMENT OPPORTUNITY

In accordance with EPA policy as expressed in 40 CFR 30.420-5, the Engineer agrees that he will not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin.

14. UTILIZATION OF SMALL AND MINORITY BUSINESS

In accordance with EPA policy as expressed in 40 CFR 30.420-5, the Engineer agrees that qualified small business and minority business enterprises shall have the maximum practicable opportunity to participate in the performance of EPA grant-assisted contracts and subcontracts.

15. COVENANT AGAINST CONTINGENT FEES

The Engineer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees. For breach or violation of this warranty the Owner shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

16. GRATUITIES

(a) If it is found, after notice and hearing, by the Owner that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Engineer, or any agent or representative of the Engineer, to any official, employee or agent of the Owner, of the State, or of EPA with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performance of this agreement, the Owner may, by written notice to the Engineer, terminate the right of the Engineer to proceed under this agreement and may pursue such other rights and remedies provided by law or under this agreement. *Provided*, That the existence of the facts upon which the Owner makes such findings shall be in issue and may be reviewed in proceedings pursuant to the Remedies clause of this agreement.

(b) In the event this agreement is terminated as provided in paragraph (a) hereof, the Owner shall be entitled (1) to pursue the same remedies against the Engineer as it could pursue in the event of a breach of the contract by the Engineer, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Owner) which shall be not less than three nor more than ten times the costs incurred by the Engineer in providing any such gratuities to any such officer or employee.

17. PAYMENTS

If this agreement involves research, developmental, experimental, or demonstration work and any discovery or invention arises or is developed in the course of or under this agreement, such invention or discovery shall be subject to the reporting and rights provisions of Subpart D of 40 CFR Part 30, in effect on the date of execution of this agreement, including Appendix B of said Part 30. In such case, the Engineer shall report the discovery or invention to EPA directly or through the Owner, and shall otherwise comply with the Owner's responsibilities in accordance with said Subpart D of 40 CFR

Part 30. The Engineer hereby agrees that the disposition of rights to inventions made under this agreement shall be in accordance with the terms and conditions of aforementioned Appendix B. The Engineer shall include provisions appropriate to effectuate the purposes of this condition in all subcontracts involving research, developmental, experimental, or demonstration work.

18. COPYRIGHTS AND RIGHTS IN DATA

(a) The Engineer agrees that any plans, drawings, designs, specifications, computer programs (which are substantially paid for with EPA grant funds), technical reports, operating manuals, and other work submitted with a Step 1 Facilities Plan or with a Step 2 or Step 3 grant application or which are specified to be delivered under this agreement or which are developed or produced and paid for under this agreement (referred to in this clause as "Subject Data") are subject to the rights in the United States, as set forth in Subpart D of 40 CFR Part 30 and in Appendix C to 40 CFR Part 30, in effect on the date of execution of this agreement, including the right to use, duplicate and disclose, such Subject Data, in whole or in part, in any manner for any purpose whatsoever, and have others do so. For purposes of this article, "grantee" as used in said Appendix C shall refer to the Engineer. If the material is copyrightable, the Engineer may copyright such, as permitted by said Appendix C, and subject to the rights in the Government as set forth in Appendix C, but the Owner and the Federal Government reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish and use such materials, in whole or in part, and to authorize others to do so. The Engineer shall include provisions appropriate to effectuate the purpose of this condition in all subcontracts expected to produce copyrightable Subject Data.

(b) All such Subject Data furnished by the Engineer pursuant to this agreement are instruments of his services in respect of the project. It is understood that the Engineer does not represent such Subject Data to be suitable for reuse on any other project or for any other purpose. Any reuse by the Owner without specific written verification or adaptation by the Engineer will be at the risk of the Owner and without liability to the Engineer. Any such verification or adaptation will entitle the Engineer to further compensation at rates to be agreed upon by the Owner and the Engineer.

APPENDIX C-2 REQUIRED PROVISIONS— CONSTRUCTION CONTRACTS	
Supplemental General Conditions	
<ol style="list-style-type: none"> 1. General. 2. Changes. 3. Differing site conditions. 4. Suspension of work. 5. Termination for default; damages for delay; time extensions. 6. Termination for convenience. 7. Remedies. 8. Labor standards. 9. Utilization of small or minority business. 10. Audit; access to records. 11. Price reduction for defective cost or pricing data. 12. Covenant against contingent fees. 13. Gratuities. 14. Payments. 15. Copyrights and rights in data. 16. Prohibition against listed violating facilities. 	<ol style="list-style-type: none"> 1. GENERAL (a) The Owner and the Contractor agree that the following supplemental general provisions shall apply to the work to be per-

Item No. 29 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of new trees for the Town's tree planting season for 1977. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that the Town Board will meet at 7:00 p.m. March 21, 1977 for the purpose of opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board, on March 21, 1977 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road, Town of Cheektowaga, New York for the purpose of furnishing of new trees for the 1977 spring planting.

Specifications for new trees, may be picked up at the office of the Superintendent of Highways, Alfred F. Wnek, located at 3145 Union Road, Town of Cheektowaga, New York.

Non-collusion forms must be signed and submitted with each bid.

RICHARD M. MOLESKI, TOWN CLERK
TOWN OF CHEEKTOWAGA, NEW YORK

Dated: February 28, 1977
Published: March 10, 1977; Republished - March 17, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVITS-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Seckler of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for 1 weeks:
first publication..... *March 10, 1977* ;
last publication..... *March 10, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Seckler

Sworn to before me this *11th*

day of *March*, 19...*77*...

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19...*79*...

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Marilyn Hennrich, of the town
of Cheektowaga, in said County of Erie, being
daily sworn, deposes and says that he (she) is
Production Manager of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication *March 17, 1977* ;
last publication *March 17, 1977* ;
and that no more than six days intervened be-
tween publications.

Marilyn Hennrich

Sworn to before me this15th.....

day of*March*....., 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1979

Republished as a News Report on
March 17, 1977 to correct error
made in previous publishing on
the time of bid opening.

BID OPENING FOR NEW TREES

Sealed proposals for new trees
for the 1977 spring planting will be
received and considered by the
Town Board at 7 p.m. Monday in
the Town Hall.

Specifications for the new trees
may be obtained at the office of
Alfred F. Wnek, highway super-
intendent, 3145 Union Rd. Non-
collusion agreement to be signed and
submitted with each bid.

Item No. 31 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, bids were duly received by this Town Board at a meeting thereof held on January 17, 1977 for the purchase of various road materials for the Town of Cheektowaga Highway Department, as a result of advertisement therefor, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

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

RESOLVED that the bids be awarded to the lowest responsible bidders meeting specifications as set forth in the list attached hereto and made a part hereof.

*See next two (2) pages

ALFRED F. WNEK
SUPERINTENDENT

OFFICE: 683-4775



TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

OFFICE OF
SUPERINTENDENT OF HIGHWAYS
3145 UNION ROAD
CHEEKTOWAGA, NEW YORK 14227

March 1, 1977

Honorable Kenneth J. Meyers, Supervisor
Honorable Town Board
Town Hall, Cheektowaga, New York

Gentlemen:

Bids were opened and read at the Town Board meeting on January 17th, 1977 at 7:00 P.M. for road materials for the Town of Cheektowaga Highway Department. After checking and tabulating bids, I recommend we award the bids as follows:

<u>Lancaster Stone Co.</u>		<u>Houdaille</u>	
#1 Fine Binder	\$12.25	45SN	\$11.55
Coarse Binder - Reg	12.25	Extra Fine Top	14.00
#2	12.25		
#2A	12.65		
1A Top Armor Coat	14.00		
1B Top	13.50		
State Mix	13.75		
Dix Seal (Lancaster Stone Kote)	15.50		
Stockpile (Winter)	15.00		
59W	8.50		
All weather repair mix			
Paving Compound Sylvus			
Permanent cold patch	40.00		

<u>STONE</u>	<u>Buffalo Slag</u>	<u>Lancaster Stone</u>	<u>Houdaille</u>
#2 Stone Screenings	\$3.40		
1 Crushed Stone		\$3.70	
1A " "		4.20	
2		3.50	
2S		3.50	
1 & 2 mixed			\$3.55
3	3.10		
4		3.20	
4A		3.20	
Bank run screenings	3.40		
Fine Quarry Run		2.25	
Crusher Run	2"-3.00		
	3"-3.00		
Rip Rap		2.65	
Crusher Screenings		2.65	
Oiling Stone		3.85	
Crusher Run - 6"			2.85
Surge Pile (6" crusher screenings)			2.85

"When better roads are built — Cheektowaga will build them"



ALFRED F. WNEK
 SUPERINTENDENT
 OFFICE: 683-4775



TOWN OF CHEEKTOWAGA
 ERIE COUNTY, NEW YORK
 OFFICE OF
 SUPERINTENDENT OF HIGHWAYS
 3145 UNION ROAD
 CHEEKTOWAGA, NEW YORK 14227

March 1, 1977

PAGE 2 (Awarding of Bids for Road Materials)

	<u>Buffalo Slag</u>	<u>Pine Hill Concrete</u>
Slag - Bank Run	1.00 per T net FOB Woodlawn	
	1.20 " " "	
Sand		3.50 per ton
Pea Gravel		3.50 " " "
Washed Gravel (Various Sizes)		3.25 " " "

TOPSOIL

	<u>Custom Topsoil</u>	<u>Wilfred Schultz</u>
Regular		\$6.00 Picked Up 7.00 Delivered
Screened	\$8.00 Picked Up	
Shredded	7.00 " " " "	

Grit - \$4.75 ton delivered to Pine Hill Concrete (only bidder)
 3.50 ton picked up " " " " " " " " " "

Item		<u>Krantz Asphalt (Only Bidder)</u>
64P -	\$.47	" " " " " " " " " "
69R	.48	" " " " " " " " " "
67B	.48	" " " " " " " " " "
67G	.48	" " " " " " " " " "
70	.4225	" " " " " " " " " "
70B	.4225	" " " " " " " " " "
70B - Grade C	.4225	" " " " " " " " " "
66B	.4225	" " " " " " " " " "
66D	.4225	" " " " " " " " " "
MCl-Penetrating Oil	.48	" " " " " " " " " "

Bids for concrete will not be awarded at this time and we also ask permission to rebid for advertising on March 17th, 1977 and to be opened on April 4th, 1977. The reason for re-bidding the concrete, the bids sheets were incomplete.

Very truly yours,
 TOWN OF CHEEKTOWAGA

Robert Karaszewski
 Robert Karaszewski
 Deputy Superintendent of Highways

RK/mss

copies: Town Board Members
 John Rogowski - Town Attorney
 Richard Moleski - Town Clerk (Legal notices enclosed)

"When better roads are built — Cheektowaga will build them"

Item No. 31 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 31A Motion by Councilman Kaczmarek, seconded by Councilman Wasielewski

WHEREAS, bids were submitted for road materials for the Highway Department including cement and concrete mix, and

WHEREAS, the bid sheets were incomplete, and

WHEREAS, it would be in the best interest of the Town to rebid for the cement and concrete mix, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk is hereby directed to publish a Notice to Bidders for the purchase of quantities of cement and concrete mix to be used by the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 P.M. Eastern Standard Time, on April 4th, 1977 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town Board of the Town of Cheektowaga will receive proposals for cement and concrete mix at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on April 4th, 1977 at 7:00 P.M. Eastern Standard Time. Previous bids were rejected as the bid sheets were incomplete.

Specifications may be picked up at the Town Highway Department located at 3145 Union Road, Cheektowaga, New York 14227.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR CEMENT AND CONCRETE MIX FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT". Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI
TOWN CLERK

DATED: March 4, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Testate of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clark* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24, 1977* ;
last publication *March 24, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Testate
Sworn to before me this *25th*
day of *March* , 19*77*
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

General Municipal Finance Law, and the Town Board of the Town of Cheektowaga will receive proposals for cement and concrete mix at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on April 4th, 1977 at 2:00 P.M. Eastern Standard Time. Previous bids were rejected as the bid sheets were incomplete.

Specifications may be picked up at the Town Highway Office located at 2145 Union Road, Cheektowaga, New York 14227.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR CEMENT AND CONCRETE MIX FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT." Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI

Town Clerk

DATED: March 4, 1977

Item No. 32 Motion by Councilman Kaczmarek, seconded by Councilman Wasielewski

WHEREAS, the Town Board duly adopted a resolution at a Town Board meeting on February 9, 1977 whereby it authorized the Town to deliver its refuse to the Lancaster Sanitary Landfill site in the event its present contractor, Community Disposal Service, Inc., would be unable to receive and accept its refuse, AND

WHEREAS, since said meeting the Community Disposal Service, Inc. has terminated its acceptance and receipt of the Town refuse, AND

WHEREAS, the Town has also learned that Land Reclamation, Inc. which operates a landfill refuse disposal site at Indian Road and Broadway, Cheektowaga, New York has made its site available and agreed to accept the Town's refuse on an emergency basis, therefore, BE IT

RESOLVED, that the Town is hereby authorized to deliver its refuse to either or both sites, namely, Lancaster Sanitary Landfill site or Land Reclamation, Inc. during such time that Community Disposal Service, Inc. is not accepting the Town's refuse, and BE IT FURTHER

RESOLVED, that such arrangement be applicable for a period of thirty (30) working days from the date of this resolution.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, a diversion channel is necessary as an emergency measure now and as part of a Planned Flood Control Program as designed by the U.S. Army Corps of Engineers in connection with the Emergency Flood Protection Improvements to Scajaquada Creek Tributary T-3 and T-2A Diversion, and

WHEREAS, an easement from Niagara Mohawk Power Corporation is necessary for the construction of said diversion channel, and

WHEREAS, the Niagara Mohawk Power Corporation is presently reviewing the request for the easement, and

WHEREAS, because of the nature of the work to be undertaken, and in order not to unnecessarily withhold the construction of the emergency procedures, Niagara Mohawk Power Corporation has submitted a document granting temporary permission to enter its premises located westerly of the New York State Thruway and northerly of George Urban Boulevard for the purpose of constructing a diversion channel, dikes, levees and related facilities, now, therefore, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to sign said temporary permission agreement, submitted by Niagara Mohawk Power Corporation, on behalf of the Town; a copy of said agreement being attached hereto and made a part hereof.

*See next four (4) pages

NIAGARA MOHAWK POWER CORPORATION

NIAGARA  MOHAWK

535 WASHINGTON STREET
BUFFALO, N. Y. 14203

February 24, 1977

Town of Cheektowaga
Town Hall
Broadway & Union Road
Cheektowaga, New York 14227

Attention: Mr. Steven T. Marcynski, Senior Engineering Assistant

Gentlemen:

You have requested this Corporation to grant you an easement for a diversion channel as an emergency measure now and as part of a Planned Flood Control Program as designed by the U.S. Army Corps of Engineers. This request is being reviewed by the various departments concerned. Because of the nature of the work to be undertaken and not to unnecessarily withhold construction of the Flood Control Program and Emergency Procedures, this Corporation insofar as it lawfully may and without covenant or warranty of any kind, expressed or implied, hereby gives temporary permission to enter premises of this Corporation being part of its 230 Kv Huntley-Gardenville Nos. 79, 80 & 115 Kv Huntley-Gardenville Nos. 38 & 39 Electric Transmission Right of Way, situated in the Town of Cheektowaga, County of Erie, westerly of New York State Thruway and northerly of George Urban Boulevard for the purposes of constructing a diversion channel, dikes, levees and related facilities as part of the Planned Flood Control Program and Emergency Measures upon over and across this Corporation's said right of way.

All of the above facilities are to be constructed in accordance with the revised drawings of the Emergency Flood Protection Improvements to Scajaquada Creek Tributary T-3 & T-2A Diversion.

This permission is given upon the following terms and conditions:

1. This permission is given upon and accepted subject to any and all outstanding leases, tenancies, easements, license or other tenures and/or claims of title affecting this Corporation's property and subject also to any and all encumbrances, liens, conditions, restrictions and/or reservations subject to or under which this Corporation holds the same.

2. All rights granted hereunder shall be subject and subordinate to rights as follows:

a. The paramount right of this Corporation now and hereafter to occupy and use all or any portion of its said electric transmission right of way in its electric operations, provided, however, that any such occupancies or uses shall not prevent the exercise of the rights granted hereunder.

b. The right of this Corporation from time to time hereafter to grant to others or to authorize the occupancy or use by others of any portion or portions of its said electric transmission right of way for any purpose or purposes whatsoever, provided, however, that any such future grant or authorization shall not interfere with the rights granted hereunder.

3. The exercise of the rights granted hereunder shall be accomplished without the aid of cranes, backhoes, bulldozers or mechanical equipment having extensions whose highest point reaches (or which is potentially capable of reaching) within seventeen (17) feet of the lowest electric conductor on said right of way. There shall be a minimum horizontal clearance to the nearest structure of seventeen (17) feet.

4. All equipment used or operated under our electric transmission lines shall be properly grounded according to the standards of the industry and all equipment used in the construction of said facilities will be allowed to park overnight on this Corporation's premises, only if the equipment is made inoperable and parked on the edge of this Corporation's right of way and with the permission of this Corporation's inspector.

5. You shall give this Corporation's Operations Manager located at 93 Dewey Avenue, Buffalo, New York, immediate notice before commencing any work under the terms of this permission and this Corporation may, at its election, have an inspector present at any time or times such work is being executed. Such inspector shall have the right and authority to require the modification or cessation of any or all work being done by you or for you under the terms of this permission whenever in his judgment such work is contrary to the provisions of this permission or is or may become a source of danger to the facilities of this Corporation, its successors or assigns. The presence or absence of this Corporation's inspector shall not constitute a waiver of any provisions of this agreement. The total cost for the fee for our inspector shall not exceed \$1000.00.

6. This Corporation makes no representation as to the condition and location of facilities maintained or operated by it or any other person or corporation with or without the permission of this Corporation upon the said electric transmission right of way.

This Corporation has granted rights to Lakeland Pipeline Company, Inc., for a 12" crude oil line, Ashland Oil Company, Inc., for an 8" oil line and has granted several rights to Iroquois Gas Company, now National Fuel Gas for two gas lines and has granted to Erie County Water Authority for a water line upon the above premises. You shall secure permission of each of those companies before proceeding with any work.

7. In consideration of the granting of this permission, you hereby agree to:

a.) Release and waive any and all right to ask for or demand damages from this Corporation for any loss, cost or expense, you, your contractors and subcontractors may sustain as a result of damage to or destruction of any equipment used in connection with the exercise of rights granted hereunder whether the same be attributable in whole or in part to the fault, failure or negligence of this Corporation or otherwise.

b.) You hereby assume all risk of and shall and hereby do protect, defend and indemnify this Corporation and save it harmless from all loss, damage or injury to property or persons (including personal injuries resulting in death) arising out of, caused by, or in any way connected with the exercise of rights granted hereunder, and of and from all detriment, damage or injury whether the loss, damage or injury result to or be sustained by (i) officers, agents, employees, contractors, and their employees of either party; or (ii) any other persons, firms or corporations. If any such loss or damage shall be caused by the joint or concurring negligence of both parties hereto, the same shall be borne by them equally.

c.) You shall prior to the commencement of any work upon this Corporation's electric transmission right of way as permitted by this permission furnish this Corporation with evidence of insurance coverage by a duly authorized insurance company satisfactory to this Corporation and in form satisfactory to its counsel indemnifying yourself and this Corporation, jointly, against any loss or damage from which you or this Corporation, individually or jointly may become obligated by reasons of liability imposed upon them by law because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, including employees of this Corporation or because of damage to property, including property owned by this Corporation, arising out of or connected with the exercise of the rights granted hereunder and the occupancy of this Corporation's said electric transmission right of way as permitted by this permission, such insurance coverage to indemnify you and this Corporation within limits of at least \$1,000,000. for injuries to or death of one person and \$3,000,000. for injuries to or death of persons involved in any one accident, and in the amount of at least \$1,000,000. for damage to property resulting from any one accident. You shall maintain such insurance coverage in full at your own cost and expense during the terms of this permission.

8. You shall promptly reimburse this Corporation any reasonable costs and expenses which this Corporation shall incur to change, modify or relocate its electric facilities in order to accommodate the exercise of the rights granted hereunder.

9. The rights herein granted and the obligations herein assumed by you may not be assigned to third parties unless such parties are acting under the terms of a binding subcontract with you.

10. No provision of this permission shall be deemed to be waived by this Corporation unless such waiver shall be in writing signed by an officer of this Corporation.

Kindly indicate your acceptance of the terms and conditions of the foregoing permission by signing the duplicate original of this letter and returning same to this Corporation, at which time, this permission will become effective.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION

By: [Signature]
Vice President and General Manager
Western Division



ACCEPTED this 8 day
of MARCH 1977

TOWN OF CHEEKTOWAGA

By: [Signature]
Title Supervisor

Item No. 33 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Councilman Swiatek, seconded by Councilman Dux

BE IT RESOLVED, that the Supervisor of this Town of Cheektowaga, Erie County, New York be, and he hereby is, authorized and directed to negotiate, execute and deliver in behalf of this Town of Cheektowaga, a contract with Manufacturers and Traders Trust Company to act as Paying Agent of this Town of Cheektowaga of all or any of the obligations of said Town and to provide for the payment of such obligations at the One M & T Plaza Office of such Trust Company, upon such terms and conditions and in such form as may seem proper and advisable to the said officer pursuant to and consistent with the provisions of the Local Finance Law of the State of New York.

*See next four (4) pages

Item No. 34 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 35 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

WHEREAS, the Maryvale School System has agreed to loan a piano to the Town of Cheektowaga Senior Citizens group for use by the Senior Citizens in the Cheektowaga-Maryvale Recreation Center, and

WHEREAS, the Maryvale School Board has submitted an agreement in connection with said loan of a piano, now, therefore, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute said agreement submitted by the Maryvale School Board; a copy of said agreement being attached hereto and made a part hereof.

*See next page

MARYVALE SCHOOL SYSTEM

1050 MARYVALE DRIVE
CHEEKTOWAGA, N. Y. 14225

PHONE: 716 - 633-9770

BOARD OF EDUCATION

MR. CHARLES W. COLLINS, PRESIDENT
MR. RAYMOND E. STEWART, VICE-PRESIDENT
MR. ROGER M. RING, TRUSTEE
MR. ROBERT M. RUSSELL, TRUSTEE
MR. JAMES J. WANGLER, TRUSTEE

MRS. NANCY M. KUNERT, CLERK
MR. KENNETH W. KITZINGER, ATTORNEY
MR. RONALD C. ZOELLER, TREASURER

ADMINISTRATION

DR. ROBERT A. BINNER
SUPERINTENDENT
DR. FRANK F. CALZI
ASS'T. SUPERINTENDENT
CURRICULUM
MR. JAMES G. DIXON
ASS'T SUPERINTENDENT
BUSINESS
MR. LAWRENCE BOWMAN
ADMINISTRATIVE ASS'T.
MR. WESLEY STARKWEATHER
PERSONNEL ADMINISTRATOR

Mrs. Anne Hunt
Senior Citizen Program Coordinator
Cheektowaga Recreation Center
2600 Harlem Road
Cheektowaga, New York 14225

Re: Loan of Piano to Town of Cheektowaga Senior Citizens Group

In approving the request of the Town of Cheektowaga Senior Citizens Group to borrow a piano (Model #) for use by the Senior Citizens in the Cheektowaga-Maryvale Recreation Center, the following conditions are required:

- a. The Town of Cheektowaga will assume full responsibility and all costs for moving the piano from its present location to the Cheektowaga-Maryvale Recreation Center.
- b. The piano must remain in the Cheektowaga-Maryvale Recreation Center while on loan to the Senior Citizens Group.
- c. The Town of Cheektowaga will assume full responsibility and all costs for the maintenance and repair of the piano while it is on loan to the Center.
- d. Upon written request of the Superintendent of Schools to the Town Supervisor, the piano will be returned to the school within 10 days in a proper state of repair as determined by the Superintendent of Schools (less normal wear and tear) by the Town of Cheektowaga at Town expense.

The above agreement conditions shall remain in effect so long as the piano is on loan to the Town of Cheektowaga Senior Citizens Group at the Cheektowaga-Maryvale Recreation Center.

Charles W. Collins

School Board President

The Town of Cheektowaga hereby agrees to abide by the above stated conditions

Kenneth J. Meyer

Supervisor, Town of Cheektowaga

Item No. 35 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

BE IT RESOLVED that the resolution passed at a regular meeting of the Town Board on January 17, 1977 be and hereby is amended as follows:

Tiorunda Neighborhood Improvements Program, Stage I @	--	\$168,439
10 Percent Contingency @	--	64,610

AND, BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to William Donahue, Director, Erie County Community Development Program, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Councilman Johnson, seconded by Councilman Wasielewski

BE IT RESOLVED that the Town Board resolution passed on February 17, 1977 regarding reallocation of 1976 Community Development funds to the Princeton-Sandra-Rogers Drainage Project be and hereby is amended to reallocate a total of \$70,856.38 to said project, and, BE IT FURTHER

RESOLVED that \$848.27 is reallocated from 1976 Community Development funds to the Scajaquada Creek Tributary T-2A Diversionary Channel Plans and Specifications, and, BE IT FURTHER

RESOLVED that a certified copy of this resolution be forwarded to William Donahue, Erie County Community Development Director, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 38 Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED that the law firm of Kavinoky, Cook, Hepp, Sandler, Gardiner and Wisbaum, located at 120 Delaware Avenue, Buffalo, New York, be and hereby is retained to represent the Town of Cheektowaga in any necessary condemnation proceedings involving easements for various Town projects, and BE IT FURTHER

RESOLVED that their reasonable fees and expenses be paid by the Town.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 39 Motion by Supervisor Meyers, seconded by Councilman Wasielewski

WHEREAS, the Town has retained the firm of Percival Bixby & Company for the year 1977, NOW, THEREFORE, BE IT

RESOLVED that the consultant fee to be paid to said Company be \$31,000.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 40 Motion by Supervisor Meyers, seconded by Councilman Burst

RESOLVED that Raymond J. Fix, of _____, Cheektowaga, New York, be hired as Senior Citizen Van Driver, at an hourly salary of \$2.75, effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux, Kaczmarek and Burst

NAYES: 0

ABSENT: 0

Item No. 41 Motion by Supervisor Meyers, seconded by Councilman Kaczmarek

WHEREAS, funds are presently available under the Comprehensive Employment and Training Act of 1973, Title VI, NOW THEREFORE BE IT

RESOLVED, that the following persons be and hereby are hired under the position listed below, at a salary rate as specified, starting date established by the department head:

Laborer in the Depew School System at a rate of \$4.38 per hour

Majewski, Edward Chktg., NY 14227

Laborer in the Maryvale School System at a rate of \$4.38 per hour

Kreavy, Peter Chktg., NY 14086

Laborer in the Parks & Recreation Dept. at a rate of \$4.38 per hour

Lerner, August Chktg., NY 14225

Laborer in the Highway Department at a rate of \$4.38 per hour

Wojtaszczyk, Robert S. Chktg., NY 14227

Laborer in the Cheektowaga School System at a rate of \$4.38 per hour

Pilipski, Victor Chktg., NY 14225

School Nurse in Cheektowaga Central School at a yearly salary of \$7,940

Borucki, Patricia Chktg., NY 14225

Item No. 41 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 42 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, Robert H. Winklhofer's term on the Board of Assessment Review is due to expire on April 12, 1977, now, therefore, BE IT

RESOLVED, that Robert H. Winklhofer be and hereby is re-appointed to the Board of Assessment Review, effective April 13, 1977.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 43 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA for the period ending March 7th, 1977, be and hereby are approved and the Supervisor pay said warrants:

<u>FUND</u>	<u>TO</u>	<u>FROM</u>	<u>AMOUNT</u>
General	270	419	\$ 3,204,458.35
Special District	2619	2664	6,819,661.96
Highway	2207	2271	1,012,710.76
Part Town	548	559	3,965.43
Trust and Agency	378	380	47,349.88
Capital	--	--	100,000.00
Federal Revenue Sharing	--	--	450,000.00
			<u>\$11,638,146.38</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Motion by Councilman Johnson, seconded by Councilman Kaczmarek to Waive the Rules.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

VI. SUSPENSION OF RULES

Item No. 44 Authorization for Town to make payment to County of Erie for Sanitary Trunk Sewer Relocation re: Rd. Improvement Project--George Urban Blvd.

Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, the County of Erie is preparing to commence the road improvement project on George Urban Boulevard in the Town of Cheektowaga, AND

WHEREAS, the Town Board in a resolution dated February 17, 1977 authorized the Supervisor to place in escrow a sum of money equal to the cost of the sanitary sewer relocation, AND

WHEREAS, the County of Erie has awarded the Improvement Project to Albert Elia Building Company, Inc. as the lowest bidder for the total project including \$358,236.00 for the sanitary sewer relocation which also includes project mobilization costs, AND

WHEREAS, the County of Erie Department of Public Works has submitted a cost breakdown of the project in a letter dated March 4, 1977 which is also part of this resolution, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga forward a check in the amount of \$358,236.00 to the County of Erie for the Sanitary Sewer Rework.

*See next eleven (11) pages



COUNTY OF ERIE

EDWARD V. REGAN
COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

KENNETH L. REITMEIER, P. E.
Deputy Commissioner -- Highways

95 FRANKLIN STREET, BUFFALO N. Y. 14202 / (716) 846-8369
March 4, 1977

To the Honorable
Town Board
Town of Cheektowaga
Broadway at Union
Cheektowaga, New York 14227

RECEIVED

MAR 7 1977

Richard M. Moleski, Town Clerk

Re: Project No. RWP 316-1-74
George Urban Boulevard, CR 316
Town of Cheektowaga
Sanitary Trunk Sewer Relocation and
Kokomo Storm Sewer Crossing

Honorable Board Members:

Please be informed that we received bids on the above noted project and, hereby, submit one copy of each page: IP 2, IP 3, IP 5, IP 6, IP 7, IP 12, IP 13 and IP 14 indicating the price bid for the various items involved with the relocation of the Sanitary Trunk Sewer and the Kokomo Storm Sewer Crossing.

We are attaching the breakdown of the cost for each item which indicates that the amount bid for the sanitary sewer work is \$348,060.00 and for the Kokomo Storm Sewer Crossing is \$7,316.50 equaling a total amount of \$355,376.50.

This addition to our contract increases the amount bid for several items, however, we will only require the Town to pay its share of the amount bid for Mobilization (Item 699.01). The Town's net amount (\$355,376.50) is 16.2% of the sub-total (\$2,182,909.00) before Mobilization (\$64,000.00) is added; therefore, the Town's share of the Mobilization is \$10,368.00 (16.2% of \$64,000.00). The total amount due from the Town is \$365,744.50.

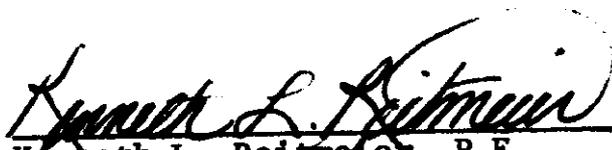
-2-

Town Board of Cheektowaga
Project No. RWP 316-1-74
George Urban Boulevard

March 4, 1977

Please forward a check in the amount of \$365,744.50 to this office, payable to the County of Erie. We have legislative approval to have the Comptroller establish an escrow account to pay the Contractor and return any unused portion to the Town.

Very truly yours,


Kenneth L. Reitmeier, P.E.
Deputy Commissioner - Highways

KLR:SJH/cs

cc: K.L. Reitmeier, P.E.
P.F. Frandina, P.E.
C.L. Bryan, P.E., Town Engineer

GEORGE URBAN BOULEVARD
RWP 316-1-74
Town of Cheektowaga Bid Items

SANITARY TRUNK SEWER: RELOCATION

<u>ITEM</u>	<u>ROUND QUANTITY</u>	<u>BID PRICE</u>	<u>TOTAL</u>
E203.07	3,900 C.Y.	\$ 8.50	\$ 33,150.00
E603.0110	20 L.F.	43.00	860.00
E603.06210	615 L.F.	104.00	63,960.00
E604.08501	1 Ea.	70,000.00	70,000.00
E604.08503	1 Ea.	20,000.00	20,000.00
E604.08506	1 Ea.	20,000.00	20,000.00
E604.08510	1 Ea.	14,000.00	14,000.00
E604.08512	1 Ea.	90,000.00	90,000.00
E604.08514	1 Ea.	25,000.00	25,000.00
E660.35	15 Ea.	550.00	8,250.00
655.01	56.8 S.F.	50.00	2,840.00
			<u>\$348,060.00</u>

KOKOMO STORM SEWER CROSSING

<u>ITEM</u>	<u>ROUND QUANTITY</u>	<u>BID PRICE</u>	<u>TOTAL</u>
E203.07	215 C.Y.	8.50	1,827.50
E206.02	325 C.Y.	5.00	1,625.00
E603.6108	184 L.F.	21.00	3,864.00
			<u>\$7,316.50</u>

	\$348,060.00		
	<u>7,316.50</u>		
Town Net Total	\$355,376.50	\$ 355,376.50	x 100 = 16.2%
Contract Sub Total		<u>\$2,182,909.00</u>	

Item 699.01 Mobilization	=	\$ 64,000.00
Town's Share of Item 699.01, 16.2% x \$64,000.00	=	<u>10,368.00</u>
Town Total Amount		\$365,744.50

ITEM NUMBER	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE		AMOUNT		BID	
			DOLLARS	CTS.	DOLLARS	CTS.	DOLLARS	CTS.
15201.06	Nec. L.S.	Clearing & Grubbing (No Burning) FOR <u>Ten thousand dollars & no cents</u> PER L.S.			10 000	00		
203.01	50,000 C.Y.	Unclassified Excavation & Embankment FOR <u>Three dollars & fifty cents</u> PER C.Y.	3	50	175 000	00		
E203.07	7 315 7 315 C.Y.	Select Granular Fill FOR <u>Eight dollars & fifty cents</u> PER C.Y.	8	50	62 177	50		
203.14	12,200 L.F.	Trimming Road Section. FOR <u>No dollars & sixty cents</u> PER L.F.	0	60	7 320	00		
E203.15	Nec. L.S.	Furnishing Water Equipment FOR <u>Five thousand dollars & no cents</u> PER LS.			5 000	00		
E203.16	250 M. Gal.	Applying Water FOR <u>Six dollars & no cents</u> PER M. Gal.	6	00	15 00	00		
E203.20	2,000 C.Y.	Select Granular Subgrade Replacement Material FOR <u>Seven dollars & no cents</u> PER C.Y.	7	00	14 000	00		
E206.01	1,300 C.Y.	Structure Excavation FOR <u>Four dollars & no cents</u> PER C.Y.	4	00	5 200	00		
CARRY FORWARD								

George Urban Boulevard RWP 316-1-74

BROUGHT FORWARD

ITE NUM.	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE DOLLARS CTS.	AMOUNT DOLLARS	BID CTS.
E206.02	12,325 12 325 C.Y.	Trench & Culvert Excavation FOR <u>Five dollars & no cents</u> PER C.Y.	5 00	61 625	00
E206.05	400 L.F.	Cleaning Existing Channel FOR <u>Three dollars & no cents</u> PER L.F.	3 00	1200	00
209.01	Nec. L.S.	Temp. Soil Erosion & Water Pollution Control FOR <u>one thousand and 00/00 Dollars</u> PER L.S.	1,000 00	1,000	00
E302.01	200 C.Y.	Bituminous Stabilized Course FOR <u>Thirty-three dollars & no cents</u> PER C.Y.	33 00	6600	00
E304.01	28,000 C.Y.	Sub-Base Course FOR <u>Eight dollars & no cents</u> PER C.Y.	8 00	224 000	00
E304.02	3000 C.Y.	Sub-Base Course Old Road Metal FOR <u>Two dollars & thirty cents</u> PER C.Y.	2 30	6900	00
E403.0315	3,500 Ton	Asph. Conc.-Type 1EC Top Erie Coat (Stone or Gravel) FOR <u>Eighteen dollars & no cents</u> PER Ton	18 00	63 000	00
DO NOT BID ON ITEM: E403.0316 IF BID IS MADE ON THIS ITEM					
E403.0316	3,220 Ton	Asph. Conc.-Type 1EC Top Erie Coat (Slag Agg.) FOR _____ PER Ton			
DO NOT BID ON ITEM: E403.0315 IF BID IS MADE ON THIS ITEM					

IP 3

CARRY FORWARD

Albert Elia Bidg. Co. Inc

Georg Urban Boulevard RWP 316-1-74

BROUGHT FORWARD

ITI NUM	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE DOLLARS	PRICE CTS.	AMOUNT DOLLARS	BID CTS.
601.02	14 C.Y.	Class "B" Concrete FOR <u>One hundred sixty-seven dollars & no cents</u> PER C.Y.	167	00	2338	00
602.01	30 S.Y.	Steel Fabric Reinf. (Mesh) FOR <u>Five dollars & no cents</u> PER S.Y.	5	00	150	00
602.02	37,000 Lbs.	Bar Reinforcement for Structures FOR <u>Nine dollars & thirty cents</u> PER Lbs.	0	30	11100	00
E603.0110	20 L.F.	Asbestos Conc. Pipe Class 5000 10" Dia. FOR <u>Forty-three dollars & no cents</u> PER L.F.	43	00	860	00
E603.0309	750 L.F.	Corr. Steel Pipe-Pav. Inv. (2 2/3x1/2) 12" Dia. FOR <u>Five dollars & no cents</u> PER L.F.	5	00	3750	00
E603.0311	80 L.F.	Corr. Steel Pipe-Pav. Inv. (2 2/3x1/2) 15 Dia. FOR <u>Six dollars & no cents</u> PER L.F.	6	00	480	00
E603.0314	1,350 L.F.	Corr. Steel Pipe-Pav. Inv. (2 2/3x1/2) 18" Dia. FOR <u>Seven dollars & no cents</u> PER L.F.	7	00	9450	00
E603.0320	540 L.F.	Corr. Steel Pipe-Pav. Inv. (2 2/3x1/2) 24" Dia. FOR <u>Nine dollars & no cents</u> PER L.F.	9	00	4860	00

IP5

CARRY FORWARD

Albert Elia Bldg. Co. Inc.

George Urban Boulevard RWP 316-1-74			UNIT BID PRICE		AMOUNT		BILL	
ITEM NUMBER	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	DOLLARS	CTS.	DOLLARS		CTS.	
603.1711	3 Ea.	Galv. Steel End Sections-Pipe (2 2/3 x 1/2) 15" Dia. FOR <u>Eighty-eight dollars & no cents</u> PER Ea.	88	00	264		00	
603.1720	3 Ea.	Galv. Steel End Sections-Pipe (2 2/3 x 1/2) 24" Dia. FOR <u>One hundred twenty-seven dollars & no cents</u> PER Ea.	127	00	381		00	
603.6105	60 L.F.	Reinf. Conc. Pipe Class IV 24" Dia. FOR <u>Fifteen dollars & no cents</u> PER L.F.	15	00	900		00	
603.6109	16 L.F.	Reinf. Conc. Pipe Class IV 36" Dia. FOR <u>Twenty-nine dollars & no cents</u> PER L.F.	29	00	464		00	
E603.0210	615 LF	Reinforced Conc. Pipe Class V 42" Dia. FOR <u>One hundred four dollars & no cents</u> PER L.F.	104	00	63960		00	
E604.0401	7 L.F.	Manholes Type "A" FOR <u>One hundred twenty-seven dollars & no cents</u> PER L.F.	127	00	889		00	
E604.0501	680 L.F.	Drop Inlets Type "A" FOR <u>Fifty-eight dollars & no cents</u> PER L.F.	58	00	39440		00	
E604.0502	90 L.F.	Drop Inlets Type "B" FOR <u>Sixty-nine dollars & no cents</u> PER L.F.	69	00	6210		00	

IP 6

CARRY FORWARD

Albert Elia Pkg. Co. Inc

Georg Urban Boulevard RWP 316-1-74			BROUGHT FORWARD			
ITL NUM	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE		AMOUNT	BID
			DOLLARS	CTS.	DOLLARS	CTS.
E604.503	20 L.F.	Drop Inlets Type "C" FOR <u>Fifty-eight dollars & no cents</u> PER L.F.	58	00	1160	00
E604.7	55 Ea.	Altering Catch Basins, Manholes, and Drop Inlets FOR <u>One hundred seventy-three dollars & no cents</u> PER Ea.	173	00	9515	00
E604.08501	1 Ea.	Chamber @18+70, 68RT. FOR <u>Seventy thousand dollars & no cents</u> PER Ea.	70 000	00	70 000	00
E604.08503	1 Ea.	Drop Chamber @18+99 FOR <u>Twenty thousand dollars & no cents</u> PER Ea.	20 000	00	20 000	00
E604.08506	1 Ea.	Drop Chamber @22+07.50 FOR <u>Twenty thousand dollars & no cents</u> PER Ea.	20 000	00	20 000	00
E604.08510	1 Ea.	Chamber @24+32 FOR <u>Fourteen thousand dollars & no cents</u> PER Ea.	14 000	00	14 000	00
E604.08512	1 Ea.	Overflow Chamber @24+52 FOR <u>Ninety thousand dollars & no cents</u> PER Ea.	90 000	00	90 000	00
E604.08514	1 Ea.	Drop Chamber @24+90 FOR <u>Twenty-five thousand dollars & no cents</u> PER Ea.	25 000	00	25 000	00

IP 7

CARRY FORWARD

Albert Elin P.L.C. Inc.

Georg Urban Boulevard RWP 316-1-74

BROUGHT FORWARD

ITEM NUMBER	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE		AMOUNT	
			DOLLARS	CTS.	DOLLARS	BID CTS.
E626.0102	9 Ea.	Permanent Survey Markers Type "B" FOR <u>Sixty-nine dollars & no cents</u> PER Ea.	69	00	621	00
632.01	2,000 S.F.	Concrete Cribbing FOR <u>Thirteen dollars & no cents</u> PER S.F.	13	00	26000	00
633.01	725 S.Y.	Cleaning Existing Pavement FOR <u>No dollars & fifty cents</u> PER S.Y.	0	50	362	50
E634.01	Nec. L.S.	Project Survey and Stakeout FOR <u>One hundred thousand dollars & no cents</u> PER L.S.			100000	00
E637.01	Nec. L.S.	Engineer's Office - Type "B" FOR <u>Six thousand dollars & no cents</u> PER L.S.			6000	00
652.01	40 Tons	Furnishing and Applying Calcium Chloride FOR <u>One hundred fifteen dollars & no cents</u> PER Ton	115	00	4600	00
655.01	71 S.F.	Frames and Grates (Castings) (Manholes) FOR <u>Fifty dollars & no cents</u> PER S.F.	50	00	3550	00
655.02	24 S.F.	Frames and Grates (Fabricated) FOR <u>Thirty-seven dollars & no cents</u> PER S.F.	37	00	888	00

CARRY FORWARD

IP 12

Albert Elia Bldg. Co. Inc.

George Urban Boulevard RWP 316-1-74

BROUGHT FORWARD

ITEM NUMBER	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE		AMOUNT		BID	
			DOLLARS	CTS.	DOLLARS	CTS.	DOLLARS	CTS.
E655.50	740 S.F.	Curb Frames and Grates Fabricated FOR <u>Forty dollars & no cents</u> PER S.F.	40	00	29600	00		
656.01	250 Lb.	Miscellaneous Metals FOR <u>One dollar & no cents</u> PER Lb.	1	00	250	00		
05660.1001	80 Ea.	Adjusting Elev. of Water Main Valve Boxes FOR <u>One hundred dollars & no cents</u> PER Ea.	100	00	8000	00		
E660.1101	26 Ea.	Water Service Pipe-Near Side House Ser. FOR <u>Two hundred seventy-five dollars & no cents</u> PER Ea.	275	00	7150	00		
E660.1102	28 Ea.	Water Service Pipe-Far Side House Ser. FOR <u>Five hundred seventy-five dollars & no cents</u> PER Ea.	575	00	16100	00		
E660.35	15 Ea.	House Lateral Connections FOR <u>Five hundred fifty dollars & no cents</u> PER Ea.	550	00	8250	00		
603.6108	184 L.F.	Reinforced Concrete Pipe Class IV 33" Dia. FOR <u>Twenty-one dollars & no cents</u> PER L.F.	21	00	3864	00		
NOTE: OUT OF SEQUENCE								

CARRY FORWARD

IP-13

George Urban Boulevard RWP 316-1-74			BROUGHT FORWARD			
ITEM NUMBER	ESTIMATE QUANTITIES	ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS	UNIT BID PRICE		AMOUNT	
			DOLLARS	CTS.	DOLLARS	CTS.
SUBTOTAL			\$		2 182 909 ⁰⁰	
699.0	NEC.	Mobilization (Must not exceed 3% of Subtotal shown above. See Specification for this Item.) FOR <u>Sixty-four thousand dollars & no cents</u> Per LUMP SUM			64.000	00
TOTAL OR GROSS SUM WRITTEN IN WORDS <u>Two million two hundred forty six thousand nine hundred nine dollars & no cents</u>			\$		2 246 909 ⁰⁰	

Item No. 44 Cont'd.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 45 Authorization for Town to make payment to County of Erie for Kokomo Storm Sewer Construction re: Rd. Improvement Project--George Urban Blvd.

Motion by Councilman Johnson, seconded by Supervisor Meyers

WHEREAS, the County of Erie is preparing to commence the road improvement project on George Urban Boulevard in the Town of Cheektowaga, AND

WHEREAS, the Town Board in a resolution dated February 17, 1977 authorized the Supervisor to place in escrow a sum of money equal to the cost of the Kokomo Storm Sewer Construction, AND

WHEREAS, the County of Erie has awarded the Improvement Project to Albert Elia Building Company, Inc. as the lowest bidder for the total project including \$7,508.50 for the Kokomo Storm Sewer Construction which also includes project mobilization costs, AND

WHEREAS, the County of Erie Department of Public Works has submitted a cost breakdown of the project in a letter dated March 4, 1977 which is also part of this resolution, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga forward a check in the amount of \$7,508.50 to the County of Erie for the storm sewer construction.

*See previous eleven (11) pages

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

Item No. 46 Motion by Councilman Wasielewski, seconded by Councilman Burst to adjourn this meeting in memory of Andrew Piacenti.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Wasielewski, Johnson, Dux,
Kaczmarek and Burst
NAYES: 0
ABSENT: 0

RICHARD M. MOLESKI
TOWN CLERK

BIDS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 8 March 21, 1977</u>	
2	Highway Dept. - New trees for 1977.	1
3	Engineering Dept. - One (1) Tractor-drawn, 200 gallon turf sprayer.	1
4	Engineering Dept. - Liquid Chlorine.	1
5	Engineering Dept. - Two (2) automatic Wastewater Samplers.	1
6	Engineering Dept. - Moving of election machines to and from polling places.	1

Meeting No. 10 April 4, 1977

2	Engineering Dept. - Sanitary Sewer Remedial Work - 1977 - Part I (Sewer Districts 3, 5 and 7).	1
3	Engineering Dept. - Corrugated Metal Pipe for the year, 1977.	1
4	Engineering Dept. - Sand-Clay-Loam and Topsoil for the year, 1977.	1
5	Highway Dept. - Cement and Concrete Mix (relating to road materials).	1
6	Highway Dept. - Snow Plow Blades, Wing Blades, Cutting Edges, etc.	1
7	Highway Dept. - Street Sweeper Brooms and Push Brooms.	1
8	Police Dept. - Two (2) Mobile Transmitter-Receiver Combinations.	1
9	Recreation Dept. - Baseball Diamond Supplies for the year, 1977.	1
10	Recreation Dept. - Baseball Equipment.	1

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 8 March 21, 1977</u>	
7	Amendment to Traffic Ordinance - Article X: "Parking, Standing and Stopping" - Airport, Bigelow, etc.	1

Meeting No. 10 April 4, 1977

11	Amendment to the Traffic Ordinance - Article X: "Parking, Standing & Stopping" (No Parking Anytime - Vegola Avenue).	2
12	Proposed use of Federal Revenue Sharing Funds during the balance of 1977.	2

GENERAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 8 March 21, 1977</u>		
8	N.Y.S. Department of Transportation - Renewal of temporary certificate for Niagara Scenic Bus Lines.	2
9	Buffalo District Army Corps of Engineers - Request for permit by Erie County Department of Public Works for construction work along Scajaquada Creek.	2
10	NOTICE OF CLAIM - Thomas M. LaVallee vs. Town of Cheektowaga.	2
11	NOTICE OF CLAIM - Eugene & Sylvia Slisz vs. Town of Cheektowaga.	2
12	NOTICE OF CLAIM - Paul Mathias vs. Town of Cheektowaga.	2
13	Walden District Taxpayers Ass'n. - Letter opposing tax exemptions for business improvements.	2
14	Walden District Taxpayers Ass'n. - Letter regarding procedure at Town Board Meetings.	2

Meeting No. 10 April 4, 1977

13	Erie County Department of Public Works - Certificate and Notice of Closing Highway: C.R. #316 George Urban Blvd., from Ledyard Ave. to Transit Road.	2
14	NOTICE OF CLAIM - Russell S. Albano vs. Town of Cheektowaga and Town of Cheektowaga Highway Department.	3

DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 8 March 21, 1977</u>	
15	Building Permits.	2

	<u>Meeting No. 10 April 4, 1977</u>	
15	Building Permits.	3

 RESOLUTIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 8 March 21, 1977</u>		
16	Approval of Contract - Local 1026.	2
17	Call for Public Hearing for Rezoning - 756 French Road.	2
18	Decision on Rezoning - 1185 Harlem Road.	3
19	Decision on Rezoning - 3242-3254 Harlem Road.	4
20	Decision on Sign Permit - 4839 Union Road.	5
21	Call for Public Hearing to amend Traffic Ordinance - Article X: "Parking, Standing & Stopping" - No Parking on Vegola Avenue.	5
22	Decision on Traffic Ordinance - Article X: "Parking, Standing and Stopping" - (No Standing Here to Corner - Vegola Avenue).	6
23	Adoption of Plumbing and Drainage Ordinance.	7-9
24	Engineering Dept. - Notice to Bidders for Sewer Remedial Work, Districts 3, 5 & 7 - Part I, 1977.	10
25	Engineering Dept. - Notice to Bidders for Corrugated Metal Pipe.	11
26	Engineering Dept. - Notice to Bidders for Sand-Clay-Loam and Topsoil.	12
27	Engineering Dept. - Notice to Bidders for Baseball Diamond Supplies.	13
28	Request N.Y.S. Department of Transportation to secure necessary rights-of-way for construction of diversion channel T-2A & T-3.	14
29	Highway Dept. - Notice to Bidders for Snow Plow Blades, Cutting Edges, etc.	14-15
30	Highway Dept. - Notice to Bidders for Sweeper Brooms & Push Brooms.	16
31	Recreation Dept. - Notice to Bidders for Baseball Equipment.	17
32	Chief of Police - Notice to Bidders for two (2) Mobile Transmitter-Receiver.	18
33	Call for Public Hearing re: Revenue Sharing.	19
34	Stipulation on Assessment Proceeding regarding Textron Corp.	20-21
35	Award of bid for Insurance Coverage for the Town.	21
36	Rescind resolution regarding authorization to pay Sewer Improvement Costs on Kokomo Place.	21
37	Authorization to pay Sewer Improvement Costs on Kokomo Place.	21-22
38	Authorization for Supervisor to execute application for improvement to Cheektowaga Town Park.	22
39	Retain firm to perform architectural service required for improvements to Cheektowaga Town Park.	22-23

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 8 March 21, 1977 Cont'd.</u>		
40	Hire firm of Percival G. Bixby & Co. to coordinate H.U.D., E.P.A. and E.D.A. Projects.	23
41	Create position of Dog Warden (full-time).	23
42	Create Detective position.	24
43	Appointment of Detective.	24
44	Manpower Office - Rescind and amend resolution dated 3/7/77.	24
45	Appointment of two (2) part-time laborers in Parks Dept.	24
46	Appointment of two (2) crossing guards.	25
47	Authorization for Niagara Mohawk to relocate underground street lighting facilities (reconstruction of George Urban Blvd.).	25-26
48	Permission for Niagara Mohawk to install and/or remove street lights on George Urban Blvd.	26
49a	Transfer of funds - Youth Bureau.	26
49b	Transfer of funds - Police Department.	26
50	Warrant List.	26-27

Meeting No. 10 April 4, 1977

16a	Town Clerk's Office - Call for Public Hearing for Rezoning of property located at 4243 Genesee St.	3
16b	Town Clerk's Office - Call for Public Hearing for Special Permit, property located at 4243 Genesee St.	4
17	Highway Dept. - Award of Bid for New Trees for the 1977 tree planting season.	5-6
18	Engineering Dept. - Award of Bid for the construction of storm sewers, St. Felix Drainage Project - Phase II.	6-7
19	Engineering Dept. - Award of Bid for the furnishing of Chlorine for the Town Sewage Treatment Plants.	7
20	Engineering Dept. - Award of Bid for two (2) Wastewater Samplers for Town Treatment Plant.	7-8
21	Engineering Dept. - Award of Bid for one (1) tractor-drawn Turf Sprayer for the Parks Department.	8-9
22	Engineering Dept. - Advertise for Bids for one (1) new Automobile for the Police Dept.	9
23	Engineering Dept. - Advertise for Bids for the furnishing of Fencing for the year, 1977.	10
24	Engineering Dept. - Advertise for Bids for the furnishing of Maintenance Chemicals and Grass Seed for various departments of Town, for the year 1977.	11

RESOLUTIONS CONT'D.

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 10 April 4, 1977 Cont'd.</u>		
25	Decision on Amendment to the Traffic Ordinance - Article X: "Parking, Standing & Stopping" (various streets).	12-14
26	Call for Public Hearing relative to the proposed use of Federal Revenue Sharing Funds during the balance of the year, 1977.	15-16
27	Call for Public Hearing on proposed repeal of exemption on real property provided by Section 485-b of Real Property Tax Law.	17
28	Authorization for additional payments to Insurance Consultant.	18
29	Authorization for Consulting Firm of Nussbaumer & Clarke, Inc. to provide general services relative to the construction of trunk sewer - George Urban Blvd.	18
30	Naming of Bank as Official Town Depositor for St. Felix - Economic Development Administration Funds.	18
31	Authorization for Town to take action re: Unsafe condition of partially constructed single dwelling located at	19
32	Authorization for Town Attorney and Town Clerk to go to New York City re: Bond transactions.	19
33	Authorization for Town Attorney and Town Engineer to travel to Albany, N.Y. relative to various Town Sewer Projects.	19
34	Authorization for Wastewater Treatment Plant Operator Trainee to attend Sewage Treatment Plant Operator School.	19-20
35	Authorization for Recreation Director to attend N.Y.S. Recreation and Parks Society Meeting in Cohoes, N.Y.	20
36	Appointment to the position of "Sewage Treatment Plant Operator Trainee" at Wastewater Treatment Plant No. 5.	20
37	Appointment of part-time Clerk in the Building Inspector's Off.	21
38	Manpower Office - Hiring of Employees under C.E.T.A., Title VI.	21
39	Warrant List.	21-22

SUSPENSION OF RULES

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 8 March 21, 1977</u>		
51	Retain firm to obtain drainage easements for St. Felix Drainage Project, Part I.	27
<u>Meeting No. 10 April 4, 1977</u>		
40	Engineering Department - Advertise for Bids for one (1) front loading Bucket with attachments for use by the Parks Dept.	22-23
41	Youth Board - Appointment of Coordinator of Cheektowaga Summer Day Camp for disabled youngsters.	24
42	Retention of John D. Kocieniewski for appraisal of land parcels in connection with Northeast Interceptor Sewer Project and St. Felix Street Projects.	24
43	Appointment of "Laborer" in the Sanitation Department.	24
44	Call for Public Hearing on Environmental Assessments.	24-25

REGULAR ADJOURNED MEETINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 11 April 15, 1977</u>	
2A	Public Hearing re: Proposed Repeal of Exemption on Real Property provided by Section 485-b of the Real Property Tax Law.	1
2B	Town Park Home Owner's Association - Correspondence re: Opposition to Chapter 278 of the Real Property Tax Law: Section 485-b, Business Investment Exemption.	1
2C	Delavan Industries, Inc. - Correspondence re: Support of Chapter 278 of Real Property Tax Law: Section 485-b, Business Investment Exemption.	1
2D	Walden District Taxpayers Association - Correspondence re: Opposition to Chapter 278 of the Real Property Tax Law: Section 485-b, Business Investment Exemption.	2
2E	Resolution authorizing the Enactment of Local Law No. 1 of the Year 1977 repealing the exemption on real property provided by Section 485-b of the Real Property Tax Law.	2

SPECIAL MEETINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 9 March 2, 1977</u>	
2	Engineering - furnishing of tools, equipment, materials & labor for construction of storm sewers in St. Felix Drainage Area, Part II (Opening of Bids).	1
3	Approval of Contract - Local 1026.	1-2
4	Authorization for Kenneth Kopacz to attend conference.	2
5	Approval of rate increase for International Cable.	2
6	Warrant List.	2
7	Authorization for Supervisor to sign agreement with N.Y.S. Department of Transportation to use Town land for road projects.	2-3
8	Authorization for Town Clerk to sign Non-Waiver Agreement relating to a law suit.	3-4

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 21st day of March, 1977 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst

ABSENT: Councilman Raymond J. Wasielewski

Also present were: Richard M. Moleski, Town Clerk; John Rogowski, Town Attorney; Jim Kirisits, Deputy Town Attorney; Chester Bryan, Town Engineer; Sal LaGreca, Assistant Manpower Program Director I; Ed Leak, Recreation Director; Ron Zoeller, Working Foreman in the Sanitation Department; Julia Reinstein, Town Historian; Ron Marten, Building and Plumbing Inspector; Ray Matot, Superintendent of Buildings and Grounds; Alfred Wnek, Highway Superintendent; Dr. Louis Vendetti, Town Health Officer.

I. BIDS

- Item No. 2 Highway - New trees for 1977
Referred to Alfred Wnek, Highway Superintendent
- Item No. 3 Engineering - One (1) Tractor-drawn, 200 gallon turf sprayer
Referred to Chester Bryan, Town Engineer
- Item No. 4 Engineering - Liquid Chlorine
Referred to Chester Bryan, Town Engineer
- Item No. 5 Engineering - Two (2) automatic Wastewater Samplers
Referred to Chester Bryan, Town Engineer
- Item No. 6 Engineering - Moving of election machines to and from polling places
Referred to Richard Moleski, Town Clerk

II. PUBLIC HEARINGS

- Item No. 7 Amendment to Traffic Ordinance - Article X "Parking, Standing, Stopping" Airport, Bigelow, etc.

This being the time and place advertised for a public hearing on the Amendment to the Traffic Ordinance #41, Article X, Parking, Standing, Stopping of the Town of Cheektowaga, 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. No persons appearing in opposition to the proposed Traffic Amendment, the Supervisor declared the hearing closed.

III. GENERAL COMMUNICATIONS

Item No. 8 N.Y.S. Department of Transportation - renewal of temporary certificate for Niagara Scenic Bus Lines
Received and Filed

Item No. 9 Buffalo District Army Corps of Engineers - request for permit by Erie County Department of Public Works for construction work along Scajaquada Creek
Received and Filed

Item No. 10 NOTICE OF CLAIM - Thomas M. LaVallee vs Town of Cheektowaga
Referred to John V. Rogowski, Town Attorney

Item No. 11 NOTICE OF CLAIM - Eugene & Sylvia Slisz vs Town of Cheektowaga
Referred to John V. Rogowski, Town Attorney

Item No. 12 NOTICE OF CLAIM - Paul Mathias vs Town of Cheektowaga
Referred to John V. Rogowski, Town Attorney

Item No. 13 Walden District Taxpayers Assn. - letter opposing tax exemptions for business improvements
Received and Filed

Item No. 14 Walden District Taxpayer's Assn. - letter regarding procedure at Town Board Meetings

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 15 Building Permits
Received and Filed

V. RESOLUTIONS

Item No. 16 Approval of contract - Local 1026
This item was withdrawn until the meeting of March 28, 1977 at 7:00 P.M.

Item No. 17 Motion by Councilman Burst, seconded by Councilman Swiatek

WHEREAS, Emil E. Wieszala has made application and requested the rezoning of property located at 756 French Road from C-Retail Business District to CM-General Commercial District, said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 18th, 1977 at 6:30 o'clock P.M., Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sestito of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Club* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for *1* weeks:
first publication *April 7, 1977* ;
last publication *April 7, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Sestito.....

Sworn to before me this *11th*

day of *April*, 19 *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *79*

Public Hearing was held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road, on the 18th day of April 1977, at 8:30 o'clock P.M., regular meeting time of said day for the purpose of considering the application of Emil E. Wisniala to change from C-Retail Business District to CM-General Commercial District the property located at 758 French Road and amend the Zoning Map and Ordinance accordingly, pursuant to Section 16-06 of the Zoning Ordinance of the Town of Cheektowaga, New York.

DEED DESCRIPTION

THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, distinguished as being part of Lot No. 96, Township 18, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

COMMENCING in the south line of said Lot No. 96 at a distance of four (4) chains and thirty-six (36) links east from the southwest corner thereof; thence north and parallel with the west line of said Lot No. 96, two hundred eighty-one (281) feet; thence east and parallel with the south line of said Lot No. 96, one hundred (100) feet; thence south and parallel with the west line of said Lot No. 96, two hundred eighty-one (281) feet to the south line of said lot; thence west along the south line of said Lot No. 96, one hundred (100) feet to the point or place of beginning.

This conveyance is made and accepted subject to the rights of the public in and to the use of such portion of the above described premises lying within the boundaries of French Road for highway purposes.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD
Supervisor Kenneth J. Meyers
Councilmen:

Thomas M. Johnson
Frank E. Swiatek
Frank Dux
George Kaczmarek
James R. Burst
Raymond J. Wasielewski
RICHARD M. MOLESKI
Town Clerk

Item No. 18 Motion by Councilman Burst, seconded by Councilman Swiatek

WHEREAS, James T. Reidy has applied for a rezoning from R-Residential District to RC-Restricted Business District the property located at 1185 Harlem Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT PLOT OF LAND, situated in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot No. 79, Township 10, Range 7 of the Buffalo Creek Reservation and further distinguished as Subdivision Lots Nos. 27 and 28 in Block No. 7 as shown on a map filed in the Erie County Clerk's Office under Cover No. 799, excepting therefrom that portion of subdivision Lot 27 which was taken for the New York State Thruway Ontario Section, being Map No. 430, Parcel No. 430,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 7th day of March, 1977 at 6:30 o'clock p.m., Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the requirements of Section 6-011, paragraphs (b) and (c) Section 6-05, paragraph (c) and Section 6-10 of the Town Zoning Ordinance dealing with the screening of the adjacent residential area should be complied with, and

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding residential area by the owners or occupants thereof, NOW, THEREFORE, BE IT

RESOLVED that said rezoning is granted subject to the owner complying with the provisions of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c) and Section 6-10 of the Town Zoning Ordinance wherein the premises must be properly screened along the boundary line between subject premises and adjacent residential properties, and BE IT FURTHER

RESOLVED that the above described premises be and hereby are rezoned from R-Residential District to RC-Restricted District to RC-Restricted Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Heister of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24, 1977* ;
last publication *March 24, 1977* ;
and that no more than six days intervened be-
tween publications.

Clady M. Heister.....

Sworn to before me this *25th*

day of *March*, 19..... *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

Board of the Town of Cheektowaga,
Erie County, New York held at the
Town Hall, corner of Broadway and
Union Roads, in said Town on the 21st
day of March, 1977 at 7:00 o'clock p.m.
Eastern Standard Time there were:

PRESENT:
Supervisor Kenneth J. Meyers
Councilmen:
Frank E. Swiatek
Thomas M. Johnson Jr.
Frank J. Dux
George Kaczmarek
James R. Burst

ABSENT: Councilman Raymond J.
Wasielowski

Motion by Councilman Burst,
Seconded by Councilman Swiatek.

WHEREAS, James T. Reidy has
applied for a rezoning from R-Resi-
dential District to RC-Restricted
Business District the property located
at 1165 Harlem Road, Cheektowaga,
New York, and being more particu-
larly described as follows:

ALL THAT PLOT OF LAND,
situated in the Town of Cheektowaga,
County of Erie and State of New York,
being part of Lot No. 79, Township 10,
Range 7 of the Buffalo Creek
Reservation and further distinguished
as Subdivision Lots Nos. 27 and 28 in
Block No. 7 as shown on a map filed in
the Erie County Clerk's Office under
Cover No. 790, excepting therefrom
that portion of subdivision Lot 27
which was taken for the New York
State Thruway Ontario Section, being
Map No. 490, Parcel No. 430,
and to amend the Zoning Map and
Ordinance accordingly, pursuant to
Section 10-00 of the Zoning Ordinance
of the Town of Cheektowaga, New
York, and

WHEREAS, a public hearing was
held before the Cheektowaga Town
Board on the 7th day of March, 1977 at
6:30 o'clock p.m. Eastern Standard
Time after publication of the notice as
required by the provisions of the town
Ordinance and the town Law of the
State of New York and all interested
parties were given an opportunity to
be heard at said hearing, and

WHEREAS, the requirements of
Section 6-011, paragraphs (b) and (c),
Section 6-05, paragraph (c), and

Section 6-10 of the Town Zoning Ordinance

shall be complied with, and

WHEREAS, it appears that the

proposed rezoning would not interfere

with the use and enjoyment of the

surrounding residential area by the

owners or occupants thereof, now,
therefore, BE IT

RESOLVED that said rezoning is
granted subject to the owner com-
plying with the provisions of Section
6-011, paragraphs (b) and (c), Section
6-05, paragraph (c), and Section 6-10
of the Town Zoning Ordinance
wherein the premises must be
properly screened along the boundary
line between subject premises and
adjacent residential properties, and
BE IT FURTHER

RESOLVED that the above de-
scribed premises be and hereby are
rezoned from R-Residential District to
RC-Restricted Business District, and
BE IT FURTHER

RESOLVED that the Zoning Map in
the Town Clerk's Office be changed
accordingly.

Upon roll call

Supervisor Meyers Voting AYE
Councilmen:

Swiatek Voting AYE

Wasielowski Voting ABSENT

Johnson Voting AYE

Dux Voting AYE

Kaczmarek Voting AYE

Burst Voting AYE

AYES: 6

NAYES: 0

ABSENT: 1

STATE OF NEW YORK)

COUNTY OF ERIE)

I, RICHARD M. MOLESKI, Town

Clerk of the Town hereinafter

described, DO HEREBY CERTIFY

as follows:

1. A regular meeting of the Town

Board of the Town of Cheektowaga, a

town located in the County of Erie,
State of New York, was duly held on

March 21, 1977, and minutes of said

meeting have been duly recorded in

the Minute Book by me in accordance

with law for the purpose of recording

the minutes of meetings of said Board,
and such minutes appear at item 18,
inclusive, of said book.

2. I have compared the attached

extract with said minutes so recorded

and said extract is a true copy of said

minutes and of the whole thereof

insofar as said minutes relate to
matters referred to in said extract.

3. Said minutes correctly state the
time when said meeting was con-
vened, the place where such meeting
was held and the members of said
Board who attended said meeting.

IN WITNESS WHEREOF, I have
hereunto set my hand and have
hereunto affixed the corporate seal of
said Town, this 22nd day of March,
1977.

RICHARD M. MOLESKI
Town Clerk

(c), and section 6-10 of the town
properly screened along the boundary
residential properties, and BE IT FURTHER

RESOLVED that the above
described premises be and hereby are
rezoned from R-Residential (Non-conforming)
District to RC-Restricted Business District,
and BE IT FURTHER

RESOLVED that the Zoning Map in
the Town Clerk's Office be changed
accordingly.

Upon Roll Call....

AYES: Supervisor Meyers, Councilman

NAYES: 0

ABSENT: Councilman Wasielowski

3/21/77

premises and adjacent

and hereby are rezoned
to RC-Restricted Business District, and

the Zoning Map in the Town Clerk's Office be changed

Supervisor Meyers, Councilman Dux, Kaczmarek & Burst

Item No. 19 Motion by Councilman Burst, seconded by Councilman Swiatek

WHEREAS, Helen Wawrzyniak has applied for a rezoning from R-Residential (Non-conforming Use) District to C-Retail Business District the property located at 3242-3254 Harlem Road, Cheektowaga, New York, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, and being part of Lot number thirty-five (35) in the Eleventh (11th) Township and Seventh (7th) Range, according to Holland Land Company's survey and described as follows:

BEGINNING at the point of intersection of the south line of Maryvale Road (formerly Pine Ridge Road) as laid out as a 66 foot highway with the west line of Harlem Road as laid out as a 66 foot highway, being also the east line of said Lot No. 35; thence southerly along said west line of Harlem Road, two hundred fifty and thirty-two hundredths (250.32) feet to the north line of lands known as "The Polish Cemetery"; thence westerly parallel to the north line of said cemetery lands, two hundred fifty (250) feet; thence northerly parallel with said west line of Harlem Road, two hundred forty-nine and seventy-seven hundredths (249.77) feet to said south line of Maryvale Road; thence easterly along said south line of Maryvale Road, two hundred fifty (250) feet to the place of beginning, according to a survey made May 12, 1946, by J.J. Straley, Civil Engineer and Surveyor.

Together with all right, title and interest of the party of the first part in that portion of Maryvale Road between the east and west lines of above described premises extended.

EXCEPTING from the foregoing a corner of land on the northwest corner measuring twenty-three (23) feet on Harlem Road and twenty-five (25) feet on Maryvale Drive, and being that parcel of land which has been appropriated by and conveyed to the State of New York, and that part conveyed by deed recorded in the Erie County Clerk's Office in Liber 194 of deeds at page 208,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 7th day of February, 1977 at 6:30 o'clock p.m., Eastern Standard Time after publication of the notice as required by the provisions of the Town Ordinance and the Town Law of the State of New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the requirements of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance dealing with the screening of the adjacent residential area should be complied with, and

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding residential area by the owners or occupants thereof, NOW, THEREFORE, BE IT

RESOLVED that said rezoning is granted subject to the owners complying with the provisions of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance wherein the premises must be properly screened along the boundary line between subject premises and adjacent residential properties, and BE IT FURTHER

RESOLVED that the above described premises be nad hereby are rezoned from R-Residential (Non-conforming Use) District to C-Retail Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

3/21/77

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Dechete, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for *1* weeks:
first publication... *March 24, 1977* ;
last publication... *March 24, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Dechete

Sworn to before me this *25th*

day of *March*, 19*77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

Board of the Town of Cheektowaga,
Erie County, New York held at the
Town Hall, corner of Broadway and
Union Roads, in said Town on the 21st
day of March, 1977 at 7:00 o'clock p.m.
Eastern Standard Time there were:

PRESENT:
Supervisor Kenneth J. Meyers
Councilmen:
Frank E. Swiatek
Thomas M. Johnson Jr.
Frank J. Dux
George Kaczmarek
James R. Burst

ABSENT: Councilman Raymond J.
Wasielewski

Motion by Councilman Burst,
Seconded by Councilman Swiatek

WHEREAS, Helen Wawrzyniak has
applied for a rezoning from R-Resi-
dential (Non-Conforming Use) Dis-
trict to C-Retail Business District the
property located at 3242-3254 Harlem
Road, Cheektowaga, New York, and
being more particularly described as
follows:

ALL THAT TRACT OR PARCEL
OF LAND, situate in the Town of
Cheektowaga, County of Erie and
State of New York, and being part of
Lot number thirty-five (35) in the
Eleventh (11th) Township and
Seventh (7th) Range, according to the
Holland Land Company's survey and
described as follows:

BEGINNING at the point of inter-
section of the south line of Maryvale
Road (formerly Pine Ridge Road) as
laid out as a 66 foot highway with the
west line of Harlem Road as laid out
as a 66 foot highway, being also the
east line of said Lot No. 35; thence,
southerly along said west line of
Harlem Road, two hundred fifty and
thirty-two hundredths (250.32) feet to
the north line of lands known as "The
Polish Cemetery"; thence westerly
parallel to the north line of said
cemetery lands, two hundred fifty
(250) feet; thence northerly parallel
with said west line of Harlem Road,
two hundred forty-nine and seventy-
seven hundredths (249.77) feet to said
south line of Maryvale Road; thence
easterly along said south line of
Maryvale Road, two hundred fifty
(250) feet to the place of beginning,
according to a survey made May 12,
1948 by J.J. Straley, Civil Engineer
and Surveyor.

Together with all right, title and
interest of the party of the first part in
that portion of Maryvale Road
between the east and west lines of
above described premises extended.

EXCEPTING from the foregoing a
corner of land on the northwest corner
measuring twenty-three (23) feet on
Harlem Road and twenty-five (25)
feet on Maryvale Drive, and being
that parcel of land which has been
appropriated by and conveyed to the
State of New York, and that part
conveyed by deed recorded in the Erie
County Clerk's Office in Liber 194 of
deeds at page 288,

and to amend the Zoning Map and
Ordinance accordingly, pursuant to
Section 10-60 of the Zoning Ordinance
of the Town of Cheektowaga, New
York, and

WHEREAS, a public hearing was
held before the Cheektowaga Town
Board on the 7th day of February, 1977
at 6:30 o'clock p.m. Eastern Standard
Time after publication of the notice as
required by the provisions of the Town
Zoning Ordinance and the Town Law of the
State of New York and all interested
parties were given an opportunity to
be heard at said hearing, and

WHEREAS, the requirements of
Sections 6-03, paragraphs (b) and (c),
Section 6-05, paragraph (c), and
Section 6-10 of the Town Zoning
Ordinance dealing with the screening
of the adjacent residential area should
be complied with, and

WHEREAS, it appears that the
proposed rezoning would not interfere
with the use and enjoyment of the
surrounding residential area by the
owners or occupants thereof, now,
therefore, BE IT

RESOLVED that said rezoning is
granted subject to the owners
complying with the provisions of
Section 6-011, paragraphs (b) and (c),
Section 6-05, paragraph (c), and
Section 6-10 of the Town Zoning
Ordinance wherein the premises must
be properly screened along the
boundary line between subject pre-
mises and adjacent residential prop-
erties, and BE IT FURTHER

RESOLVED that the above de-
scribed premises be and hereby are
rezoned from R-Residential (Non-
Conforming Use) District to C-Retail
Business District, and BE IT
FURTHER

RESOLVED that the Zoning Map in
the Town Clerk's Office be changed
accordingly.

Upon roll call
Supervisor Meyers Voting AYE
Councilmen:
Swiatek Voting AYE
Wasielewski Voting ABSENT
Johnson Voting AYE
Dux Voting AYE
Kaczmarek Voting AYE
Burst Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1
STATE OF NEW YORK)

COUNTY OF ERIE)
I, RICHARD M. MOLESKI, Town
Clerk of the Town hereinafter
described, DO HEREBY CERTIFY
as follows:

1. A regular meeting of the Town
Board of the Town of Cheektowaga, a
town located in the County of Erie,
State of New York, was duly held on
March 21, 1977, and minutes of said
meeting have been duly recorded in
the Minute Book by me in accordance
with law for the purpose of recording
the minutes of meetings of said Board,
and such minutes appear at item 19,
inclusive, of said book.
2. I have compared the attached
extract with said minutes so recorded

... THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, and being part of Lot number thirty-five (35) in the Eleventh (11th) Township and Seventh (7th) Range, according to the Holland Land Company's survey and described as follows:

BEGINNING at the point of intersection of the south line of Maryvale Road (formerly Pine Ridge Road) as laid out as a 66 foot highway with the west line of Harlem Road as laid out as a 66 foot highway, being also the east line of said Lot No. 35; thence, southerly along said west line of Harlem Road, two hundred fifty and thirty-two hundredths (250.32) feet to the north line of lands known as "The Polish Cemetery"; thence westerly parallel to the north line of said cemetery lands, two hundred fifty (250) feet; thence northerly parallel with said west line of Harlem Road, two hundred forty-nine and seventy-seven hundredths (249.77) feet to said south line of Maryvale Road; thence easterly along said south line of Maryvale Road, two hundred fifty (250) feet to the place of beginning, according to a survey made May 12, 1946 by J.J. Straley, Civil Engineer and Surveyor.

Together with all right, title and interest of the party of the first part in that portion of Maryvale Road between the east and west lines of above described premises extended.

EXCEPTING from the foregoing a corner of land on the northwest corner measuring twenty-three (23) feet on Harlem Road and twenty-five (25) feet on Maryvale Drive, and being that parcel of land which has been appropriated by and conveyed to the State of New York, and that part conveyed by deed recorded in the Erie County Clerk's Office in Liber 194 of deeds at page 208,

and to amend the Zoning Map and Ordinance accordingly, pursuant to Section 10-00 of the Zoning Ordinance of the Town of Cheektowaga, New York, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 7th day of February, 1977 at 6:30 o'clock p.m. Eastern Standard Time after publication of the notice as required by the provisions of the Town Zoning Ordinance of the Town of Cheektowaga, New York and all interested parties were given an opportunity to be heard at said hearing, and

WHEREAS, the requirements of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance dealing with the screening of the adjacent residential area should be complied with, and

WHEREAS, it appears that the proposed rezoning would not interfere with the use and enjoyment of the surrounding residential area by the owners or occupants thereof, now, therefore, BE IT

RESOLVED that said rezoning is granted subject to the owners complying with the provisions of Section 6-011, paragraphs (b) and (c), Section 6-05, paragraph (c), and Section 6-10 of the Town Zoning Ordinance wherein the premises must be properly screened along the boundary line between subject premises and adjacent residential properties, and BE IT FURTHER

RESOLVED that the above described premises be and hereby are rezoned from R-Residential (Non-Conforming Use) District to C-Retail Business District, and BE IT FURTHER

RESOLVED that the Zoning Map in the Town Clerk's Office be changed accordingly.

Upon roll call

Supervisor Meyers	Voting AYE
Councilmen:	
Swiatek	Voting AYE
Wasielewski	Voting ABSENT
Johnson	Voting AYE
Dux	Voting AYE
Kaczmarek	Voting AYE
Burst	Voting AYE

AYES: 6

NAYES: 0

ABSENT: 1

STATE OF NEW YORK)
COUNTY OF ERIE)

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on March 21, 1977, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 19, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 22 day of March, 1977.

RICHARD M. MOLESKI
Town Clerk

Item No. 20 Motion by Councilman Burst, Seconded by Councilman Swiatek

WHEREAS, Whitmier & Ferris Co., Inc. has requested permission to erect two advertising signs at 4839 Union Road, Cheektowaga, New York pursuant to Article III, Section 3-01 of the Zoning Ordinance of the Town of Cheektowaga, and

WHEREAS, said application was referred to the Building Inspector of the Town of Cheektowaga, and

WHEREAS, said Building Inspector has recommended denial of said application, NOW, THEREFORE, BE IT

RESOLVED that Whitmier & Ferris Co., Inc. be and hereby is denied permission to erect two advertising signs at 4839 Union Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 21 Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED that a Public Hearing on proposed amendments to the Traffic Ordinance of the Town of Cheektowaga, which was adopted on July 17, 1967, be held on April 4, 1977 at 7:00 P.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga 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 March 24, 1977; the said amendments being set forth in the Notice of Hearing.

NOTICE OF 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, corner of Broadway and Union Road, in said Town of Cheektowaga on the 4th day of April, 1977 at 7:00 o'clock p.m., Eastern Standard Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by adding thereto the following:

No Parking Anytime

VEGOLA AVENUE - Westside: from a point 60 feet north of GENESEE STREET to the south line of WINSTON AVENUE

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sutter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clck*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24, 1977*.....;
last publication *March 24, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Sutter.....
Sworn to before me this *25th*.....
day of *March*....., 19*77*.
Naidine C. Williams.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

Town of Cheektowaga

Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on the 4th day of April, 1977 at 7:00 o'clock p.m. Eastern Standard Time, to consider the advisability of adopting an amendment to the Traffic Ordinance of the said Town of Cheektowaga which was adopted on July 17, 1967, said proposed amendment being as follows:

ARTICLE X

Parking, Standing and Stopping
Section 102 is amended by adding thereto the following:

No Parking Anytime
VEGOLA AVENUE - Westside: from a point 60 feet north of GENESEE STREET to the south line of WINSTON AVENUE

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

Dated: March 21, 1977
RICHARD M. MOLESKI
Town Clerk

Item No. 22 Motion by Councilman Burst, seconded by Supervisor Meyers

WHEREAS, this Town Board duly held a Public Hearing on the 7th day of March, 1977 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, 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 determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE X

Parking, Standing and Stopping

Section 102 is amended by adding thereto the following titles as shown:

No Standing Here to Corner

VEGOLA AVENUE - Eastside: 60 feet north from curb of GENESEE STREET

VEGOLA AVENUE - Westside: 60 feet north from curb of GENESEE STREET

Section 2. Time to take effect

(a) This amendment shall take effect immediately 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.

(b) Any part or parts of this amendment which is 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

This amendment shall apply to all of the Town of Cheektowaga, Erie County, New York, outside of the Villages of Depew and Sloan.

Section 4. Publication and Posting

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adopting thereof.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clay M. Sichter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clay* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication..... *March 24, 1977*;
last publication..... *March 24, 1977*;
and that no more than six days intervened be-
tween publications.

Clay M. Sichter
.....

Sworn to before me this *25th*

day of *March*, 19*77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*77*

**EXTRACTS FROM MINUTES OF
CHEEKTOWAGA TOWN BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 21st day of March, 1977 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:

Supervisor Kenneth J. Meyers
Councilmen:

Frank E. Swiatek
Thomas M. Johnson, Jr.
Frank J. Dux
George Kaczmarek
James R. Burst

ABSENT: Councilman Raymond J. Wasielewski

Motion by Councilman Burst,
Seconded by Supervisor Meyers.

WHEREAS, this Town Board duly held a Public Hearing on the 7th day of March, 1977 to consider the advisability of adoption of a proposed amendment to the Traffic Ordinance of the Town of Cheektowaga which was adopted on July 17, 1967, 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 determine that it is in the public interest to adopt the following amendment to the Traffic Ordinance of the Town of Cheektowaga, County of Erie and State of New York, and said amendment is herewith adopted and enacted:

ARTICLE X

Parking, Standing and Stopping
Section 102 is amended by adding thereto the following titles as shown:
No Standing Here to Corner

feet north from curb of CHEEKTOWAGA STREET
VEGOLA AVENUE - Westside: 60 feet north from curb of CHEEKTOWAGA STREET

Section 2. Time to take effect.

(a) This amendment shall take effect immediately 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.

(b) Any part or parts of this amendment which is 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.

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

Section 4. Publication and Posting.

That this amendment to the Traffic Ordinance shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town, and a printed copy thereof shall be posted on the signboard maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York, and affidavits of such publication and posting shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of this amendment specifying the date of adoption thereof.

Upon roll call

Supervisor Meyers	Voting AYE
Councilmen:	
Swiatek	Voting AYE
Wasielewski	Voting AYE
Johnson	Voting AYE
Dux	Voting AYE
Kaczmarek	Voting AYE

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on March 21, 1977, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 22, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 23 day of March, 1977.

RICHARD M. MOLESKI
Town Clerk

Item No. 23 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the Town Engineer's Office of the Town of Cheektowaga has recommended that certain provisions of the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York, be amended, and

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting said amendments to said "Plumbing and Drainage Ordinance" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 17th day of January, 1977 at 7:00 o'clock p.m., Eastern Standard Time; at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard; and

WHEREAS, it is in the public interest to adopt the following amendments to the "Plumbing and Drainage Ordinance" as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York be and the same hereby is amended and changed by the following textual additions and deletions: (changes or additions in text are indicated by underline, deletions by ~~strikeouts~~).

1. RESOLVED that Section 4, Subdivision 1 of the Plumbing and Drainage Ordinance which reads:

~~Basement-or-cellar-floor-drains--Cellar of-basement-floor-drains-shall-connect-into-a deep-seal-trap-so-constructed-that-it-can-be readily-cleaned-and-of-a-size-not-less-than three-inches-in-diameter--When-subject-to-back flow-or-back-pressure-such-drains-may-be-equipped with-approved-deep-seal-back-water-trap-of-the automatic-type-not-less-than-three-inches-in diameter-or-a-stand-pipe-not-less-than-two-inches in-diameter-and-the-same-to-be-four-feet-above the-cellar-floor.~~

shall be amended to read:

On all new construction, the main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains or perimeter drains are not permitted to discharge into the sanitary sewer. Laundry trays and washers installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.

2. RESOLVED that Section 4, Subdivision 3 of the Plumbing and Drainage Ordinance which reads:

~~Sub-soil-foundation, clear-water-and-absorption tile-drains:~~

~~(A)--Where-above-crown-of-storm-sewer, these drains-shall-be-connected-to-storm-sewer, through a-catch-basin-as-may-be-approved-by-the-inspector.~~

~~(B)--Where-below-crown-of-storm-sewer, these drains-may-be-connected-to-sanitary-sewer, through cellar-drain, excepting-in-the-cases-where-there exists-a-spring-or-other-floowing-body-of-water-in which-case-special-instructions-shall-be-given-by the-inspector-and-followed-by-the-plumber.~~

Item No. 23 cont'd

~~In both cases (A) and (B) where sub-soil drains are placed under the cellar floor or used to encircle the outer walls of a building, the same shall be made of open-jointed drain tile or earthenware pipe, not less than three inches in diameter, and shall be properly trapped and protected against back-pressure by an automatic back-pressure valve accessibly located before entering storm sewer, house sewer or drain.~~

shall be amended to read:

On all new construction, all buildings having cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains with bubblers. Any alternate method of water disposition must be approved by the Town Engineer.

3. RESOLVED that Section 4, Subdivision 9 of the Plumbing and Drainage Ordinance which reads:

~~Where the minimum size house drain is allowed the trap for floor drain must connect into main drain at least five feet from soil stack or may be connected into a three-inch drain that receives only the waste of tray and sink.~~

shall be amended to read:

On all new construction, all downspouts shall be discharged to storm sewers or curb drains with bubblers and all rear yard drainage shall be conveyed to storm sewers, catch basins or channels accepted by Town. Any alternate method of water disposition must be approved by the Town Engineer.

On existing construction, all downspouts and sump pumps discharging to the sanitary sewer system shall be disconnected. Downspouts and sump pumps may be discharged to curb drains, road ditches or splash blocks. All rear yard drain tile, sump pump or downspout water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, catch basin, french drain or natural waterway.

No town drainage easement or natural waterway may be filled in or obstructed in any manner unless an alternative method of water disposition is approved by the Town Engineer.

4. RESOLVED that Section 7, Subdivision 5 of the Plumbing and Drainage Ordinance which reads:

~~(A) -- Gutters and inside leaders shall not be less in diameter than indicated by the following table:~~

shall be amended to read:

(A) Gutters and inside or outside leaders shall be installed on all roofs and shall not be less in diameter than indicated by the following table:

BE IT FURTHER RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 21st day of March, 1977; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a

Item No. 23 cont'd

general circulation therein.

That the Town Clerk post or cause to be posted on the signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk.

The aforementioned amendments to the Plumbing and Drainage Ordinance of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication and posting, but such amendments shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sediter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clash*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication.....*March 24, 1977*.....;
last publication.....*March 24, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Sediter.....

Sworn to before me this*25th*.....

day of*March*....., 19*77*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 21st day of March, 1977 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT:
Supervisor Kenneth J. Meyers
Councilmen:
Frank E. Swiatek
Thomas M. Johnson, Jr.
Frank J. Dux
George Kaczmarek
James R. Burst

ABSENT: Councilman Raymond J. Wasielewski

Motion by Councilman Johnson, Seconded by Councilman Kaczmarek

WHEREAS, the Town Engineer's Office of the Town of Cheektowaga has recommended that certain provisions of the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York, be amended, and

WHEREAS, the Town Board duly called a public hearing to consider the advisability of adopting said amendments to said "Plumbing and Drainage Ordinance" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 17th day of January, 1977 at 7:00 o'clock p.m. Eastern Standard Time; and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard, and

WHEREAS, it is in the public interest to adopt the following amendments to the "Plumbing and Drainage Ordinance" as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York, be amended as follows:

Section 4, Subdivision 1 of the Plumbing and Drainage Ordinance which reads:

Basement or cellar floor drains shall connect into a deep seal trap as constructed that it can be readily cleaned and of a size not less than three inches in diameter. When subject to back flow or back pressure such drains may be equipped with an approved deep seal back water trap of the automatic type not less than three inches in diameter or a stand pipe not less than two inches in diameter and the same to be four feet above the cellar floor.

shall be amended to read:

On all new construction, the main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains or perimeter drains are not permitted to discharge into the sanitary sewer. Laundry trays and washers installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.

2. RESOLVED that Section 4, Subdivision 3 of the Plumbing and Drainage Ordinance which reads:

Sub-soil foundation, clear water and absorption tile drains.

(A) Where above-crown-of-storm-sewer, these drains shall be connected to storm sewer through a catch basin as may be approved by the inspector.

(B) Where below-crown-of-storm-sewer, these drains may be connected to sanitary sewer through cellar drain, excepting in the cases where there exists a spring or other flowing body of water in which case special instructions shall be given by the inspector and followed by the plumber.

In both cases (A) and (B) where sub-soil drains are placed under the cellar floor or used to encircle the outer walls of a building, the same shall be made of open jointed drain tile or earthenware pipe, not less than three inches in diameter, and shall be properly trapped and protected against back pressure valve accessibly located before entering storm sewer, house sewer or drain.

shall be amended to read:

On all new construction, all buildings having cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drains shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains with bubblers. Any alternate method of water disposition must be approved by the Town Engineer.

3. RESOLVED that Section 4, Subdivision 9 of the Plumbing and Drainage Ordinance which reads:

Where the minimum size house drain is allowed, the trap for floor drain must connect into main drain at least five feet from soil stack or may be connected into a three-inch drain that receives only the waste of tray and sink.

shall be amended to read:

On all new construction, all downspouts shall be discharged to storm sewer or curb drains with bubblers.

the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 21st day of March, 1977; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein.

That the Town Clerk post or cause to be posted on the signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk.

The aforementioned amendments to the Plumbing and Drainage Ordinance of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication and posting, but such amendments shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon roll call
Supervisor Meyers Voting AYE
Councilmen:
Swiatek Voting AYE
Wasielewski Voting ABSENT
Johnson Voting AYE
Dux Voting AYE
Kaczmarek Voting AYE
Burst Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A Regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on March 21st, 1977, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 23, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 22nd day of March, 1977.

RICHARD M. MOLESKI
Town Clerk

...of adopting said amendments to said "Plumbing and Drainage Ordinance" and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendments was duly held by this Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York on the 17th day of January, 1977 at 7:00 o'clock p.m. Eastern Standard Time; and at which hearing all parties in interest and citizens had an opportunity to be heard, and were heard, and

WHEREAS, it is in the public interest to adopt the following amend-

ments to the "Plumbing and Drainage Ordinance" as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the "Plumbing and Drainage Ordinance" of the Town of Cheektowaga, New York be and shall be amended as follows:

~~Section 4. Subdivision 1 of the Plumbing and Drainage Ordinance which reads:~~

~~Basement or cellar floor drains: Galleries or basement floor drains shall connect into a deep seal trap so constructed that it can be readily cleaned and of a size not less than three inches in diameter. When subject to back flow or back pressure such drains may be equipped with an approved deep seal back water trap of the automatic type not less than three inches in diameter or a stand pipe not less than two inches in diameter and the same to be four feet above the cellar floor.~~

1. RESOLVED that Section 4, Subdivision 1 of the Plumbing and Drainage Ordinance which reads:

~~Basement or cellar floor drains: Galleries or basement floor drains shall connect into a deep seal trap so constructed that it can be readily cleaned and of a size not less than three inches in diameter. When subject to back flow or back pressure such drains may be equipped with an approved deep seal back water trap of the automatic type not less than three inches in diameter or a stand pipe not less than two inches in diameter and the same to be four feet above the cellar floor.~~

shall be amended to read:

On all new construction, the main sanitary drain for any building may be installed hung below the first floor or installed under the cellar floor. Floor drains or perimeter drains are not permitted to discharge into the sanitary sewer. Laundry trays and washers installed in cellars and basements shall have a gate valve for their waste lines. All plumbing fixtures installed in cellars and basements shall be on a branch line from the main sanitary drain and shall have a gate valve in this branch line to prevent flooding in the event the street sanitary sewer becomes clogged. Such gate valves shall be closed at all times except when the fixtures are in use.

2. RESOLVED that Section 4, Subdivision 3 of the Plumbing and Drainage Ordinance which reads:

~~Sub-soil foundation, clear water and absorption tile drains.~~

(A) Where above crown of storm sewer, these drains shall be connected to storm sewer, through a catch basin as may be approved by the Inspector.

(B) Where below crown of storm sewer, these drains may be connected to sanitary sewer, through cellar drain, excepting in the cases where there exists a spring or other flowing body of water in which case special instructions shall be given by the Inspector and followed by the plumber.

In both cases (A) and (B) where sub-soil drains are placed under the cellar floor or used to encircle the outer walls of a building, the same shall be made of open jointed drain tile or earthenware pipe, not less than three inches in diameter, and shall be properly trapped and protected against back pressure valve accessibly located before entering storm sewer, house sewer or drain.

shall be amended to read:

On all new construction, all buildings having cellars shall have an adequate sump and sump pump to which any interior or exterior perimeter drain tile and floor drain shall discharge. Sump pumps shall discharge into a storm sewer. Where storm sewers are not available, sump pumps shall discharge into curb drains with bubblers. Any alternate method of water disposition must be approved by the Town Engineer.

3. RESOLVED that Section 4, Subdivision 9 of the Plumbing and Drainage Ordinance which reads:

~~Where the minimum size house drain is allowed, the trap for floor drain must connect into main drain at least five feet from soil stack or may be connected into a three inch drain that receives only the waste of tray and sink.~~

shall be amended to read:

On all new construction, all downspouts shall be discharged to storm sewers or curb drains with bubblers and all rear yard drainage shall be conveyed to storm sewers, catch basins or channels accepted by Town. Any alternate method of water disposition must be approved by the Town Engineer.

On existing construction, all downspouts and sump pumps discharging to the sanitary sewer system shall be disconnected. Downspouts and sump pumps may be discharged to curb drains, road ditches or splash blocks. All rear yard drain tile, sump pump or downspout water shall be so directed that it will not flow onto adjacent properties except where directed to a designed drainage swale, catch basin, french drain or natural waterway.

No town drainage easement or natural waterway may be filled in or obstructed in any manner unless an alternative method of water disposition is approved by the Town Engineer.

4. RESOLVED that Section 7, Subdivision 5 of the Plumbing and Drainage Ordinance which reads:

(A) Gutters and inside leaders shall not be less in diameter than indicated by the following table:

shall be amended to read:

(A) Gutters and inside or outside leaders shall be installed on all roofs and shall not be less in diameter than

...copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 21st day of March, 1977; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein.

That the Town Clerk post or cause to be posted on the signboard maintained by him at the entrance of the Town Clerk's Office a certified copy of this resolution, and affidavits of publication and posting thereof shall be filed with the Town Clerk.

The aforementioned amendments to the Plumbing and Drainage Ordinance of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication and posting, but such amendments shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

Upon roll call ...
Supervisor Meyers Voting AYE
Councilmen:
Swiatek Voting AYE
Wasielewski Voting ABSENT
Johnson Voting AYE
Dux Voting AYE
Kaczmarek Voting AYE
Burst Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A Regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on March 21st, 1977, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 23, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 22nd day of March, 1977.

RICHARD M. MOLESKI
Town Clerk

Item No. 24 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, there is need for sewer system repair work in Sanitary Sewer Districts No. 3, 5 and 7, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk is directed to publish a Notice to Bidders for the furnishing of all tools, equipment, labor and appurtenances required for construction for remedial purposes to implement the Sewer System Correction Program in accordance with plans and specifications prepared by the Town of Cheektowaga Engineering Department, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board meet on the 4th day of April, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

N O T I C E T O B I D D E R S

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 4, 1977, at 7:00 P.M., Eastern Standard Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for Sanitary Sewer Remedial Work at various locations in the Town of Cheektowaga.

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

Proposals shall be submitted in sealed envelopes, plainly marked on the outside, BID FOR SANITARY SEWER REMEDIAL WORK - 1977 - PART I and submitted to the Town Clerk prior to bid opening.

A surety bond by a company satisfactory to the Town Board in an amount not less than one hundred percent (100%) of the contract price will be required of the successful bidder.

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 interests of the Town, or reject any and all bids.

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Hecker, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks;
first publication *March 24, 1977*.....;
last publication *March 24, 1977*.....;
and that no more than six days intervened be-
tween publications.

Clady M. Hecker

Sworn to before me this *25th*

day of *March*, 19*77*.....

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

and considered by the Town Board of the Town of Cheektowaga on April 4, 1977, at 7:00 P.M., Eastern Standard Time at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for Sanitary Sewer Remedial Work at various locations in the Town of Cheektowaga.

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

Proposals shall be submitted in sealed envelopes, plainly marked on the outside, BID FOR SANITARY SEWER REMEDIAL WORK - 1977 - PART I and submitted to the Town Clerk prior to bid opening.

A surety bond by a company satisfactory to the Town Board and in an amount not less than one hundred per cent (100 per cent) of the contract price will be required of the successful bidder.

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 interests of the Town, or reject any and all bids.

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

RICHARD M. MOLESKI

Town Clerk

DATED: March 21, 1977

Item No. 25 Motion by Councilman Kaczmarek, seconded by Councilman Dux

WHEREAS, it is in order that bids be advertised to cover the purchase of corrugated metal pipe requirements for the Town for the 1977 fiscal year, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of corrugated metal pipe for the year of 1977, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board meet on the 4th day of April, 1977 at 7:00 P.M., Local Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a public meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 4, 1977 at 7:00 P.M., Local Time at the Town Hall, corner of Broadway and Union Road, for the furnishing of corrugated metal pipe for the year of 1977.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sediter, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Chair*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24, 1977*.....;
last publication *March 24, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Sediter
Sworn to before me this *25th*
day of *March*, 19 *77*
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *79*

the Town of Cheektowaga on April 4, 1977 at 7:00 P.M., Local Time at the Town Hall, corner of Broadway and Union Road, for the furnishing of corrugated metal pipe for the year of 1977.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Item No. 26 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, it is in order that bids be advertised to cover the purchase of Sand-Clay-Loam and Topsoil for the year of 1977 for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Sand-Clay-Loam and Topsoil for the Town of Cheektowaga, for the year of 1977, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board meet on the 4th day of April, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 4, 1977 at 7:00 P.M., Local Time at the Town Hall, corner of Broadway and Union Road, for the furnishing of Sand-Clay-Loam and Topsoil for the year of 1977.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Clady M. Schute, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clady* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24 1977*;
last publication *March 24 1977*;
and that no more than six days intervened be-
tween publications.

Clady M. Schute

Sworn to before me this *25th*

day of *March*, 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

~~RESOLUTION~~
~~AND~~
The Town Board of
the Town of Cheektowaga on April 4,
1977 at 7:00 P.M., Local Time at the
Town Hall, corner of Broadway and
Union Road, for the furnishing of
Sand-Clay-Loam and Topsoil for the
year of 1977.

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

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

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

RICHARD M. MOLESKI

Town Clerk

DATED: March 21, 1977

Item No. 27 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, it is in order that bids be advertised to cover the purchase of Baseball Diamond Supplies for the year of 1977 for the Parks Department of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Home Plates and Bases for the Parks Department of the Town of Cheektowaga, for the year of 1977, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board meet on the 4th day of April, 1977 at 7:00 P.M., Eastern Standard Time, at the Town Hall, Broadway and Union Road, Cheektowaga, New York, for the purpose of receiving sealed bids at which time they will be publicly opened by the Town Board at a meeting called for that purpose.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, on April 4, 1977 at 7:00 P.M., Local Time at the Town Hall, corner of Broadway and Union Road, for the furnishing of Baseball Diamond Supplies for the year of 1977.

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

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. DeSoto, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clash* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24, 1977* ;
last publication *March 24, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. DeSoto

Sworn to before me this *25th*

day of *March*, 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

Sealed Bids
The Town of Cheektowaga on April 1, 1977 at 7:00 P.M. Local Time at the Town Hall, corner of Broadway and Union Road, for the furnishing of Baseball Diamond Supplies for the year of 1977.

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

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

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

RICHARD M. MOLESKI

Town Clerk

DATED: March 31, 1977

Item No. 28 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, due to record-breaking snowfalls and high potential for serious flooding this Town Board petitioned the U.S. Army Corps of Engineers to begin its flood control program by the construction of a Diversion Channel T-2A and T- 3, which construction is now underway, and

WHEREAS, the Town is unable to secure portions of the necessary right-of-way for these works in a timely manner, and

WHEREAS, the Town is aware that the State of New York can obtain necessary rights-of-way for these flood control works under Article 2, Section 10, of the Executive Law of the State of New York, and

WHEREAS, the Town has no similar authority to obtain these rights-of-way, and

WHEREAS, the Town is aware of the provision of Article 2, Section 10, of the Executive Law which states in paragraph 1.f., "The state government shall not be liable for any claim based upon the exercise or performance of the failure to exercise or perform any discretionary function or duty on the part of a state agency or officer or employee in carrying out the provisions of this section.", NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga requests that the New York State Department of Transportation secure the necessary rights-of-way for these works under Article 2, Section 10 of the Executive Law of New York State.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek and Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 29 Motion by Councilman Dux, seconded by Councilman Kaczmarek

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of snow plow blades, wing blades, cutting edges, wing and front plow shoes, grader blades, receiver grates, receiver frames, curbboxes, extension rings and frames and covers for manholes, for use in the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 o'clock P.M., Eastern Standard Time on April 4th, 1977 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Law, that separate proposals will be received and opened and read by the Town Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, S. Cheektowaga, New York 14227 at 7:00 P.M., on April 4th, 1977 for Snow Plow Blades, Wing Blades, Cutting Edges, Wing and Front Plow Shoes, Grader Blades, Receiver Grates, Receiver Frames, Curbboxes, Extension Rings and Frames and Covers for Manholes.

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of the opening thereof. Information for bidders and specifications may be obtained from ALFRED F. WNEK, Superintendent of Highways, at his office located at 3145 Union Road, S. Cheektowaga, New York 14227. Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR SNOW PLOW BLADES, WING BLADES, ETC. FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT". Non-collusion forms must be signed and submitted with bids.

Item No. 29 cont'd

RICHARD M. MOLESKI
Town Clerk

DATED: March 16, 1977
PUBLISHED: March 24, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Dechta, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Chob* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24, 1977* ;
last publication *March 24, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Dechta

Sworn to before me this *25th*

day of *March*, 19 *77*

..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *79*

General Municipal Law, and separate proposals will be received and opened and read by the Town Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, S. Cheektowaga, New York 14227 at 7:00 P.M. on April 4th, 1977 for Snow Plow Blades, Wing Blades, Cutting Edges, Wing and Front Plow Shoes, Leader Blades, Receiver Grates, Receiver Frames, Curbboxes, Extension Bars and Frames and Covers for

In order to be considered, all bids must be filed with the undersigned Town Clerk prior to the time of the opening thereof. Information for bidders and specifications may be obtained from ALFRED F. WNEK, Superintendent of Highways, at his office located at 3145 Union Road, S. Cheektowaga, New York 14227. Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR SNOW PLOW BLADES, WING BLADES, ETC. FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT." Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI

Town Clerk

DATED: March 16, 1977

PUBLISHED: March 24, 1977

Item No. 30 Motion by Councilman Kaczmarek, seconded by Councilman Dux

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of Sweeper Brooms and Push Brooms for use in the Cheektowaga Highway Department. Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 o'clock P.M., Eastern Standard Time on April 4th, 1977 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

Sealed proposals for street sweeper brooms and push brooms will be received by the undersigned at his office located at the Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York until 7:00 P.M., April 4th, 1977 at which time bids will be publicly opened and read.

Information for bidders and specifications may be obtained from ALFRED F. WNEK, Superintendent of Highways, at his office located at 3145 Union Road, S. Cheektowaga, New York. Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR STREET SWEEPER BROOMS AND PUSH BROOMS FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT". Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI
Town Clerk

DATED: March 16, 1977
PUBLISHED: March 24, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Sedate, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clerk*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks:
first publication.....*March 24, 1977*.....;
last publication.....*March 24, 1977*.....;
and that no more than six days intervened be-
tween publications.

Gladys M. Sedate

Sworn to before me this*25th*.....

day of*March*....., 19.....*77*.....

.....*Naidine C. Williams*.....

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19 *79*

Street sweeper brooms and push brooms will be received by the undersigned at his office located at the Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York until 7:30 P.M., April 4th, 1977 at which time bids will be publicly opened and read.

Information for bidders and specifications may be obtained from ALFRED F. WNEK, Superintendent of Highways, at his office located at 3145 Union Road, S. Cheektowaga, New York. Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder, also plainly marked "SEALED BID FOR STREET SWEEPER BROOMS AND PUSH BROOMS FOR THE TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT". Non-collusion forms must be signed and submitted with bids.

RICHARD M. MOLESKI
Town Clerk

DATED: March 16, 1977
PUBLISHED: March 24, 1977

Item No. 31 Motion by Councilman Swiatek, seconded by Supervisor Meyers

BE IT RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for furnishing of Baseball equipment to the Town of Cheektowaga Recreation Department. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 P.M., Eastern Standard Time on April 4, 1977 for the purpose of properly opening and reading the sealed bids.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 4, 1977 at 7:00 P.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Road for Baseball equipment.

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 may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. Schuster, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Clerk* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for weeks:
first publication *March 24, 1977* ;
last publication *March 24, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. Schuster

Sworn to before me this *25th*

day of *March*, 19*77*

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

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 may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Item No. 32 Motion by Supervisor Meyers, seconded by Councilman Burst

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of two (2) Mobile Transmitter-Receiver Combinations for use in the Cheektowaga Police Department. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York; said Notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED that the Town Board will meet at 7:00 p.m., on April 4, 1977 for the purpose of properly opening and reading the sealed bids.

L E G A L N O T I C E T O B I D D E R S

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga at a meeting thereof to be held at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York at 7:00 p.m., Eastern Standard Time on April 4, 1977 for the furnishing of two (2) Mobile Transmitter-Receiver Combinations for use in the Cheektowaga Police Department. Information for bidders and specifications may be obtained from the Town Clerk's Office located in the Town Hall, Broadway and Union Road, Cheektowaga, New York.

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. DeWitt of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... *Chairman* of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for *1* weeks:
first publication..... *March 24, 1977* ;
last publication..... *March 24, 1977* ;
and that no more than six days intervened be-
tween publications.

Gladys M. DeWitt
Sworn to before me this *25th*
day of *March*, 19*77*..
..... *Naidine C. Williams*

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

and considered by the Town Board of
the Town of Cheektowaga at a
meeting thereof to be held at the Town
Hall, corner of Broadway and Union
Road, Cheektowaga, New York at 7:00
p.m. Eastern Standard Time on April
1, 1977 for the furnishing of two (2)
Mobile Transmitter-Receiver Com-
binations for use in the Cheektowaga
Police Department. Information for
bidders and specifications may be
obtained from the Town Clerk's Office
located in the Town Hall, Broadway
and Union Road, Cheektowaga, New
York.
Dated: March 21, 1977
RICHARD M. MOLESKI
Town Clerk

Item No. 33 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, the Town is required to hold public hearings relative to the proposed use of Federal Revenue Sharing funds during the balance of the year, 1977, NOW, THEREFORE, BE IT

RESOLVED that the attached Notice of Hearing be published in the CHEEKTOWAGA TIMES on March 24, 1977 calling for a Public Hearing to be held in the Cheektowaga Town Hall, on April 4, 1977 at 7:00; said hearing shall be held during the regular Town Board meeting of April 4, 1977.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Cheektowaga Town Hall Council Chambers, corner of Broadway and Union Road, Cheektowaga New York on April 4, 1977 at 7:00 o'clock p.m., for the purpose of considering the proposed use of Federal Revenue Sharing funds during the balance of the year 1977.

NOTICE IS HEREBY FURTHER GIVEN that all residents of the Town of Cheektowaga have the right to present written and oral comments on the proposed use of Federal Revenue Sharing funds during the balance of the year 1977; said hearing shall be held during the course of the regular Town Board meeting which will be held on the same date, to wit: April 4, 1977.

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

RICHARD M. MOLESKI
Town Clerk

DATED: March 21, 1977

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

AFFIDAVIT-NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Gladys M. DeWitt, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....*Clark*..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for*1*..... weeks:
first publication *March 24, 1977*..... ;
last publication *March 24, 1977*..... ;
and that no more than six days intervened be-
tween publications.

Gladys M. DeWitt

Sworn to before me this *25th*

day of *March*, 19*77*.

Naidine C. Williams

Notary public in and for Erie County, N. Y.

NAIDINE C. WILLIAMS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 19*79*

Cheektowaga Town Board Council
Chambers, corner of Broadway and
Union Road, Cheektowaga, New York
on April 4, 1977 at 7:00 o'clock p.m. for
the purpose of considering the
proposed use of Federal Revenue
Sharing funds during the balance of
the year 1977.

NOTICE IS HEREBY FURTHER
GIVEN that all residents of the Town
of Cheektowaga have the right to
present written and oral comments on
the proposed use of Federal Revenue
Sharing funds during the balance of
the year 1977; said hearing shall be
held during the course of the regular
Town Board meeting which will be
held on the same date, to-wit: April 4,
1977.

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF CHEEK-
TOWAGA, ERIE COUNTY, NEW
YORK.

Dated: March 21, 1977

RICHARD M. MOLESKI
Town Clerk

Item No. 34 Motion by Supervisor Myeers, seconded by Councilman Swiatek

WHEREAS, the Town of Cheektowaga has been a party in an assessment proceeding entitled:

Textron, Inc. v. The Board of Assessors
and the Board of Assessment Review of
the Town of Cheektowaga, New York.

and

WHEREAS, said proceeding refers to a tax assessment for the year 1975, and

WHEREAS, said proceeding has been settled by Stipulation and Order, said Order having been rendered by Supreme Court Justice of the County of Erie, Hon. Frank R. Bayger on March 8, 1977, a copy of which is annexed hereto and made a part hereof, THEREFORE, BE IT

RESOLVED that said Stipulation of settlement and compliance on behalf of the Town be and hereby is confirmed and ratified.

* See next pages for Stipulation and Order

At a Special Term of the Supreme Court held in and for the County of Erie at the Court House in the City of Buffalo, New York, on the

8th day of March, 1977.

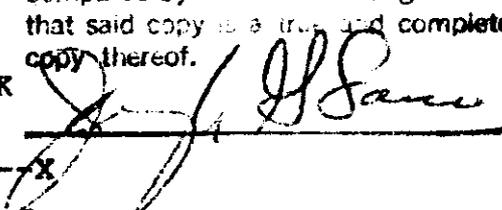
CERTIFICATION

The undersigned, an attorney at law, certifies that the copy of the foregoing furnished herein, has been compared by law with the original and that said copy is a true and complete copy thereof.

PRESENT: HON. _____

Justice Presiding

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE



-----X
In the Matter of the Application of

TEXTRON, INC.,

ORDER

Petitioner,

Index No.

-against-

E 38658

THE BOARD OF ASSESSORS AND THE BOARD OF
ASSESSMENT REVIEW OF THE TOWN OF
CHEEKTOWAGA, NEW YORK,

Year: 1975

Respondents.
-----X

A proceeding having been duly commenced by petitioner in the above entitled action for review and correction of its real property tax assessment as the same appeared in the assessment rolls of the Town of Cheektowaga, for the year 1975, and respondents having appeared and made answer to petitioner's application in this proceeding, and the matter in controversy having been referred to this Court for a trial of the issues, the parties hereto having adjusted and compromised the matters in issue on or before the date set for said trial, and there being no person not a party who has any interest in the subject matter of said action, said parties having consented to the entry of a final order settling the matter in issue, relating to said assessment,

AND upon reading and filing the annexed Stipulation of Settlement and Compromise dated March 8th, 1977, it is hereby

ORDERED, that the real property in the Town of Cheektowaga described below, shall be assessed to the petitioner on the 1977 assessment roll as follows:

<u>Assessed To</u>	<u>Description</u>
Textron, Inc. 4201 Genesee Street Cheektowaga, New York 14225 Assessed Valuation: \$140,000	Parcel 420 Plot 2 8 Genesee Street 3095 E Dick 5.50 acres

and it is further

ORDERED, that any officer having custody of said assessment rolls or any tax rolls, upon which said assessment or any taxes reviewed or to be reviewed, have been entered, whether said officials are employees of the County of Erie, Town of Cheektowaga, and/or the Union Free School District, shall correct the said entries in conformity with the provisions hereinabove contained and shall note at the margin of said rolls, opposite the said entries, that the same have been corrected pursuant to the Order herein, and it is further

ORDERED, that the 1977-1978 school tax levied by the Union Free School District No. 2 on the subject property will be based on a taxable valuation of \$140,000, and it is further

ORDERED, that the proceeding on the above described premises for the year 1975, be and the same is hereby discontinued without costs to either party as against the other.

Dated: *March 8th*, 1977.

1/s/ Frank R. Boyer
Justice, Supreme Court

Granted
ENTER: *March 8, 1977*
Court clerk 1/s/ L. Chiosniak

Approved As To Form

1/s/ Joseph G. Sacco
Joseph G. Sacco
Attorney for Respondent

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ERIE

In the Matter of the Application of

TEXTRON, INC.,

Petitioner,

STIPULATION OF
SETTLEMENT AND
COMPROMISE

-against-

THE BOARD OF ASSESSORS AND THE BOARD OF
ASSESSMENT REVIEW OF THE TOWN OF
CHEEKTOWAGA, NEW YORK,

Respondents.

Index No.

Year: 1975

For Review of the Assessment of Certain Real
Property in Said Municipality.

A proceeding having been duly commenced by petitioner in the above entitled action for review and correction of its real property tax assessment as the same appeared in the assessment rolls of the Town of Cheektowaga, for the year 1975 and respondents having appeared and made answers to petitioner's application in this proceeding, and the parties hereto having adjusted and compromised the matters in issue, there being no person not a party who has any interest in the subject matter of said action, and said parties having consented to the entry of a final Order settling the matter in issue, and

WHEREAS, the assessment placed for the year 1975 on the following described property was as follows:

Assessed To

Textron, Inc.
4201 Genesee Street
Cheektowaga, New York 14225
Assessed Valuation: \$159,000

Description

Parcel 420
Plot 2
8 Genesee Street
3095 E Dick 5.50
acres

it is

STIPULATED AND AGREED by and between the parties hereto as follows:

That the parties hereto do consent to a final Order being entered by the Supreme Court in the above stated tax certiorari proceedings, which Order shall provide that the subject real property assessed to the petitioner on the 1977 assessment roll for the premises in the Town of Cheektowaga, as the same appears on the Statements of State, County, Town and School Taxes, be amended, revised and reduced as follows:

<u>Assessed To</u>	<u>Description</u>
Textron, Inc. 4201 Genesee Street Cheektowaga, New York 14225 Assessed Valuation: \$140,000	Parcel 420 Plot 2 8 Genesee Street 3095 E Dick 5.50 acres

and further providing that any officer or officers having custody of the said assessment rolls or any tax rolls upon which said assessment or any taxes reviewed or to be reviewed thereon have been entered, shall correct the said entries in conformity with the said final Order and shall note at the margin of said rolls opposite the said entries, that the same have been corrected by authority of the said Order, and

IT IS FURTHER STIPULATED AND AGREED, that the 1977-1978 school tax levied by the Union Free School District No. 2 on the subject property will be based on a taxable valuation of \$140,000 as agreed to herein.

IT IS FURTHER STIPULATED AND AGREED, that upon the making of an Order of this Court approving the subject Settlement and Compromise, the amendment and reduction in assessment as provided herein shall be deemed to be full settlement of the proceeding herein affecting the subject parcel of real property for the year 1975, and the proceeding shall be discontinued and withdrawn, without cost to either party as against the other.

Dated: *March 8*, 1977.

Jerrold F. Janata
JERROLD F. JANATA
Attorney for Petitioner

Joseph G. Sacco
JOSEPH G. SACCO
Attorney for Respondents

Please take notice that the within is a (certified) copy of a document entered in the office of the clerk of the within named court on 19

Yours, etc.,
JERROLD F. JANATA, ESQ.

Attorneys for
Office and Post Office Address, Telephone
150 EAST 58TH STREET
NEW YORK, N. Y. 10022
212-486-0535

Attorney for
NOTICE OF SETTLEMENT

Please take notice that an order which the within is a true copy will be presented for settlement to the Hon. _____ of the judges of the within named Court, at _____ the _____ day of _____ 19 _____ M.

Dated, _____ Yours, etc.,
JERROLD F. JANATA, ESQ.

Attorneys for
Office and Post Office Address, Telephone
150 EAST 58TH STREET
NEW YORK, N. Y. 10022
212-486-0535

Attorney for

STATE OF NEW YORK
SUPREME COURT
County of ...ERIE.....

In the Matter of
TEXTRON, INC.
Petitioner,
-against-
THE BOARD OF ASSESSORS AND THE
BOARD OF ASSESSMENT REVIEW OF
THE TOWN OF CHEEKTOWAGA, NEW
YORK

ORIGINAL
STIPULATION OF SETTLEMENT AND
COMPROMISE AND ORDER

JERROLD F. JANATA, ESQ.
Attorneys for
Office and Post Office Address, Telephone
150 EAST 58TH STREET
NEW YORK, N. Y. 10022
212-486-0535

To
Attorney for

Service of a copy of the within is hereby admitted.

Dated, _____
Attorney for

STATE OF NEW YORK, COUNTY OF

AFFIDAVIT OF PERSONAL SERVICE

ss.:

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at

That on the _____ day of _____

19 at approx. _____ A.M./P.M. at No. _____

deponent served the within

upon the _____ herein, by delivering a true copy thereof to _____ personally. Deponent knew the person so served to be the person mentioned and described as follows:

- Male
- Female
- White Skin
- Black Skin
- Yellow Skin
- Brown
- Red Skin

Other identifying features:

- Black Hair
- Brown Hair
- Blond Hair
- Gray Hair
- Red Hair
- White Hair
- Balding

- 14-20 Yrs.
- 21-35 Yrs.
- 36-50 Yrs.
- 51-65 Yrs.
- Over 65 Yrs.

- Under 5'
- 5'0"-5'3"
- 5'4"-5'8"
- 5'9"-6'0"
- Over 6'
- Under 100 Lbs.
- 100-130 Lbs.
- 131-160 Lbs.
- 161-200 Lbs.
- Over 200 Lbs.

Sworn to before me, this _____

day of _____

19

Signature of Server

Item No. 34 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 35 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the Town has inquired and notified various insurance companies for informal bids to be submitted to the Town for the purpose of supplying the Town with liability, property damage, Workmen's Compensation, and other related insurance coverage, and

WHEREAS, only one bid has been received by the Town from E.T. Clauss & Co., Inc. with offices located at 735 Delaware Avenue, Buffalo, New York, NOW, THEREFORE, BE IT

RESOLVED that the Town be and hereby is authorized to contract for its insurance with E.T. Clauss & Co., Inc. for liability, property damage, Workmen's Compensation and other related coverages for an annual estimated premium of \$576,191.00; said amount to be adjusted and/or amended from time to time between the insurance carrier and the Town of Cheektowaga; said adjustments and/or amendments shall be based upon future insurance needs of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED that the term of said contract shall be the period of one year commencing on April 1, 1977 through March 31, 1978.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 36 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the Town Board at his regular meeting held on February 17, 1977 adopted a resolution regarding the commencement of a road improvement project on Kokomo Place in the Town of Cheektowaga, and

WHEREAS, said resolution refers to Kokomo Place as being in Town Storm Sewer District No. 5; said recitation being made in error, and

WHEREAS, said resolution has been listed as item 28 in the minutes of said meeting, THEREFORE, BE IT

RESOLVED that said resolution listed as item 28 in said minutes be and hereby is rescinded.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: 0

Item No. 37 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the County of Erie is preparing to commence the road improvement project on Kokomo Place in the Town of Cheektowaga, and said County is contemplating the opening and awarding of bids for said project, and

WHEREAS, the County will undertake the cost of the road widening with the exception of relocating a portion of the storm sewer line owned and maintained by the Town on said Kokomo Place, and

WHEREAS, the cost of relocating the storm sewer line will be a charge to the General Fund, and said relocation project will be included in the bid specifications of the County of Erie as part of its road improvement project, and

WHEREAS, said storm sewer line is not part of any established Town storm drainage district, and

Item No. 37 cont'd

WHEREAS, the County of Erie, Division of Highways requested assurances from the Town of Cheektowaga that the Town will pay for the cost of that portion of the bid award relating to the storm sewer relocation project, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby agrees to pay the cost of the storm sewer relocation project on Kokomo Place, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized to place in escrow with the County of Erie, Division of Highways a sum of money equal to the cost of the storm sewer line relocation project as will be awarded to the successful, lowest and responsible bidder when the County opens and awards said bids, and BE IT FURTHER

RESOLVED that the cost of said project shall not exceed \$10,000.00 and shall be paid by interim borrowing from the General Fund and the Town Board intends to reimburse said General Fund from proceeds to be received from the 1977 Community Development fund application.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 38 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, the Town of Cheektowaga desires to apply for financial assistance under the Outdoor Recreation Development Bond Act (Chapter 558, 559, Laws of the State of New York, 1965) and under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897-1964) for the "Improvement to the Cheektowaga Town Park" NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board be, and is hereby authorized to execute and submit application for financial assistance under the Outdoor Recreation Development Bond Act (Chapter 558, 559, Laws of the State of New York, 1965) and under the Land and Water Conservation Fund Act of 1965 (78 Stat. 907-1964) for the cost of development of "Improvements to the Cheektowaga Town Park"; and BE IT FURTHER

RESOLVED that upon approval of such grant application, that the Supervisor of the Town of Cheektowaga be and hereby is authorized and empowered on behalf of the Cheektowaga Town Board to execute such contracts as are necessary to implement such project.

Upon Roll Call....

AYES: Supervisor Meyers, Councilman Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 39 Motion by Councilman Swiatek, seconded by Councilman Burst

WHEREAS, the Town of Cheektowaga desires to apply for financial assistance under the Outdoor Recreation Development Bond Act (Chapter 558, 559, Laws of the State of New York, 1965) and under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897-1964) for the improvement to the Cheektowaga Town Park, and

WHEREAS, architect services are required to supply drawings and file the necessary applications, as required by the Outdoor Recreation Development Bond Act and under the Land and Water Conservation Fund Act of 1965, NOW, THEREFORE, BE IT

RESOLVED that the firm of Marzak and Powell Architects, P.C., 385 Cleveland Drive, Cheektowaga, New York 14215, be and hereby are authorized to perform all architectural service required for said project, and BE IT FURTHER

RESOLVED that the fee for said services shall not exceed \$15,000.00 and BE IT FURTHER

Item No. 39 cont'd

RESOLVED that said fee shall be drawn from the General Fund (Contingent Account, No. A1990.480).

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 40 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, within the past year the Town of Cheektowaga has become a recipient of capital project funding from numerous sources.

The sources of funding for these projects include:

- 1) HUD - CDBG
- 2) EPA - DEC
- 3) EDA

and

WHEREAS, each of these funding agencies has its own unique accounting and reporting requirements, and

WHEREAS, the great number of projects and source of funding is a matter of confusion for the Town Departments involved and the Town Board, NOW, THEREFORE, BE IT

RESOLVED that Percival G. Bixby & Co. - CPA's be retained to:

1. Establish the required accounting records as prescribed by each funding agency.
2. Develop a master project code listing for all involved personnel.
3. Develop and implement a monthly reporting system to the Town Board for all projects.

and BE IT FURTHER

RESOLVED that the maximum fee for these services shall be \$9,000.00 charged to the various grant project capital accounts on a pro-rated basis.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 41 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, the necessary Po-17 forms have been submitted to the Erie County Department of Personnel for the creation of a full-time Dog Warden position, and

WHEREAS, the creation of this position has been approved by the County Personnel Department, NOW, THEREFORE, BE IT

RESOLVED that the position of full-time Dog Warden in the Town of Cheektowaga be and hereby is created.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 42 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, the necessary PO-17 forms have been submitted to the Erie County Department of Personnel for the creation of a "Detective" position in the Cheektowaga Police Department, and

WHEREAS, the creation of this position has been approved by the County Personnel Department, NOW, THEREFORE, BE IT

RESOLVED that the position of "Detective" in the Cheektowaga Police Department be and hereby is created.

Upon Roll Call....

AYES: Supervisor Meyers, Councilman Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: 0

Item No. 43 Motion by Supervisor Meyers, seconded by Councilman Burst

WHEREAS, the position of "Detective" in the Cheektowaga Police Department has previously been created, and

WHEREAS, Edward Piotrowski of the Cheektowaga Police Department has been performing his duties under the title of Acting Detective, NOW, THEREFORE, BE IT

RESOLVED that Edward Piotrowski, of the Cheektowaga Police Department, is hereby appointed "Detective" at a salary in accordance with the Police contract, effective immediately.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 44 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, in a resolution dated March 7, 1977 the hiring of Patricia Borucki, School Nurse in Cheektowaga Central School was incorrect, NOW, THEREFORE, BE IT

RESOLVED That said resolution dated March 7, 1977 be amended and the name of Patricia Borucki (School Nurse at Cheektowaga Central School) be removed from the resolution.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 45 Motion by Councilman Swiatek, seconded by Councilman Burst

BE IT RESOLVED that the following be hired as part-time laborers in the Parks Department at the rate of \$2.61 per hour, effective March 22, 1977:

Stanley Czajka

Cheektowaga, N.Y.

Anthony Popsichal

Cheektowaga, N.Y.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 46 Motion by Councilman Burst, seconded by Supervisor Meyers

BE IT RESOLVED that the following named persons be and hereby are appointed to the position of School Crossing Guard at a salary of \$3.00 per hour, effective immediately:

Mary A. Jackson

Cheektowaga, New York 14225

Harriet J. Penny

Cheektowaga, New York 14225

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 47 Motion by Councilman Johnson, seconded by Councilman Kaczmarek

WHEREAS, the County of Erie is widening and improving George Urban Boulevard, and

WHEREAS, Niagara Mohawk Power Corporation has informed the Town of Cheektowaga that relocation of certain lighting standards and power cables is required, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga hereby authorizes Niagara Mohawk Power Corporation to relocate said existing street lighting facilities (as described in Part I, Sections "A" and "B" of the attached letter, dated February 11, 1977, to facilitate the reconstruction of George Urban Boulevard between Kaufman Road and the New York State Thruway, and that the cost of such relocation shall be a general lighting district charge, in a sum not to exceed \$28,600.00

* See next page for letter

NIAGARA MOHAWK POWER CORPORATION

NIAGARA MOHAWK

535 WASHINGTON STREET
BUFFALO, N. Y. 14203

February 11, 1977

Mr. Thomas M. Johnson
Councilman-Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227

Dear Councilman:

RE: George Urban Boulevard
Widening

With the proposed reconstruction of George Urban Boulevard by Erie County Department of Transportation, there is certain work that will be required by Niagara Mohawk with approval of and reimbursement by the Town of Cheektowaga.

PART I

Section "A" - The area of George Urban between Kaufman Road and Harlem Road will require the relocation of the following underground facilities:

- 4 - 16' Post Top type street lights (Niagara Mohawk)
- 1 - 25' Pendant type standard (Customer owned)
- 3 - 18" Hand Holes
- 1140' of 2½" conduit
- 1250' underground cable

The estimated cost for the above is \$20,000.00.

Section "B" - The area of George Urban between Harlem Road and the utility franchise line west of the New York State Thruway Bridge will require relocation of the following overhead street lighting facilities:

- 21 - 30' wood poles
- 2700' - #4 triplex overhead cable
- 22 - 175 watt mercury vapor street lights

The cost for the above is estimated at \$8,600.00.

Mr. Johnson
Page 2
February 11, 1977

We will require a letter of authorization initiating our work and billing the Town of Cheektowaga for \$28,600.00.

PART II

This portion deals strictly with improvement of Street Lighting in Section "A". Our recommendation in Section "A" would require two additional Colonial Top type street lights at an annual increase of \$316.00. See attached drawing for new locations.

Section "B" - our recommendation is to remove all overhead cable, 21 - wood poles used exclusively for street lighting, guy support poles and 22 - 175 watt mercury street lights. Replace the above with an underground distribution plant for street lighting using Town of Cheektowaga 25' steel standards, installing 28 - 150 watt High Pressure Sodium luminaires and foundations, plus installing 5 - 175 watt mercury vapor street lights on existing wood poles to cover intersections. The annual increase to your street light bill would be \$7,426.25. A total of Sections "A" and "B" for \$7,742.25 annually. If you choose this route it will eliminate the charge of \$8,600.00 from Part I, Section "B" and your contribution would then be \$20,000.00. See drawings for new locations.

I would like to meet with you to discuss and answer any questions you may have concerning this matter.

Very truly yours,



John F. Jakubowski
Consumer Advisor

JFJ/cmg

Enclosures

CC: CHN/File
RAK/TC
JHY
VM

Item No. 47 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 48 Permission for Niagara Mohawk to install and/or remove street lights on George Urban Boulevard
This item was withdrawn until further notice.

Item No. 49a Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that funds in the amount of \$1,000.00 be transferred from the Youth Bureau's account for Recreation Attendants - CATCH (A7310.161) to the Youth Bureau's account for Equipment - CATCH (A,7310.485).

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 49b Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, funds for the purchase of police vehicles were allocated in the 1976 budget, and

WHEREAS, these funds were not encumbered for this years budget, NOW, THEREFORE, BE IT

RESOLVED that funds in the amount of \$41,868.50 be transferred from the General Fund Surplus Account (A.909) to the Police Department Vehicle Account (A.3120.200) to allow for payment to Union-Chrysler for vehicles purchased in 1976.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 50 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the Town of Cheektowaga for the period ending March 21st, 1977, be and hereby are approved and the Supervisor pay said warrants:

<u>FUND</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>
General Fund	420 - 592	\$ 461,691.97
General Fund-Investments	484	86,699.74
Special District Fund	2665-2733	262,712.76
Highway Fund	2272-2323	117,947.72
Part Town Fund	560 - 573	4,970.11
Part Town Fund-Investment	562	20,000.00
Trust and Agency Fund	381 - 390	105,918.15
Capital Fund	1 - 2	306,710.50
Capital Fund-Investments	88	69,013.04
Federal Revenue Sharing Fund	27 - 28	111,514.50
Special Assessment Fund	1 - 3	47,961.06
		<u>\$1,595.139.55</u>

Item No. 50 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

VI. SUSPENSION OF RULES

Motion by Councilman Dux, seconded by Councilman Burst to suspend the rules to include the following items:

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 51 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, this Town Board has committed itself to the construction of a Storm Sewer Project, namely, St. Felix Drainage Project, Phase I, and

WHEREAS, it is necessary to acquire drainage easements for said storm drainage system, NOW, THEREFORE, BE IT

RESOLVED that Henry Szymanski, with offices located at 934 Fillmore Avenue, Buffalo, New York, be and hereby is appointed to obtain said drainage easements at a cost not to exceed \$250.00.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 52 Motion by Supervisor Meyers, seconded by Councilman Johnson

BE IT RESOLVED that this regular Town Board meeting held on March 21, 1977, be and hereby is adjourned to March 28, 1977 at 7:00 P.M.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

RICHARD M. MOLESKI
Town Clerk

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 March, 1977 at 7:00 o'clock P.M., Eastern Standard Time, there were:

PRESENT: Supervisor Kenneth J. Meyers
Councilman Frank E. Swiatek
Councilman Thomas M. Johnson
Councilman Frank J. Dux
Councilman George Kaczmarek
Councilman James R. Burst

ABSENT: Councilman Raymond J. Wasielewski

Also present were: Richard M. Moleski, Town Clerk; John V. Rogowski, Town Attorney; Chester Bryan, Town Engineer; Sal LaGreca, Assistant Manpower Program Director I; Julia Reinstein, Town Historian.

I. BIDS

Item No. 2 Engineering - furnishing of tools, equipment, materials & labor for construction of storm sewers in St. Felix Drainage Area, Part II
Referred to Chester Bryan, Town Engineer.

II. RESOLUTIONS

Item No. 3 Motion by Supervisor Meyers, seconded by Councilman Burst

BE IT RESOLVED that this Town Board hereby approves the Agreement between the Town of Cheektowaga and Local 1026, American Federation of State, County and Municipal Employees, AFL-CIO which has resulted from extensive negotiations between this Town Board through its representative, Professional Negotiators, Inc., and the said Local 1026, American Federation of State, County and Municipal Employees AFL-CIO, said agreement to be effective as of January 1, 1977 and that the Supervisor and the Town Board be and hereby are directed to execute and to affix thereto the corporate seal of said Town.

* See next page for agreement.

A G R E E M E N T

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND THE

**American Federation of State, County and
Municipal Employees N. Y. Council 66 and its
affiliated Local Erie County Town and
Village Employees Local 1026**

January 1, 1977

to

December 31, 1978

A G R E E M E N T

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND THE

**American Federation of State, County and
Municipal Employees N. Y. Council 66 and its
affiliated Local Erie County Town and
Village Employees Local 1026**

THIS AGREEMENT is made this 24th day of March, 1977, by and between the Supervisor of the Town of Cheektowaga, on behalf of the Town Board of Cheektowaga, hereinafter referred to as the "Board", and New York Council 66 and Local 1026, American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter referred to as the "Union", has as its purpose the promotion of harmonious relations between the Board and the Union; establishment of an equitable and peaceful procedure for the resolution of differences; and the establishment of rates of pay, hours of work and other conditions of employment.

"It is agreed by and between the parties that any provisions of this agreement requiring legislative action to permit its implementation by amendment of law or by providing the additional funds therefor, shall not become effective until the appropriate legislative body has given its approval."

ARTICLE 1

RECOGNITION

The Board recognizes the Union as the sole and "exclusive" bargaining agent for the purpose of establishing wages, hours and other conditions of

hired on or after the execution of this Agreement shall become a member of the Union thirty (30) days after their probationary period, and shall maintain membership in the Union for the duration of this Agreement.

Section 3.02 Payroll Deduction of Union Dues

(a) All employees who are members of the Union shall tender their membership dues to the Union by signing the Authorization for Payroll Deduction of Union Dues on a form provided by the Union.

(b) The Board agrees to deduct Union membership dues in accordance with the amount certified by the Union to the Board and to maintain such dues deductions in accordance with the terms and conditions of the form of Authorization for Payroll Deduction of Union Dues provided by the Union from the pay of all employees who have executed such authorization for payroll deduction of Union dues and an additional separate deduction for the disability and life insurance program administered by New York Council 66.

(c) Payroll deduction of Union dues under the properly executed Authorization for Payroll Deduction of Union dues form shall become effective at the time the form is signed by the employee and shall be deducted by the next full pay period and each period thereafter from the pay of the employee, providing form is duly filed with Fiscal Officer.

(d) The aggregate total of all such deductions shall be remitted each month to the designated financial officer of the Union together with a list from whom dues have been deducted on or before the tenth (10th) of every such month.

(e) Any changes in the amount of Union dues to be deducted must be certified by the Union in writing, to the Fiscal Officer.

employment for the employees in the negotiating unit, hereinafter described. Such recognition shall extend to the maximum period allowed by law.

ARTICLE 2

NEGOTIATING UNIT

The negotiating unit shall consist of all the Employees of the Town of Cheektowaga including dog wardens, except elected officials, members of the Police Department, Supervisor's Secretary, Councilman's Secretary, the Town Attorney, Clerks to the Town Justices, Town Engineer, Fiscal Officer, Health Officers, Executive Director of the Youth Board, the Assessors, Working Foremen and Assistant Working Foremen, Building and Plumbing Inspector, members of the Boards and Commissions appointed by the Town Board, seasonal, temporary, and part-time employees.

ARTICLE 3

UNION SECURITY

Section 3.01 Union Membership

(a) Each employee who, on the effective date of this agreement, is a member of the Union, shall maintain his membership in the Union for the duration of this agreement, providing the signed authorization of the employee authorizes such continued membership.

(b) When authorized by state enabling legislation, any person or future employee who is not a union member and who does not make application for membership shall pay to the Union each month a service charge in the amount equal to the amount of regular monthly dues of the Union for the duration of this Agreement. When authorized by state enabling legislation all employees

hired on or after the execution of this Agreement shall become a member of the Union thirty (30) days after their probationary period, and shall maintain membership in the Union for the duration of this Agreement.

Section 3.02 Payroll Deduction of Union Dues

(a) All employees who are members of the Union shall tender their membership dues to the Union by signing the Authorization for Payroll Deduction of Union Dues on a form provided by the Union.

(b) The Board agrees to deduct Union membership dues in accordance with the amount certified by the Union to the Board and to maintain such dues deductions in accordance with the terms and conditions of the form of Authorization for Payroll Deduction of Union Dues provided by the Union from the pay of all employees who have executed such authorization for payroll deduction of Union dues and an additional separate deduction for the disability and life insurance program administered by New York Council 66.

(c) Payroll deduction of Union dues under the properly executed Authorization for Payroll Deduction of Union dues form shall become effective at the time the form is signed by the employee and shall be deducted by the next full pay period and each period thereafter from the pay of the employee, providing form is duly filed with Fiscal Officer.

(d) The aggregate total of all such deductions shall be remitted each month to the designated financial officer of the Union together with a list from whom dues have been deducted on or before the tenth (10th) of every such month.

(e) Any changes in the amount of Union dues to be deducted must be certified by the Union in writing, to the Fiscal Officer.

Section 3.03 Bulletin Boards

The Town Board shall install bulletin boards at the following work locations: the Highway Department, Sanitation Department, Sewer Department, Maintenance Department, Incinerator, Disposal Plants No. 3 and No. 5, Town Hall and Police Building and the Cheektowaga Recreation Center. Said bulletin boards shall be for the exclusive use of the Union and for the purpose of posting seniority lists and job opportunities. The size of the said bulletin boards shall be twenty-four (24") inches by thirty-six (36") inches.

Section 3.04 Access to Premises

The Board agrees to permit representatives of the International Union, the Union Council, and the Local Union to enter the premises of the Board for individual discussion of working conditions with employees during working hours, providing that such discussion does not unduly interfere with the performance of his duties.

Section 3.05 Aid to Other Unions

The Board agrees there will be no aid, promotion or financing of any labor group or organization which purports to engage in collective bargaining on the part of the Board or those designated as his representative or subordinate staff for the purpose of undermining the Union during the term of this agreement.

ARTICLE 4**MANAGEMENT'S RIGHTS**

The Board reserves the exclusive right to manage the business of the Town and to direct the employees in the discharge of their duties, subject

to the terms of this agreement. The right to manage and direct the employees includes the right to hire, suspend, or discharge for proper cause in accordance with the applicable laws, the apportionment of the working force, and the right to control the Town's property. In the exercise of these rights, the Board shall observe and be bound by all provisions of this Agreement.

ARTICLE 5

HOURS OF WORK

Section 5.01 Regular Hours

The regular hours of work each day shall be consecutive, except for interruptions for lunch periods.

Section 5.02 Work Week

(a) The normal work week shall consist of five (5) consecutive eight (8) hour days, Monday through Friday, inclusive, except where otherwise provided in this agreement.

(b) Office employees in the Town Hall shall continue under the present system which is from Monday through Friday, 9:00 A.M. to 4:30 P.M. and a Saturday assignment schedule on a rotating basis, 9:00 A.M. to 12:00 Noon, except that no such employee shall be required to work on Saturdays during the months of June, July and August.

(c) Should any Department Head desire to initiate a different work week schedule for certain employees, the matter shall be negotiated with the Union.

(d) The regular starting for employees in the Refuse Pickup Department shall be 6:00 A.M. during the months of June through September, and shall be

6:30 A.M. during the months of October through May, but said employees shall continue to work under the incentive system which permits their shift to end upon the completion of their assigned routes or districts. All employees in such department shall personally sign a time sheet at the beginning of the shift and conclusion thereof.

(e) No overtime shall be paid to the Refuse Pickup employees, until after 2:00 P.M.

Section 5.03 Work Shift

Eight (8) consecutive hours of work, excluding lunch periods (except where such lunch periods are included as part of the work shift) shall constitute a work shift, except for employees in Refuse Pickup. All other employees shall be scheduled to work on a regular work shift, and each work shift shall have a regular starting and quitting time.

Section 5.04 Work Day

Eight (8) consecutive hours of work within the twenty-four (24) hour period shall constitute the regular work day.

Section 5.05 Work Schedule

(a) Work schedules showing the employees' work shifts, work days and hours shall be posted on all Departments' bulletin boards at all times.

(b) Except for emergency conditions, work schedules shall not be changed unless the changes are mutually agreed upon by the Union and the Board.

Section 5.06 Work Records

A daily record of time worked shall be made available to each employee upon request.

Section 5.07 Rest Periods

(a) All employees' work schedules shall provide for a fifteen (15) minute rest period each one-half ($\frac{1}{2}$) shift. The rest period shall be scheduled at the middle of each one-half ($\frac{1}{2}$) shift.

(b) Employees required to work beyond their regular quitting time into the next shift shall receive a fifteen (15) minute rest period before they start to work on the next shift. In addition they shall be granted the regular rest period that occurs during this shift.

(c) It is understood that rest periods shall be scheduled so as not to unduly interfere with the work to be performed.

Section 5.08 Cleanup Time

All employees shall be granted a ten (10) minute cleanup period prior to the end of the regular work shift.

Section 5.09 Inclement Weather

In the event of a severe storm, all employees are expected to make every reasonable effort to report for work at their regularly scheduled time. If an employee is unable to report on time but does report by 12:00 Noon, he shall be paid as if he reported for work on time.

If the employee, after having made every reasonable effort to report for work is unable to do so, he will have the option of using a vacation or personal day. If he has no accrued vacation or personal days, he shall be permitted to use a sick day.

Section 5.10 Lunch Periods

All employees covered by this agreement, shall have a lunch period of at

least one-half ($\frac{1}{2}$) hour, except Town Hall office employees who shall have a one (1) hour lunch period.

ARTICLE 6

HOLIDAYS

Section 6.01 Holidays Observed and Recognized

The following shall be recognized and observed as paid holidays:

New Year's Day	Veteran's Day
Washington's Birthday	Columbus Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	December 24th
Labor Day	Christmas Day
Election Day	

(a) All employees covered by this agreement shall receive one (1) day's pay for each of the holidays listed above on which they perform no work.

All employees of the Sanitation Department shall be required to work on all of the above holidays except Christmas and New Year's Day.

(b) If any of the holidays listed fall on a Sunday, then the succeeding Monday shall be observed as a holiday. If such holiday falls on a Saturday, then employees who normally do not work on a Saturday will be paid for that day as if they had worked that day.

(c) Whenever any of the above holidays shall fall during an employee's vacation period, then the employee shall, in addition to his pay for such day, receive a lieu day, to be taken at the employee's option provided two (2) weeks notice is given to his immediate supervisor.

(d) Whenever any of the above holidays shall fall on an employee's regular shift day off, he shall be paid for that day as if he had worked that day.

Section 6.02 Eligibility Requirements

All employees covered by this agreement shall be eligible for holiday pay under the following conditions:

(a) The employee would have been scheduled to work on such day if it had not been observed as a holiday, unless the employee is on an authorized vacation, sick leave or being paid workmen's compensation benefits, in which case an additional day off shall be granted.

(b) The employee worked his last scheduled work day prior to the holiday and the day after the holiday.

(c) The employee must have actually worked five (5) days during the month in which the holiday occurred in order to be eligible for a paid holiday as set forth in this Article.

Section 6.03 Holiday Pay

(a) All employees who perform no work on a holiday shall be paid their current rate of pay for that day based on their regular day.

(b) All employees whose regular work day differs from the standard eight (8) hour day, shall be paid their daily rate of pay based on the standard eight (8) hour day.

Section 6.04 Holiday Work

If any employee works on any of the holidays listed in Article 6, Section 6.01, or on any other day when the Town Hall is closed by resolution of the Town Board, he shall be paid one and one-half (1½) times his regular rate of pay in addition to his regular rate of pay for the day.

Section 6.05 Holiday Hours For Overtime Purposes

For purposes of computing overtime, all holiday hours unworked for which an employee is compensated shall be regarded as hours worked.

Section 6.06 Special Observances

(a) The day before New Year's shall be considered a special observance day. An employee shall only be required to work four (4) hours on these days, but shall be paid for eight (8) hours. If any work is required in addition to the four (4) hours, then such an employee shall be paid the rate of one and one-half (1½) times his regular rate up to the eight (8) hours.

(b) Employees required to work on Easter Sunday or Yom Kippur, shall be permitted to attend religious services not to exceed two (2) hours without loss of time or pay.

ARTICLE 7**VACATIONS****Section 7.01 Choice of Vacation Period**

(a) The Department Head shall furnish vacation request forms in duplicate. One (1) is to be retained by the employee and one (1) by the Department Head.

(b) Vacations shall be granted at the time requested by the employee, provided that such request is not made prior to January 1, or later than April 15 of the year in which the vacation is to be taken. Department Heads shall post the vacation schedule no later than May 1st of the year the vacation is to be taken. If the nature of the work makes it necessary to limit the number of employees on vacation, the employee with the greater seniority

shall be given his choice of vacation period. If practicable, employees in the Sanitation Department should schedule vacations during July or August. Vacation days may be taken in no less than one (1) day units, provided at least forty-eight (48) hours advance notice is given by the employee to his Department Head. Where practicable, vacations must be taken in full weeks.

(c) Vacation periods shall be taken each year. Employees who do not request a vacation period by the end of the bidding period following the year in which the vacation was earned shall be scheduled for a vacation by the Department Head. However, the vacation shall be scheduled within the balance of the months remaining in the year.

(d) No employee shall be required to work during his regularly scheduled vacation period.

Section 7.02 Vacation Schedule

All employees covered by this agreement shall be entitled to and receive vacation in accordance with the following schedule:

After 1 year	10 work days
After 5 years	15 work days
After 10 years	18 work days
After 15 years	23 work days
After 20 years	25 work days
After 25 years	30 work days

Section 7.03 Vacation Credits, Upon Lay-Off, Separation or Death

All employees covered by this Agreement shall receive in cash any vacation credits earned in the previous year, and a pro-rata payment for the current year. In the event of the death of an employee, such payment shall be made to his estate.

ARTICLE 8**SICK LEAVE****Section 8.01 Sick Leave Defined**

(a) Sick leave shall apply to absence due to illness of an employee, his spouse or children, except where such sickness is due to injury or disease for which the employee is entitled to receive Workmen's Compensation from the Town.

(b) Employees who are unable to perform their duties because of injuries or disease received in the course of their employment, shall receive Workmen's Compensation benefits according to the Law, and, in addition, shall receive a supplemental sum from the Town by separate check, which shall be the difference between his regular salary and the Workmen's Compensation benefits, and such supplemental sums shall be deducted from his accumulated sick leave at the rate of one-third (1/3) day per day of absence due to injury, or upon total use of accumulated sick leave, shall be deducted from vacation credits.

(c) An employee who is unable to perform the duties of his employment on account of illness other than Workmen's Compensation benefits, or is quarantined by health authorities or for the purpose of reporting to a doctor with reference to an employment-connected illness shall receive paid sick leave.

Section 8.02 Application and Accrual

(a) Regular full-time employees shall be granted sick leave at the rate of one and one-half (1½) days per month which shall accumulate to a maximum of two hundred sixty-two (262) days. An employee must have been compensated or credited with at least five (5) days of work in a month in order to be credited with sick leave accrual for that month.

(b) Each employee shall receive a written record of his accumulated sick leave at the end of each calendar year.

(c) The Town Board, by act or resolution, may authorize extended sick leave payments for sick leave where an employee has exhausted all of his accrued sick leave and any other paid leave benefit (personal leave, vacations, etc.); however, such payment shall not exceed fifteen (15) days, and must be repaid to the Town upon return to service.

(d) No sick leave shall be authorized and no payment shall be made unless the employee shall have notified his immediate supervisor of his absence and the reason therefore at the earliest opportunity prior to the time he is scheduled to report for work and his anticipated date of return.

(e) If a man is furlough, or his position is terminated, sick leave shall be reinstated as accumulated therefore, providing he returns to work within one (1) year.

(f) If an employee is absent for three (3) consecutive days, the Department Head may require a medical report attesting to the employee's illness before he shall be paid for those days. If any employee is absent the day before and the day after a normal weekend, the day before and the day after a holiday or holiday weekend, such an absence shall be considered as three (3) consecutive days of absence for purpose of this section.

Section 8.03 Unused Sick Leave to Cash Upon Retirement

Employees who retire shall be compensated for all accumulated sick leave at the time of retirement pursuant to the following schedule:

262 days accumulated sick leave.	\$1000
222 days accumulated sick leave.	900
182 days accumulated sick leave.	700
142 days accumulated sick leave.	500
102 days accumulated sick leave.	300
62 days accumulated sick leave.	100

These payments may be paid over the last twelve (12) months of employment, provided the employee must give at least twelve (12) months notice of his intention to retire.

ARTICLE 9

LEAVE OF ABSENCE

Employees covered by this agreement shall be eligible for a leave of absence for reasonable purpose after six (6) months. All such leaves, whether paid or unpaid, shall be handled in accordance with the following procedure:

(a) Any request for a leave of absence shall be submitted in writing by the employee to the Board. The request shall state the reason the leave of absence is being requested and the length of time off the employee desires.

(b) Any authorization for a leave of absence shall be furnished to the employee by the Board, and it shall be in writing.

(c) A request for a short leave of absence, not exceeding one (1) month, shall be answered within five (5) days. A request for a leave of absence exceeding one (1) month shall be answered within ten (10) days. No

leave of absence, except for military service, shall exceed one (1) year in length.

(d) Employees shall be returned to the position they held at the time the leave of absence was granted, and shall accrue seniority while on any leave of absence granted under the provisions of this agreement.

(e) A request for leave of absence shall not be granted to the employee for the purpose of engaging in employment other than the Town of Cheektowaga except that a request for a leave of absence for reasons of self employment may be granted at the discretion of the Town Board. Seniority and benefits shall not accrue during leave of absence granted for engaging in self employment.

ARTICLE 10

LEAVES OF ABSENCE

Section 10.01 Bereavement Leave

In the event of death in the family of an employee or his spouse, parents, children, sister, brother, grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law, or brother-in-law, the employee shall be granted five (5) consecutive days without loss of pay. If a death occurs during the regular work day, the day will not be charged as one of the five.

Section 10.02 Personal Leave

(a) Employees shall be granted five (5) personal leave days per year. Personal leave is non-cumulative. Arrangements for the use of such time off shall be made by the employee at least twenty-four (24) hours in advance, except in the cases of emergency. Such leave shall be granted without loss of pay and shall not be deducted from vacation accruals or any other leave

benefits. No more than five (5) employees in any department shall be granted personal leave at any time.

(b) On or before October 1st of each year, Departments shall post on all department bulletin boards a list of employees and the number of unused personal leave days they have to their credit. Employees who have unused personal leave days shall have the option to request personal leave days to be taken prior to December 31st of each year or to be added to his vacation benefits in the following year.

Section 10.03 Jury Duty

Employees who are required to report for jury duty shall be paid their full salary; they shall, however, assign to the Board all fees, except those sums received as reimbursement for actual expenses, such as mileage, meals, lodging and the like.

Section 10.04 Civic Duty

Employees subpoenaed to appear before a court or other public body on any matter not related to their work and in which they are not personally involved as a plaintiff or defendant shall be granted leave with pay for the period necessary to a maximum of two (2) work days.

Section 10.05 Military Service Leave

All employees eligible for benefits under Sections 242 and 243 of the Military Law of the State of New York shall be guaranteed such benefits in full accordance with the law.

Section 10.06 Union Leave

A maximum of four (4) members of the Union elected to attend a function

of the International Union or other subordinate bodies such as conventions or educational conferences or the like, shall be allowed time off without loss of pay, not to exceed an aggregate of twenty (20) days in any one (1) calendar year, provided that said request shall be made in writing at least two (2) weeks prior to the requested time off.

ARTICLE 11

UNPAID LEAVES

Section 11.01 Union Business

(a) Employees elected to any Union office or selected by the Union to do work which takes them from their employment with the Board, shall, at the written request of the Union, be granted a leave of absence without pay. The leave of absence shall not exceed one (1) year, but it may be renewed or extended for a similar period at any time upon request of the Union.

(b) Members of the Union selected by the Union to participate in any other Union activity may be granted an unpaid leave of absence at the request of the Union. A leave of absence for such Union activity shall not exceed one (1) month, but it may be renewed or extended for a similar period of time upon the request of the Union.

Section 11.02 Employment Opportunities

Employees shall be granted a leave of absence without pay to enable such employees to serve temporarily, provisionally, for trial periods, or for periods necessary to qualify for permanent appointment to a competitive class, or another position of a higher class that requires such conditions to be met, or where an employee is offered a job on a permanent transfer, so

long as said employment is with the Town of Cheektowaga.

Section 11.03 Education

(a) After completing one (1) year of service, any employee, upon request, shall be granted a leave of absence for educational purposes. The period of the leave of absence shall not exceed one (1) year, but it may be extended or renewed at the request of the employee.

(b) One (1) year leave of absence (with any granted extension) for educational purposes shall not be provided more than once every three (3) years.

(c) Employees shall be granted leaves of absence for educational purposes, not to exceed one (1) month in any calendar year, to attend conferences, seminars, briefing sessions, or other functions of a similar nature that are intended to improve or upgrade the individuals' skill or professional ability.

Section 11.04 Maternity Leave

Maternity leave shall be granted in accordance with applicable law, including the use of accumulated Sick Leave.

ARTICLE 12

RETIREMENT PLAN

(a) The Board will provide for each employee covered by this agreement coverage under the New York State Career Retirement Plan provided for in Section 75-6 of the New York State Retirement and Social Security Plan, commonly known as the 25 Year Halfway Retirement Plan, at no cost to the employee.

(b) Effective with the first pay period beginning on the 30th day of June, 1975, the Board will provide for each employee covered by this agreement, coverage under the New York State Career Retirement Plan, provided for in Section 75-i of the New York State Retirement and Social Security Plan commonly known as the Non-Contributory "20 Year Career" plan at no cost to the employees.

ARTICLE 13

INSURANCE COVERAGE

The Board will provide a Twenty Thousand (\$20,000) Dollar life insurance policy for each member of the unit, at no cost to the employee.

ARTICLE 14

HEALTH INSURANCE

The Board shall cover all employees under the 50-51 Blue Cross and Blue Shield Plan and pay the full premiums at whatever the current rate is in effect including the XBR and (\$1) Dollar co-pay rider.

ARTICLE 15

WAGES

Section 15.01 Wage Schedule

(a) The wage schedule for all employees covered by this agreement shall be as set forth in Appendix "A" "B" "C" and "D" of this agreement and shall be the only method by which wages and salaries shall be paid, except that in the year 1977 a Thirty (\$30) Dollar productivity bonus shall be paid to each employee on the date that retroactivity checks are paid to the employees. On the first pay date in the year 1978 a Thirty (\$30) Dollar productivity bonus shall be paid to each employee.

(b) Employees entitled to a wage or a salary increment shall receive such increment upon their completing of the required amount of service from their original date of hire, on the pay day immediately after such anniversary date.

(c) All new employees, part time, seasonal and temporary employees shall start at the lowest step of the salary schedule for that job classification.

Section 15.02 Longevity Service Pay

All employees shall, upon their anniversary date of completion of nine (9) years of service, receive One Hundred (\$100) Dollars a year in addition to their regular pay; upon completion of fourteen (14) years of service, an additional One Hundred Fifty (\$150) Dollars a year; and upon completion of nineteen (19) years of service, an additional Two Hundred Fifty (\$250) Dollars a year. Such amounts shall be paid to the employee on the final pay day of the month such anniversary occurs.

Section 15.03 Rates for New Jobs

Whenever a new position not listed as a job title in this agreement is established, the Board may designate the job classification and the pay rate for such position. In the event the Union does not agree that the classification and pay rates are proper, the matter shall be subject to the grievance procedure.

Section 15.04 Pay Period

The wages of all employees covered by this agreement shall be paid on the same day each week. In the event this day is a holiday, the preceding day shall be the pay day.

Section 15.05 Shift Differentials

In addition to the established wage rates, there shall be a shift differential. All employees assigned on the second and third shift shall receive an additional Twenty-five (\$.25) Cents per hour.

Any employee who is assigned to work as a tree trimmer and his job requires him to work in the Aerial Truck shall be paid a salary differential of Thirty-five (\$.35) Cents per hour for all hours actually worked in the Aerial Truck.

Section 15.06 Vacation Pay

An employee shall make arrangements at least two (2) weeks in advance if he desires to receive his vacation pay prior to taking his vacation.

ARTICLE 16**REPORTING TIME****Section 16.01 Show-up**

(a) Any employee who is scheduled to report for work and who presents himself for work shall be assigned work.

(b) If, upon reporting for work and being assigned work, the Board excuses the employee before the employee has completed his regular work shift

for the purpose of recalling such employee to work on another shift which begins at the end of such employee's regular work shift, or any time thereafter or if such employee's work shift is split with an interval of more than four (4) hours before his assigned call back time, then such employee shall be paid time and one-half (1½) his regular rate of pay for all hours worked on such shift re-assignment.

Section 16.02 Call Time

(a) Any employee called for emergency duty in addition to or outside of his regular scheduled shift shall be paid for the minimum of four (4) hours at the rate of time and one-half (1½).

(b) If the call time work assignment and the employee's regular shift overlap, the employee shall be paid the call time rate at time and one-half (1½) until he completes four (4) hours work.

(c) Supervision shall determine if an employee has worked sufficient hours after his regular shift to be sent home. However, under no circumstances shall an employee be sent home during his regularly scheduled shift without a minimum of four (4) hours pay. Should supervision excuse such an employee before completing his regular work shift for the purpose of recalling such employee to work on another work shift which begins at the end of the employee's regular work shift, or any time thereafter, or if such employee's work shift is split with an interval of more than four (4) hours before his assigned call back time, then such employee shall be paid time and one-half (1½) his regular rate of pay for all hours worked on such shift re-assignment.

Section 16.03 Stand-by Time

An employee who is required to be available for call and thereby is placed on stand-by upon the Board's request, shall be compensated at the rate of two (2) hours pay for each eight (8) hour period, and four (4) hours pay for Saturdays, Sundays and holidays, at the employee's straight time rate of pay. If worked, stand-by time plus actual time worked shall be paid. All work performed shall be paid at the rate of time and one-half ($1\frac{1}{2}$) the employee's regular rate of pay.

Section 16.04 Premium Rates of Pay

(a) All employees covered by this agreement on a Monday through Friday schedule shall be paid time and one-half ($1\frac{1}{2}$) their regular rates of pay for all work performed in excess of eight (8) hours in any work day or forty (40) hours in any work week, and all work performed on Saturday and Sunday, except to those employees covered by the provisions of ^{ARTICLE 5 SEC 505 b} ~~Article 4, Section 4.02 (b)~~. X

(b) Employees who work other than a Monday through Friday schedule shall be paid time and one-half ($1\frac{1}{2}$) for all work performed on the sixth (6th) and seventh (7th) day in their regular work week.

Section 16.05 Overtime Distribution

(a) Overtime work during the calendar year shall be distributed as equally as possible among all employees working within the same job classification. The distribution of overtime shall be equalized as is reasonably possible over each one (1) month period beginning on the first day of the calendar month following the effective date of this agreement.

(b) On each occasion when overtime is necessitated, the opportunity to work such overtime shall be offered to the employee within the job

classification who has the least number of overtime hours to his credit at that time. If the employee does not accept the assignment, the employee with the next fewest number of overtime hours to his credit will be offered the assignment. This procedure shall be followed until the required employees have been selected for overtime work. If an employee refused overtime when asked, he shall be credited with the number of hours actually worked followed by the notation "R" or the word "Refused," provided that he is not on vacation, sick leave or any other excusable leave. Employees coming into a department by virtue of transfer, bid or new position shall be placed at the end of the overtime list and credited with the maximum number of overtime hours worked by the Department.

(c) A record of the overtime hours worked by such employee shall be posted on the appropriate Departmental bulletin boards every one (1) month.

(d) No temporary, seasonal or part time employees shall be assigned to work in a situation which would normally be considered overtime work, except if no regular employee accepts such an assignment. This shall not apply to a part time employee who normally works the hours in question.

Section 16.06 Work at Employee's Option

Overtime work shall be voluntary except under emergency circumstances. There shall be no discrimination against any employee who declines to work overtime.

ARTICLE 17**SENIORITY****Section 17.01 Definition**

Seniority means an employee's length of continuous service with the Board since his last date of hire.

Section 17.02 Probationary Employees

(a) All new employees hired shall be considered as probationary employees for the first six (6) months of their employment. When an employee completes his probationary period, he shall be placed on the seniority list. There shall be no seniority among probationary employees. During his probationary period, the employee shall only be entitled to bereavement leave, and jury leave as outlined in this agreement. Upon completion of his probationary period the employee shall be entitled to all benefits afforded to all regular full time employees.

(b) The Union shall represent probationary employees for the purpose of collective negotiations in respect to wages, hours, and other conditions of employment as set forth under Article 1 of this agreement, except for discharge and discipline for other than Union activity.

Section 17.03 Seniority Lists

Every six (6) months, the Board shall post on all departmental bulletin boards, a seniority list showing the continuous service of each employee and his classification. A copy of the Seniority list shall be furnished to the local Union secretary when it is posted.

Section 17.04 Breaks in Service

An employee's continuous service record shall be broken by voluntary resignation, discharge for just cause, and retirement, except that if an employee returns to work in any capacity within one (1) year, the break in continuous service shall be removed from his record, with the exception of discharge for cause.

ARTICLE 18**WORK FORCE CHANGES****Section 18.01 Promotions**

(a) The term promotion as used in this section means the permanent advancement of an employee to a higher position or the permanent assignment of an employee to a higher paying position.

(b) Whenever a job opening occurs in other than a temporary opening defined below, in any existing job classification, or as a result of the development or establishment of a new job classification, a notice of such openings shall be posted on all bulletin boards stating the job classification, rate of pay and the nature of job requirements in order to qualify. Such posting shall be for a period of ten (10) work days, except it shall not be necessary to post openings which are not in the bargaining units.

(c) During this period, employees who wish to apply for the job opportunity may do so by making such application in writing and submitting it to the Department Head.

(d) The Board shall fill such job openings or vacancies from among those applicants within that Department who meet the standards of the job requirements, except that if there is more than one (1) employee who is

qualified for the job, then such position shall be filled by selecting from among those qualified, the employee with the greatest seniority.

In the event no employee within the Department is awarded the job, then the vacancy shall be filled on a Town wide basis.

(e) The bid application and uniform posting as reflected in Appendix "E" and "F" shall be standard.

Section 18.02 Temporary Job Openings and Vacancies

(a) Temporary job openings or vacancies are defined as jobs that periodically develop, or vacancies that periodically develop in any classification because of sickness, vacation or leave of absence.

(b) Whenever such temporary openings or vacancies occur, the Board may fill these positions by assignment or re-assignment, and such assignments or re-assignments shall be made on the basis of seniority and qualification.

Any temporary opening or vacancy of thirty (30) days or more will be posted in accordance with Section 18.01 (b) above. Employees selected to fill such vacancies shall be returned to their former position upon completion of the temporary re-assignment.

(c) No employee shall be assigned to a temporary job opening more than twice in any calendar year, unless there is a lack of qualified employees to draw from or where an employee specifically requests such assignment. The intent of this provision is to prevent the repeated assignment of employees to job vacancies which have been designated as temporary, when such openings could be filled in another manner.

(d) Any employee assigned to a temporary job opening of filling a vacancy in higher classification, shall be paid the wage rate established

for that job, or if a lower classification, his own wage rate, whichever is higher.

Section 18.03 Demotions

(a) The term demotion means the re-assignment of an employee from a position in one job classification, to a lower paying position in the same job classification or in another job classification.

(b) Demotion shall be made only to avoid laying off employees. In any case involving demotion, the employee involved shall have the right to elect which alternative he will take, demotion or lay-off.

(c) No demotion shall be made for disciplinary reasons.

(d) An employee who is returned to his previous job from higher classification to which he was provisionally appointed because of his inability to prove to the Board that he was able to fulfill the standards of the job, or pass a Civil Service examination required for permanent appointment to that job, or who voluntarily relinquishes such job, shall not be considered demoted.

Section 18.04 Competitive Civil Service Jobs

The Civil Service Law of New York and the Rules and Regulations of the State Civil Service Commission shall govern the selection of employees for positions in the competitive class of Civil Service, except that in the absence of an appropriate Civil Service List, meaning a list from which selections must be made, the procedure set forth in Section 18.01 of this Article shall prevail. Selections from promotional lists shall be made until the list of names is exhausted before any consideration may be given to the names appearing on any other list that may be in effect.

Section 18.05 Lay-Off

(a) The word "lay-off" means a reduction in work force. If the Board anticipates a lay-off, it shall notify the employees and the Union fifteen (15) days prior to such anticipated lay-off.

(b) When such action takes place it shall be accomplished by laying off temporary, seasonal and probationary employees first. Should it be necessary to further reduce the work force, then regular employees shall be laid off in the inverse order of seniority.

(c) When an employee is laid off due to a reduction in the work force, he shall be permitted to exercise his seniority rights to bump (replace an employee with less seniority) any employee in the same job classification, or a lower classification.

(d) Notwithstanding anything contained herein, in the event of a lay-off, the president, vice-president, secretary, treasurer, and all shop stewards, including all Executive Board Members, not to exceed five (5) shall be the last persons to be laid off in the bargaining unit.

Section 18.06 Recall

When the work force is increased after a lay-off, employees will be recalled according to the order of seniority as defined elsewhere in the agreement, based on job classification. Notice of recall shall be sent to the employee at his last known address by registered mail. If an employee fails to report for work on the tenth (10th) day from the date of mailing of the notice of recall, he shall be considered a "quit." Recall rights for an employee who has not been recalled after a lay-off, shall expire one (1) year from the date of the lay-off.

Section 18.07 Consolidation or Elimination of Jobs

(a) Any employee displaced by the elimination of jobs through consolidation, the installment of new equipment or machinery, the curtailment or replacement of the existing facilities, or for any other reason, shall be permitted to exercise his seniority rights to transfer to any other department in the service of the Board within the same classification, or to a lower classification. A lower classification shall mean a position the qualifications for which are included within the qualifications of the higher classification.

(b) Any employee requesting such transfer because of the elimination of his job shall be transferred as provided for in paragraph (a) above, on the basis of seniority and such request shall take precedence over any other requests for transfer.

Section 18.08 Transfers

(a) Any employee desiring to transfer to another department or work shift, shall submit an application in writing to his Department Head stating the reason for such request.

(b) Any employee requesting such transfer shall be transferred on the basis of seniority, provided a vacancy exists.

ARTICLE 19**DISCIPLINE AND DISCHARGE**

(a) The only procedure for taking disciplinary action or measure against any employees covered by this agreement shall be as set forth in the following sections and shall, in addition, apply in lieu of Section 75 and 76 of the Civil Service Law for those employees who would otherwise be covered by those sections except that employees covered under Sections 75 and 76 shall have

the right to choose between utilizing the statutory procedure and the grievance and arbitration procedure of this agreement.

Election of either precludes the use of the other. Disciplinary action or measures shall include the following in sequence:

1. Oral reprimand
2. Written reprimand
3. Suspension
4. Discharge

(b) Disciplinary action may be imposed upon an employee only for failing to fulfill his responsibilities as a Town of Cheektowaga employee.

In the event of a serious violation, the employee may be immediately suspended and a meeting of the Labor Management Committee will be convened not later than forty-eight (48) hours after the suspension.

(c) If the Department Head, Foreman or Working Foreman has any reason to reprimand an employee, it shall be done privately, except for the presence of a Union representative and/or a representative of the Board.

(d) In a disciplinary or discharge action to be taken against an employee, the Department Head, Foreman or Working Foreman shall notify the Union President, Union Steward and the employee in writing, stating the reasons such disciplinary action is being imposed and the proposed penalty, to be served within two (2) days of any oral notification except that no notice is necessary for oral or written reprimand.

(e) The Union shall have the right to take up any disciplinary action imposed upon an employee or discharge as a grievance at Step 2 of the grievance procedure, and the matter shall be handled through arbitration, if deemed necessary by either party.

(f) The arbitrator shall have the right to sustain the discharge or disciplinary action, overrule it, or modify it.

(g) An employee shall not be disciplined for acts, except those which constitute a crime, which occurred more than one year prior to the imposition of the discipline. The employee's whole record may be considered with respect to the imposition of the penalty.

ARTICLE 20

SETTLEMENT OF DISPUTES

Section 20.01 Grievance and Arbitration Procedure

Any grievance or dispute which may arise between the parties, including the application, meaning or interpretation of this agreement, shall be settled in the following manner:

Step 1: The Union steward or other authorized representative of the Union, with or without the employee, shall take up the grievance or dispute with the employee's immediate supervisor within five (5) working days of its occurrence. If at any time the Steward or other authorized representative of the Union is unaware of the grievance, he shall take it up within ten (10) days of his knowledge of its occurrence. The employee's immediate supervisor shall then attempt to adjust the matter and shall respond in writing within five (5) work days.

Step 2: If the grievance or dispute still remains unresolved, it shall be presented by the Union Steward or other authorized representative of the Union, in writing, to the Department Head or his designee, within five (5) work days after the response of immediate supervisor is due. The Department Head or his designee shall respond in writing to the Union Steward or other authorized representative of the Union within five (5) work days.

Step 3: If the grievance or dispute is still not settled, it shall be presented by the Union President and/or other authorized representative of the Union, in writing, to the Chairman of the Town's Labor Management Committee within seven (7) work days after the response of the Department Head is due. The Board's representative to the Labor Management Committee shall schedule a meeting within five (5) working days after the receipt of the grievance. Within five (5) working days after the meeting of the Labor Management Committee, the Board's representative shall respond in writing to the Local Union President and/or other authorized representative of the Union.

Step 4: If the grievance or dispute is still unsettled, either party may, within twenty (20) days after the reply of the Town Board is due, by written notice to the other, request arbitration.

(a) The arbitration proceedings shall be conducted by an arbitrator to be selected in accordance with the applicable rules and procedure of the New York State Public Employment Relations Board upon request of either party.

(b) The arbitrator shall be requested to issue his decision within thirty (30) days after the conclusion of testimony and argument. The decision of the arbitrator shall be final and binding on both parties.

(c) Expenses for the arbitrator's services and proceedings shall be borne equally by the Board and the Union. If either party desires a transcribed copy of the proceedings, it shall pay for the transcription, and make copies available without charge, to the other party and arbitrator.

(d) No arbitrator shall have the power to amend, modify or delete any provisions of this agreement.

(e) Upon the mutual agreement of both parties, an arbitrator may be requested to hear and make determination on more than one (1) case, even though the cases are not related in any way.

Section 20.02 Time Limitations

Time limitations in the grievance procedure may be extended and steps may be bypassed by mutual agreement in writing.

ARTICLE 21

UNION COMMITTEES

Section 21.01 Grievance Committee

(a) Employees selected by the Union to act as Union Representatives shall be known as "stewards." The names of Representatives who may represent employees shall be certified, in writing, to the Board by the local Union, and the individuals so certified shall constitute the Union Grievance Committee.

(b) The Union shall be permitted to appoint one (1) chief steward and, in addition, one (1) alternate for each department, except for Highways and Sanitation there shall be two (2) stewards and two (2) alternates.

(c) The Union Stewards may investigate and process grievances during working hours, without loss of time or pay.

Section 21.02 Safety Committee

The Board and Union agree jointly to establish a Safety Committee consisting of an equal number of Board and Union representatives, the number of members to be agreed upon. This committee will advise management on all safety problems.

Section 21.03 Labor Management Committee

Conferences between representatives of the Board and at least two (2) representatives of the Union on important matters, which may include the discussion of procedures for avoiding future grievances and other methods of improving the relationship between the parties, will be arranged between the parties upon request of either party. Arrangements for such meetings shall be made in advance, and shall be held at reasonable hours as mutually agreed upon by the parties. Employees acting on behalf of the Union shall suffer no loss of time or pay should meetings fall within their regular work hours.

Section 21.04 Negotiation Committee

Employees selected by the Union, not exceeding five (5) to act in its behalf during the period of negotiation of a labor contract, shall suffer no loss of time or pay for such time spent during their regular work hours.

Section 21.05

The parties agree that a committee composed of the Board's representative and the representative of the Union shall be established one hundred twenty (120) days after the execution of the agreement to study and explore possible job re-classification, with view to rectify existing inequities, if any.

ARTICLE 22**STRIKES AND LOCKOUTS****Section 22.01 Lockouts**

No lockout of employees shall be instituted by the Board during the term of this agreement.

Section 22.02 Strikes

No strikes of any kind shall be caused or sanctioned by the Union during the term of this agreement.

ARTICLE 23**CONTRACTING -- SUB-CONTRACTING
OF PUBLIC WORK**

During the term of this agreement, the Board shall not contract or sub-contract any public work performed by employees covered by this agreement that would mean their displacement.

ARTICLE 24**GENERAL PROVISIONS****Section 24.01 Pledge Against Discrimination and Coercion**

(a) The provisions of this agreement shall be applied equally to all employees in the bargaining unit without discrimination as to age, sex, marital status, race, color, creed, national origin or political affiliation. The Union shall share equally with the Board the responsibility for applying this provision of this agreement.

(b) All reference to employees in this agreement designate both sexes and wherever the male gender is used, it shall be construed to include both male and female employees.

(c) The Board agrees not to interfere with the rights of employees to become members of the Union, and there shall be no discrimination, interference, restraint, or coercion by the Board or any Board representative against any employee because of Union activity in an official capacity on behalf of the Union as set forth in Section 24.02 below.

(d) The Union recognizes its responsibility as the sole and exclusive representative of the negotiating Union and agrees to represent all employees in the negotiating unit.

Section 24.02 Union Activities on Employer's Time and Premises

The Board agrees that during working hours and on the Board's premises, and without loss of time or pay, Union stewards and officers shall be allowed to perform the following, providing the same does not interfere unreasonably with performance of work.

Post Union notices;

Distribute Union literature;

Solicit Union membership during other employees' non-working time;

Transmit communications authorized by the local Union or its officers to the Board or its representative;

Consult with the Board, its representative, local Union officers or other Union representative concerning the enforcement of any provision of this agreement.

Section 24.03 Work Rules

(a) The Board agrees to negotiate changes in existing work rules or the establishment of new work rules with the Union.

(b) Changes in existing work rules shall not become effective until they have been agreed upon by the Board and the Union.

(c) When existing rules are changed or new rules are established, they shall be posted prominently on all Union bulletin boards for a period of ten (10) work days before becoming effective.

(d) The Board further agrees to furnish each employee in the negotiating unit with a copy of all existing work rules within thirty (30) days after they

become effective. New employees shall be provided with a copy of the rules at the time of hire.

(e) Employees shall comply with all existing rules that are not in conflict with the terms of this agreement, provided the rules are uniformly applied and uniformly enforced.

(f) Any complaint as to the reasonableness of any new or existing rule, or any complaint involving discrimination in the application of new or existing work rules shall be resolved through the grievance procedure.

Section 24.04 Work Clothing, Protective Clothing

Employees in the Highway Department, Utility Department, Refuse Disposal, Sewer Maintenance, Disposal Plant, Parks and Recreation Department, cleaners and caretakers, shall be provided with protective clothing which shall include three (3) uniforms per year, during the month of January, gloves and other protective devices, and if necessary, rainwear shall be provided by the Board. Said equipment shall be replaced if and when necessary subject to normal wear and tear.

Section 24.05 Personnel Policy

Five hundred (500) copies of this agreement in handbook form shall be provided by the Town for distribution by the local Union President to the employees.

Section 24.06

Employees who are obligated to use their personal automobile on Town business will be reimbursed at the rate of fifteen (\$.15) cents per mile.

ARTICLE 25
TEMPORARY, SEASONAL AND
PART-TIME EMPLOYEES

Section 25.01 Temporary Employees

A temporary employee is defined as an employee who is hired to fill a position which cannot be filled through the regular temporary vacancy procedure, but such employment shall be made for a period not to exceed ninety (90) days. Temporary employees shall not be entitled to any benefits provided by this agreement.

Section 25.02 Seasonal Employees

A seasonal employee is defined as an employee who is hired on a seasonal basis to supplement the regular work force during peak periods in the summer and the winter but such employment shall be for a period not to exceed one hundred twenty (120) days. Seasonal employees shall not be entitled to any benefits provided by this agreement.

Section 25.03 Part-Time Employees

A part-time employee is defined as an employee who is employed for a total of not more than twenty (20) hours a week on a regular basis. Part-time employees shall not be entitled to any benefits provided by this agreement; however, notwithstanding anything to the contrary in this section, Dog Wardens shall be eligible to receive all benefits provided to all regular full-time employees covered under this agreement on a pro-rata basis, using forty (40) hours as the denominator, except that for such employees the same full Blue Cross and Blue Shield coverage and \$20,000 Life Insurance as are afforded to regular full-time employees shall apply.

ARTICLE 26**DISABLED EMPLOYEES**

The Board shall make every effort to place an employee who becomes partially disabled on his present job on work which he is able to perform.

ARTICLE 27**SAVINGS CLAUSE**

Should any article, section or other portion thereof, of this agreement be declared unlawful and unenforceable by any Court or competent jurisdiction, such decision of the Court shall apply only to the specific article, section or portion thereof directly specified in the decision.

ARTICLE 28**TERMINATION AND MODIFICATION**

This Agreement shall become effective the first day of January, 1977, and continue in full force and effect until midnight December 31, 1978, and from year to year thereafter unless on or before July 1 prior to any expiration date, either party shall notify the other in writing of its intending to negotiate for the succeeding year. The parties shall meet no later than fifteen (15) days after such notice is given.

For Local 1026 and New York Council 66 AFSCME, AFL-CIO:

S/ Joseph P. Klosko

JOSEPH F. KLOSKO
President, Local 1026

S/ Michael Campon

MICHAEL CAMPON
Staff Representative
Council 66

S/ Edward G. Kowal

EDWARD G. KOWAL
Chairman of Negotiating Committee

S/ Clemens S. Wenerowicz

CLEMENS S. WENEROWICZ
Committeeman

S/ Joan Dudek

JOAN DUDEK
Committeeman

S/ Chris Taber

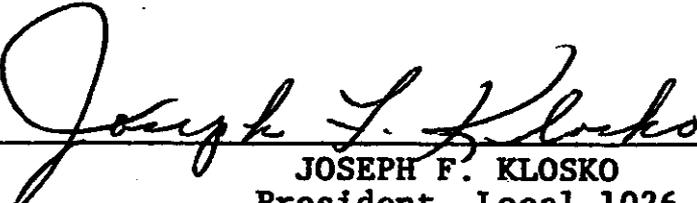
CHRIS TABER
Committeeman

For the Town of Cheektowaga:

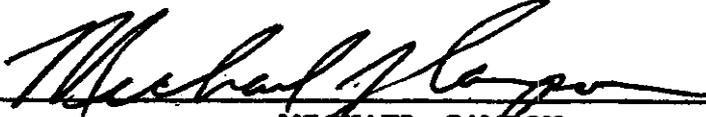
S/ Kenneth J. Meyers

KENNETH J. MEYERS
Supervisor

For Local 1026 and New York Council 66 AFSCME, AFL-CIO:



JOSEPH F. KLOSKO
President, Local 1026



MICHAEL CAMPION
Staff Representative
Council 66



EDWARD KOWAL
Chairman of Negotiating Committee



CLEMENS S. WENEROWICZ
Committeeman



JOAN DUDEK
Committeeman



CHRIS TABER
Committeeman

For the Town of Cheektowaga:



KENNETH J. MEYERS
Supervisor

APPENDIX "A"
WAGE SCHEDULE--1977--BLUE COLLAR

Classification	(1) Start	(2) 12 mo.	(3) 18 mo.	(4) 2 years
Cleaner	3.9341	4.1241	4.3241	4.4841
Laborer Gardener	4.6141	4.8841	5.1341	5.3841
Utility Man	4.7641	5.0041	5.2841	5.5141
Sewer Maintenance Man	4.7741	5.0141	5.2941	5.5241
Janitor Caretaker	4.8641	5.1141	5.3741	5.5941
<i>DOG WARDEN</i> MEO "B" Senior Sewer Maintenance Man	4.8941	5.1441	5.4041	5.6241
Auto Mechanic Helper Sewage Treatment Plant Oper. General Mechanic	4.9441	5.1841	5.4341	5.6541
Maintenance Man MEO "A"	5.0641	5.3141	5.5841	5.8241
Sr. Sewage Treatment Plant Operator	5.2941	5.5441	5.7841	6.0141
Equip. Maint. Man (Welder) Auto Mechanic	5.4841	5.7341	5.9841	6.2041
Senior Caretaker	5.5541	5.8441	6.0941	6.3341
Senior Maintenance Man	6.4841	6.7241	6.9741	7.2041
<i>DOG WARDEN (PART TIME)</i>				<i>7642.29</i>

All employees reflected in Appendix A, B, C and D will be placed on the appropriate step of the wage schedule commensurate with their service time and, upon reaching their anniversary date, will move to the next step in the wage schedule commensurate with their months of service, if such step exists.

APPENDIX "B"
WAGE SCHEDULE--1978--BLUE COLLAR

Classification	(1) Start	(2) 12 mo.	(3) 18 mo.	(4) 2 years
Cleaner	4.1783	4.3683	4.5683	4.7283
Laborer Gardener	4.8583	5.1283	5.3783	5.6283
Utility Man	5.0083	5.2483	5.5283	5.7583
Sewer Maintenance Man	5.0183	5.2583	5.5383	5.7683
Janitor Caretaker	5.1083	5.3583	5.6183	5.8383
<i>DOG WARDEN</i> MEO "B" Senior Sewer Maintenance Man	5.1383	5.3883	5.6483	5.8683
Auto Mechanic Helper Sewage Treatment Plant Oper. General Mechanic	5.1883	5.4283	5.6783	5.8983
Maintenance Man MEO "A"	5.3083	5.5583	5.8283	6.0683
Sr. Sewage Treatment Plant Operator	5.5383	5.7883	6.0283	6.2583
Equip. Maint. Man (Welder) Auto Mechanic	5.7283	5.9783	6.2283	6.4483
Senior Caretaker	5.7983	6.0883	6.3383	6.5783
Senior Maintenance Man	6.7283	6.9683	7.2183	7.4483
<i>DOG WARDEN (PART TIME)</i>				8.16630

insert All employees etc off Appendix "A"

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APPENDIX 'C'
SALARY SCHEDULE - 1977 WHITE COLLAR EMPLOYEES

Classification	(1) Start	(2) 12 Mo.	(3) 18 Mo.	(4) 2 years
Clerk Recreation Attendent	7,808.15	8,242.51	8,676.85	9,050.90
Clerk-Typist	8,054.24	8,496.59	8,938.94	9,320.39
Telephone Operator Clerk-Steno	8,238.82	8,683.01	9,128.43	9,531.59
Sr. Clerk-Steno (full time)	8,361.86	8,806.06	9,179.48	9,635.37
Legal Steno. 2nd Deputy Town Clerk	9,504.95	9,948.23	10,393.33	10,775.99
Account Clerk Senior Clerk	9,731.35	10,175.54	10,648.51	11,004.85
<i>ASSISTANT ACCOUNTANT</i> Senior Accountant <i>CL. TYPIST</i> Clerk-Typist <i>PAYROLL CLERK</i>	10,121.40	10,565.60	11,011.21	11,393.68
Deputy Rec. of Taxes & Assess. Deputy Town Clerk	10,297.36	10,742.78	11,191.63	11,570.86
Clerk to Town Justice	11,622.54	12,066.73	12,512.16	12,896.06
Ass't Bldg. Inspector	12,408.80	12,935.43	13,462.07	14,024.69
Sr. Eng. Assistant	13,865.65	14,427.96	14,920.13	15,385.24
Engr. Eng. Assistant	14,901.69	15,426.17	15,954.95	16,421.28

APPENDIX 'D'
SALARY SCHEDULE - 1978 - WHITE COLLAR EMPLOYEES

Classification	(1) Start	(2) 12 Mo.	(3) 18 Mo.	(4) 2 years
Clerk Recreation Attendant	8,316.15	8,750.51	9,184.85	9,558.90
Clerk Typist	8,562.24	9,004.59	9,446.94	9,828.39
Telephone Operator Clerk-Steno	8,746.82	9,191.01	9,636.43	10,039.59
Sr. Clerk-Steno (full time)	8,869.86	9,314.06	9,687.48	10,143.37
Legal Steno 2nd Deputy Town Clerk	10,012.95	10,456.23	10,901.33	11,283.99
Account Clerk Senior Clerk	10,239.35	10,683.54	11,156.51	11,512.85
<i>ASSISTANT ACCOUNTANT</i> Senior Accountant <i>CL. JIPIST</i> Clerk <i>PAYROLL CLERK</i>	10,629.40	11,073.60	11,519.21	11,901.68
Deputy Rec. Taxes & Asses. Deputy Town Clerk	10,805.36	11,250.78	11,699.63	12,078.86
Clerk to Town Justice	12,130.54	12,574.73	13,020.16	13,404.06
Ass't Bldg. Inspector	12,916.80	13,443.43	13,970.07	14,532.69
Sr. Engineer Assistant	14,373.65	14,935.96	15,428.13	15,893.24
Prin. Engineer Assistant	15,409.69	15,934.17	16,462.95	16,929.28

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APPENDIX 'E'
UNIFORM POSTING

1. JOB OPENING AND VACANCIES:

2. CLASSIFICATION:

3. WAGE SCHEDULE:

Step 1 -- Starting salary: _____
Step 2 -- 12 months: _____
Step 3 -- 18 months: _____
Step 4 -- 2 years: _____

4. RESPONSIBILITY:

5. SHIFT:

6. GENERAL REMARKS:

No fringe benefits will be paid to all new employees until after the six (6) month probationary period is completed...

All other employees in service with the Town will receive all benefits from the first day of promotion or of an inter-departmental transfer...

All applications shall be submitted to the Department Head and a copy of same to the President of the Local union.

This notice is posted in compliance with the Collective Bargaining Agreement between AFSCME, Local 1026, AFL-CIO, and the Town of Cheektowaga and shall remain posted for ten (10) working days.

7. DATED: _____

Signed by Department Head

8. cc: Town Clerk's Office,
Town Hall,
Police Building,
Police Garage,
Highway Department,
Sanitation Department,
Sewer Maintenance Department,

Water Pollution Control, Plant No. 3 & 5,
Local 1026,
Buildings & Grounds Maintenance Dept.,
Utility Department,
Parks & Recreation Department
File

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APPENDIX "F"
BID APPLICATION

POSTING OF _____ for _____
(date) (position)

in _____
(department)

DEAR MR: _____
(dept. head)

I would like to be considered for the position of _____
(as per recent posting). I feel I meet with the qualifications required for
the position.

NAME _____

SENIORITY DATE _____

TODAY'S DATE _____

TITLE (present working status) _____

in _____
(name of dept.)

I do possess the class 3 license _____
(number appearing on license)

date of expiration _____

I do not possess class 3 license _____

ADDITIONAL INFORMATION:

SIGNATURE _____

BIDS WILL ONLY BE ACCEPTED ON THIS FORM

Item No. 3 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 4 Authorization for Kenneth Kopacz to attend conference
This item was withdrawn

Item No. 5 Approval of rate increase for International Cable
This item was withdrawn

Item No. 6 Motion by Supervisor Meyers, seconded by Councilman Swiatek

BE IT RESOLVED that the following vouchers and warrants submitted to the TOWN OF CHEEKTOWAGA for the period ending March 28, 1977, be and hereby are approved and the Supervisor pay said warrants:

<u>FUND</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>
Highway Fund	2326-2356	\$456,876.75
General Fund	595-611	<u>20,081.80</u>
		<u>\$476,958.55</u>

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

III. SUSPENSION OF RULES

Motion by Councilman Swiatek, seconded by Councilman Kaczmarek to suspend the rules to include the following items.

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 7 Motion by Supervisor Meyers, seconded by Councilman Johnson

WHEREAS, the Department of Transportation of the State of New York has requested that it be permitted to use the Town land in the vicinity of George Urban Boulevard and Union Road for the storage of materials and equipment on a temporary basis during the time said Department of Transportation is working on road projects in the area, and

WHEREAS, an agreement setting forth the obligations between the parties has been negotiated and a copy is attached hereto and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to sign said Agreement between the Town and the Department of Transportation of the State of New York.

* See next pages for Agreement

Agreement



ALBERT ELIA BUILDING CO., INC.

2749 Lockport Road
Niagara Falls, New York 14302

NYS DOT Contract No. _____

District No. _____ State Highway No. _____

Town of Cheektowaga County of Erie

RELEASE OF OWNER

WHEREAS, the ALBERT ELIA BUILDING CO., INC., (hereinafter referred to as the "Contractor") has contracted with the State of New York through its Department of Transportation to construct and reconstruct George Urban Boulevard, in the Town of Cheektowaga, New York

State Highway No. _____ and in the performance of such work a change may be made in the existing grade of the highway which may make necessary the re-establishment of the existing entrance or driveway to the private lands owned by the undersigned located on the _____ side of station _____ and _____ side of station _____ and being adjacent to the property shown on Appropriation Map # _____, parcel # _____, and

WHEREAS, the undersigned (hereinafter referred to as the "Owner") represents that he is the owner of the private lands which may be affected as mentioned in the preceding paragraph, and

WHEREAS, the Owner has requested the State to re-establish the entrance, approach, or driveway to be adjusted to the new highway grade at the expense of the State, to be paid from any money available for the construction or reconstruction of the State Highways, and subject to such adjustment of the details of the work which have been determined by the New York State Department of Transportation and which have been or will be accepted and approved by the owner. ** See Addendum

NOW THEREFORE, in consideration of these presents, and of the benefits to the owner which will result, the owner does hereby grant to the contractor the right to enter upon his land and premises to the extent, and for such period or periods of time, and with such forces, materials, machinery, and equipment, as the contractor may determine to be reasonable and necessary for the purpose of such re-establishment of the entrance approach or driveway to be adjusted to the new highway grade, and during the performance of the said work the contractor shall have the privilege of temporarily storing materials, machinery or equipment upon the premises of the owner; and the contractor hereby agrees to fully recompense the owner for all damage caused thru its negligence to the premises of the owner during such use and occupancy, provided written notice of such claim is presented by the owner within ten (10) days following the discovery of said damage, specifying the date, time and circumstances under which said claim arose.

The contractor agrees that upon the completion of its work, necessary for the re-establishment of the entrance approach or driveway to the grade of the new highway, it will backfill any holes created on the premises of the owner and will leave the premises in as neat a condition as possible, except that if a surplus of any type of fill and/or materials (leveled and graded by others) has resulted from said work and the owner requests the same, the contractor will be relieved of any further obligation to remove said surplus fill and/or materials from the said premises.

The owner agrees that the contractor may perform the work required to be performed on the owner's premises in any manner deemed most convenient by the contractor, including the right to perform said work piecemeal or at interrupted intervals.

IN CONSIDERATION OF THESE PRESENTS and of the benefits arising therefrom, the owner does hereby grant to the contractor, their agent subcontractors, State of New York, such rights and easements of use and occupancy in and to said private lands as the contractor may deem reasonable and necessary for the purpose of such re-establishment of the entrance, approach or driveway to be adjusted to the new highway grade, and does hereby release the contractor, State of New York, their agents and sub-contractors of and from (1) any and all claims, damages and liability arising from or growing out of such use and occupancy and in and to every matter and thing in any wise related thereto, and (2) any liability for the maintenance of such adjusted and re-established approaches or driveways or for damages in connection therewith after the completion of such adjustment work.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal the _____
day of _____ March _____, 19 77

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TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

By: Kenneth J. Meyers (L.S.)
Kenneth J. Meyers, Owner Supervisor

ALBERT ELIA BUILDING CO., INC.

Per: [Signature] (L.S.)

Richard M. Malaski, Town Clerk

IN PRESENCE OF:

[Signature]

Owner hereby requests fill as mentioned above. (Fill leveled and graded by others).

(L.S.)

ADDENDUM

That at all times that this agreement is in effect the Contractor shall maintain in effect a comprehensive general liability insurance policy written by an insurance company authorized to conduct such business in New York State in which insurance policy the Town of Cheektowaga and its Town Board, their successors and assigns shall be named insureds and the policy shall have bodily injury limits of not less than \$500,000 per person, \$1,000,000 for any occurrence and property damage limit of not less than \$500,000 written on an occurrence basis. Such insurance shall protect the Town of Cheektowaga and its Town Board, their successors and assigns from liability which may at any time occur by reason of the use of the Contractor of the said real property owned by the Town.

Owner:

TOWN OF CHEEKTOWAGA

By: *Kenneth J. Meyer*

Contractor:

ALBERT ELIA BUILDING CO., INC.

By: *[Signature]*

IN PRESENCE OF

[Signature]

Item No. 7 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilman Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 8 Motion by Supervisor Meyers, seconded by Councilman Swiatek

WHEREAS, the Town of Cheektowaga is presently a party in a lawsuit entitled Goulding v. Town of Cheektowaga and Frederick Netzel, and

WHEREAS, a non-Waiver Agreement has been prepared by the counsel for the Town's insurance carrier which requests that the Town Clerk sign said Non-Waiver Agreement on behalf of the Town, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is authorized to sign said Non-Waiver Agreement, a copy of which is attached hereto and made a part hereof.

* See next pages for Non-Waiver Agreement.

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NON-WAIVER AGREEMENT

Richard M. Moleski, Town Clerk

WHEREAS, the TOWN OF CHEEKTOWAGA, hereafter called the Assured, owns a policy of insurance issued by TRANSAMERICA INSURANCE GROUP, hereafter called the Company, and an accident occurred on or about July 2, 1975, in connection with which the said Assured is claiming benefits under the said policy, but the said Company contends or may later contend that the Assured is not entitled to such benefits under the facts alleged in a certain complaint in the United States District Court for the Western District of New York in a lawsuit entitled ROBERT GOULDING and JEAN GOULDING, as Administrators of the Goods, Chattels and Credits that were of MICHAEL D. GOULDING, Deceased, and ROBERT GOULDING and JEAN GOULDING, Individually, against FREDERICK NETZEL, THE TOWN OF CHEEKTOWAGA, and Others, and,

WHEREAS, the said FREDERICK NETZEL is also a defendant in the above-described lawsuit and, although it is the position of the Company that the said FREDERICK NETZEL is not entitled to be indemnified and/or defended in said lawsuit by reason of the issuance of its said policy to the TOWN OF CHEEKTOWAGA and,

WHEREAS, it appears that the interests of both the Assured, the said FREDERICK NETZEL and the Company may be better served and protected by an investigation of the facts giving rise to the aforesaid litigation and/or the entering of a defense on behalf of the Assured and the said FREDERICK NETZEL,

NOW, THEREFORE, it is understood and agreed between the Assured, the Company and the said FREDERICK NETZEL that the

Company may by its representatives proceed to investigate the said accident and/or undertake the defense of any suit growing out of the said accident without prejudice to the rights of the said Company, and that no action heretofore or hereafter taken by the Company shall be construed as a waiver of the right of the Company, if in fact it has such right, to deny liability and withdraw from the case, and also that by the execution of this Agreement the Assured does not waive any rights under the policy.

Executed in quadruplicate this _____ day of March, 1977.

John P. Fogarty, Witness
WITNESSETH

Richard M. Moleski
Assured
Town Clerk

Richard M. Moleski
Company

Frederick Netzel
Frederick Netzel

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APR 1 1977

Richard M. Moleski, Town Clerk

Item No. 8 cont'd

Upon Roll Call....

AYES: Supervisor Meyers, Councilmen Swiatek, Johnson, Dux, Kaczmarek & Burst
NAYES: 0
ABSENT: Councilman Wasielewski

Item No. 9 Motion by Councilman Johnson, seconded by Councilman Swiatek
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk