

**TOWN OF CHEEKTOWAGA  
EXECUTIVE WORK SESSION  
MEETING NO. 26  
OCTOBER 1, 2003**

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 1<sup>st</sup> day of October, 2003, 6:00 o'clock P.M. there were

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

ABSENT: 0

Also present were Michael J. Stachowski, Town Attorney and Brian M. Krause, Director of Administration and Finance.



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION WAS MADE BY COUNCILMEMBER MAZUR AND SECONDED BY SUPERVISOR GABRYSZAK TO ENTER INTO EXECUTIVE SESSION AT 6:50 O'CLOCK P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call ....

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



**I. RESOLUTIONS**

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

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the year 2002-2003 of the real property owned by 145 Location Associates, Inc., c/o Belmont Mgmt. Co., Inc., in the Town of Cheektowaga was duly filed by 145 Location Associates; the Town Attorney has answered the petition and defended the Town throughout this litigation, AND

WHEREAS, the Town Attorney and Town Assessor have negotiated a compromise and settlement of the proceedings with the attorneys for the petitioner; the Town Attorney and Town Assessor believe, NOW, THEREFORE BE IT

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

Upon roll call ....

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

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

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the years 2001-2002 and 2002-2003 of the real property owned by Pep Boys at 3901 Union Road, in the Town of Cheektowaga was duly filed; the Town Attorney has answered the petition and defended the Town throughout this litigation, AND

WHEREAS, the Town Attorney and Town Assessor have negotiated a compromise and settlement of the proceedings with the attorneys for the petitioner; the Town Attorney and Town Assessor believe that it is a fair, equitable, and fiscally prudent settlement, and both recommend that the Town enter into a stipulation to compromise and settle the proceedings without further litigation or attendant expense, NOW THEREFORE, BE IT

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

Upon roll call ....

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

Item No. 2c      Motion by Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the year 2003-2004 of the real property located at 100 Stradtman Street in the Town of Cheektowaga was duly filed by Bernard DiPizio; the Town Attorney has answered the petition and defended the Town throughout this litigation, AND

WHEREAS, the Town Attorney and Town Assessor have negotiated a compromise and settlement of the proceedings with the attorneys for the petitioner; the Town Attorney and Town Assessor believe that it is a fair, equitable, and fiscally prudent settlement, and both recommend that the Town enter into a stipulation to compromise and settle the proceedings without further litigation or attendant expense, NOW, THEREFORE BE IT

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

Upon roll call ....

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



MOTION BY COUNCILMEMBER MAZUR, SECONDED BY SUPERVISOR GABRYSZAK TO EXIT THE EXECUTIVE SESSION AT 7:05 P.M. AND RECONVENE THE WORK SESSION. THE VOTING WAS AS FOLLOWS:

Upon roll call ....

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



EXECUTIVE WORK SESSION  
MEETING NO. 26  
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Item No. 3 Motion by Unanimous, Seconded by Unanimous to adjourn this work session at 8:00 P.M.

Respectfully submitted by,

MICHAEL J. STACHOWSKI  
Town Attorney

**TOWN OF CHEEKTOWAGA  
MEETING NO. 27  
OCTOBER 6, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th of October 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

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

**I. RESOLUTIONS**

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

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

**GENERAL FUND**

FROM

100-1220-2201	Office Equipment	\$ 2,000.00
100-1420-4012	Printed Briefs	500.00
100-7620-2041	AARP-Safe Driving Revenues	510.00
100-1110-1971	Part-Time Payroll	6,000.00
100-1110-4431	Equipment Maintenance	1,200.00

TO:

100-1220-4001	Office Supplies	\$ 2,000.00
100-1420-4321	Computer Expense	500.00
100-7620-4641	AARP-Safe Driving Expenses	510.00
100-1110-1902	Overtime Payroll	6,000.00
100-1110-2105	Equipment	1,200.00

**SPECIAL DISTRICTS FUND**

FROM:

255-8135-4541	Lab Testing	\$ 1,000.00
255-8125-4001	Office Supplies	2,000.00
255-8125-4071	Clothing Replacement	65.81
255-8125-4087	Training & Conferences	1,036.00
255-8125-4163	Gas, Oil & Grease	10,400.00

TO:

255-8135-4203	Cellular Phones	\$ 1,000.00
255-8125-4438	Sewer Repairs	13,501.81

Upon roll call ....

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

NAYES: 0

ABSENT: 0

**MEETING NO. 27  
OCTOBER 6, 2003**

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

BE IT RESOLVED, that the following Vouchers and Warrants, Submitted to the Town of Cheektowaga prior to October 3, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 661,138.04
RISK RETENTION FUND	27,054.09
HUD HOUSING REHABILITATION	1,096.00
SPECIAL DISTRICTS FUND	583,023.49
HIGHWAY FUND	94,740.75
TRUST & AGENCY	13,410.11
HUD CDBG FUND	44,476.09
PART TOWN FUND	12,633.19
CAPITAL FUND	<u>137,772.98</u>
	<b>\$ 1,575,344.74</b>

Upon roll call ....

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

Item No. 4a      Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, bids were duly received by this town at a public bid opening for the purchase of new trees for the Town's Fall 2003, planting season by the Cheektowaga Highway Department. And as a result of advertisement, such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid be awarded to Schichtel's Nursery, Inc. 6745 Chestnut Ridge Road, Orchard Park, New York 14127, said bidder being the lowest responsible bidder, meeting specifications as set forth in the tabulation attached hereto and made a part hereof,

AND, BE IT FURTHER RESOLVED, that said monies be charged to line item #300-5140-4291.

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, a Notice to Bidders was published for the receipt of bids for Electrical Service Improvements at the Roycroft Pump Station, which bids were duly received and opened on October 1, 2003 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which report is attached hereto and contained in a letter from the Town Engineer dated October 2, 2003, AND

WHEREAS, said letter recommends that the contract for Electrical Service Improvements at the Roycroft Pump Station be awarded to CIR Electrical Construction Corporation, 2750 Kenmore Avenue, Tonawanda, New York 14150 for their bid submission of \$58,700.00, being the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the contract agreement with CIR Electrical Construction Corporation, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #2550-8125-2500, budgeted for said electrical improvements project in the Consolidated Sanitary Sewer District Budget.

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT



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

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

RESOLVED, that such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets shall be filed in the Office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, effective October 7, 2003 AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 15th day of October, 2003, for the purpose of holding a Public Hearing upon such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District budgets, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give Notice of such Public Hearing in the manner provided in Section 108 of the Town Law and that such Notice be published in the CHEEKTOWAGA TIMES, the official Town newspaper on October 9, 2003, and post same on the signboard maintained by the Town Clerk.

Upon roll call ....

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



LEGAL NOTICE

of

PUBLIC HEARING

on

PRELIMINARY BUDGET

and

LIGHTING DISTRICTS and CONSOLIDATED GARBAGE DISTRICT BUDGETS

NOTICE IS HEREBY GIVEN that the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2004, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it is available for inspection by any interested person at all reasonable hours, effective October 7, 2003.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets and hold a Public Hearing thereon at the

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Item No. 5b cont'd.

Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:00 P.M. on the 15th day of October, 2003, and that at such hearing any person may be heard in favor or against the Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budget as compiled for or against any item therein contained.

Pursuant to Section 108 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

SUPERVISOR	\$71,000
TOWN CLERK	\$65,057
HIGHWAY SUPERINTENDENT	\$71,903
COUNCILMEMBER	\$18,551

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

Mary F. Holtz, Town Clerk

Dated: October 6, 2003

Published: October 9, 2003

AFFIDAVIT - NEXT PAGE

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

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

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

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

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT

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

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

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

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

Town's Ambulance Service, Inc., d/b/a Rural/Metro Medical Services

<u>VEHICLE MAKE &amp; YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1995 Ford	16758ET	545

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by David J. Galbo, Architect for the Local 424 Federal Credit Union for the construction of a 1,344 square foot building addition at 3333 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 10, 2003 is recommending the approval of the site plan, AND

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

RESOLVED, that this Town Board determines that the project site plan is acceptable, subject to the installation of a (6) six foot high solid wood board fence along the east and south property lines to screen the existing parking areas from the adjacent residential uses.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by Philip Silvesti, Architect for the Sleep Inn Hotel for the construction of a 1,275 square foot building addition at 100 Holtz Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of July 10, 2003 is recommending the approval of the site plan subject to the replacement of all existing dead trees/shrubs, AND

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

RESOLVED, that this Town Board determines that the project site plan is acceptable, subject to the replacement of all dead trees and other landscape material on the premises.

Upon roll call ....

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

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

WHEREAS, the New York State Department of Transportation ("DOT") is in the process of reconstructing Union Road, from Como Park Boulevard to George Urban Boulevard as part of its Gardenville – Williamsville, Part 2 project (PIN 5131.23.201; PROC 12125), AND

WHEREAS, the Town of Cheektowaga owns property on the west side of Union Road south of McKesson Parkway (Map 150, Parcel 169) and the east side of Union Road north of South Creek Drive (Map 150, Parcel 170), AND

WHEREAS, the DOT has notified the Town that it needs to acquire the aforementioned Town-owned property in order to reconstruct Union Road, and has offered the Town \$5,650.00 for such property, AND

WHEREAS, the Town Engineering Department has reviewed the proposed acquisition of Town-owned property and has indicated that the acquisition will not interfere with the Town's use of such property, and will, in fact, benefit the Town, NOW, THEREFORE, BE IT

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

Upon roll call ....

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

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

WHEREAS, the New York State Department of Transportation ("DOT") is proposing the reconstruction of Union Road, from Como Park Boulevard to George Urban Boulevard (PIN 5131.23.201), AND

WHEREAS, the Town of Cheektowaga owns property on the west side of Union Road at the corner of George Urban Boulevard (Map 167, Parcel 189), AND

WHEREAS, the DOT has notified the Town that, as part of it needs to acquire the aforementioned Town-owned property in order to reconstruct Union Road, and has offered the Town \$20,350.00 for such property, AND

WHEREAS, the Town Engineering Department has reviewed the proposed acquisition of Town-owned property and has indicated that the acquisition will not interfere with the Town's use of such property, and may, in fact, be of benefit to the Town, NOW, THEREFORE, BE IT

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the State of New York allows the Town of Cheektowaga to keep a portion of the moneys for violations of the handicap parking laws, AND

WHEREAS, Town of Cheektowaga Justices Thomas S. Kolbert and Ronald Kmiotek want to set up a table at the Walden Galleria Mall on Friday, October 24, 2003 to educate people about the handicap parking laws and to assist handicapped individuals, AND

WHEREAS, the Walden Galleria Mall has agreed to allow the Town Justice Court to engage in this activity at the Walden Mall, subject to completing the Community Access Form and providing insurance coverage to the mall, AND

WHEREAS, this Town Board feels that the rights of handicapped individuals need to be protected and that the public needs to be educated about handicapped parking, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the Justice Court's initiative on this matter, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Walden Galleria Mall Community Access Form for this activity by the Justice Court, and BE IT FURTHER

RESOLVED, that Town Justice Court and Police Department personnel be and hereby are authorized to participate in this activity, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga will indemnify the Walden Galleria Mall under its self insurance program for this activity.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

MEETING NO. 27  
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Item No. 8d Motion by Supervisor Gabryszak, Seconded by Unanimous

WHEREAS, the Town of Cheektowaga, in 1990, acquired lands for the construction of an 18-hole golf course; AND

WHEREAS, since said time, the Town has been working to construct such golf course on its own, or through a private developer; AND

WHEREAS, by resolution dated May 7, 2001, this Town Board appointed Garrett, LLC, as the Designated Developer of a golf course on Town-owned land located south of Genesee Street, east of Sonwil Drive and north and west of Rehm Road; AND

WHEREAS, by resolution dated March 18, 2002, this Town Board authorized to execute a lease with Garrett, LLC on behalf of the Town, subject to approval by the Town Attorney's Office; AND

WHEREAS, due to an unexpected increase in the size of wetlands on the golf course lands, additional acreage from Rehm Road Park was needed to construct an 18-hole golf course; AND

WHEREAS, the State Legislature and Governor approved legislation authorizing the Town to enter into a lease with Garrett, LLC for the original and additional lands needed for the golf course; AND

WHEREAS, various Town representatives, including the Town Supervisor, members of the Town Board, Town Attorney, and Director of Administration and Finance, have been meeting with representatives of Garrett, LLC to negotiate the terms of a lease for the golf course; AND

WHEREAS, a Lease acceptable to the Town and Garrett, LLC has now been negotiated, which lease is in the best interests of the Town and its taxpayers; NOW THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Lease with Garrett, LLC on behalf of the Town and this Town Board, subject to approval by the Town Attorney's Office; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any other document that may be required by E.C.I.D.A. in connection with the Lease with Garrett, LLC, subject to approval by the Town Attorney's Office.



MOTION BY SUPERVISOR GABRYSZAK SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE RESOLUTION AND THE VOTING WENT AS FOLLOWS:

Upon roll call ....

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

NAYES: 0

ABSENT: 0



MEETING NO. 27  
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AMENDED

Item No. 8d cont'd.

WHEREAS, the Town of Cheektowaga, in 1990, acquired lands for the construction of an 18-hole golf course; AND

WHEREAS, since said time, the Town has been working to construct such golf course on its own, or through a private developer; AND

WHEREAS, by resolution dated May 7, 2001, this Town Board appointed Garrett, LLC, as the Designated Developer of a golf course on Town-owned land located south of Genesee Street, east of Sonwil Drive and north and west of Rehm Road; AND

WHEREAS, by resolution dated March 18, 2002, this Town Board authorized to execute a lease with Garrett, LLC on behalf of the Town, subject to approval by the Town Attorney's Office; AND

WHEREAS, due to an unexpected increase in the size of wetlands on the golf course lands, additional acreage from Rehm Road Park was needed to construct an 18-hole golf course; AND

WHEREAS, the State Legislature and Governor approved legislation authorizing the Town to enter into a lease with Garrett, LLC for the original and additional lands needed for the golf course; AND

WHEREAS, various Town representatives, including the Town Supervisor, members of the Town Board, Town Attorney, and Director of Administration and Finance, have been meeting with representatives of Garrett, LLC to negotiate the terms of a lease for the golf course; AND

WHEREAS, a Lease acceptable to the Town and Garrett, LLC has now been negotiated, which lease is in the best interests of the Town and its taxpayers; NOW THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Lease with Garrett, LLC on behalf of the Town and this Town Board, subject to approval by the Town Attorney's Office; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any other document that may be required by any financial institution in connection with the Lease with Garrett, LLC and under any other terms and conditions that may be deemed necessary, subject to approval by the Town Attorney's Office.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

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

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

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

RESOLVED, that Friday, October 31, 2003 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6:00 P.M. and 8:00 P.M. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them, and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

Upon roll call ....

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



"DESIGNATION OF HALLOWEEN NIGHT"

BE IT RESOLVED, that Friday, October 31, 2003 be designated as 'HALLOWEEN NIGHT' in the Town of Cheektowaga.

The time of "trick-or-treating" activities will be between 6:00 P.M. and 8:00 P.M.

We encourage all householders to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

HAPPY HALLOWEEN TO ALL!

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

MARY F. HOLTZ, Town Clerk

AFFIDAVIT – NEXT PAGE

MEETING NO. 27  
OCTOBER 6, 2003

Item No. 10 Motion by Councilmember Johnson; Seconded by Councilmember Swiatek

WHEREAS, the Town of Cheektowaga has a 12 foot wide drainage easement along the west side of 176 Whitney Place, AND

WHEREAS, the developer of 176 Whitney Place accidentally erected part of the dwelling over the easterly 2± feet of a portion of this drainage easement, AND

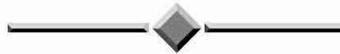
WHEREAS, the developer of 176 Whitney Place has requested that the Town release this portion of the easement, AND

WHEREAS, the Town Engineer has reviewed this matter and has stated that he has no objection to the release of the aforementioned portion of this easement, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned partial release of easement, and authorizes and directs the Town Supervisor to execute a partial release of easement document for same, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times.



NOTICE OF ADOPTION OF RESOLUTION  
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town Of Cheektowaga, on October 6, 2003, adopted a resolution authorizing the Town Of Cheektowaga to release a portion of a drainage easement located along a portion of the west side of 176 Whitney Place in the Town of Cheektowaga.

A copy of such partial release of easement is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

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

Dated: October 6, 2003

MARY F. HOLTZ  
Town Clerk

AFFIDAVIT - NEXT PAGE

MEETING NO. 27  
OCTOBER 6, 2003

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

WHEREAS, as part of the review process for the development of property at 131 Buell Avenue, the developer was requested to convey a storm sewer easement to the Town of Cheektowaga over the north side of such property, AND

WHEREAS, ATA Associates, LLC, the owner of such property, has submitted the requested easement to the Town, AND

WHEREAS, the Town Engineer and Town Attorney's Office have reviewed such easement document and have recommended that the Town accept same, NOW, THEREFORE, BE IT

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

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute such easement on behalf of the Town of Cheektowaga, and BE IT FURTHER

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

Upon roll call ....

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



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER MAZUR TO WAIVE THE READING OF NAMES FOR RESOLUTIONS #12 THROUGH #15.



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

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

	<u>EFFECTIVE</u>
<u>BUILDING MAINTENANCE DIVISION – Laborer - \$7.00 per hour</u>	
Jacqueline M. McNary Cheektowaga, NY 14206`	10/07/03
<u>POLICE DEPARTMENT – Police Matron - \$12.50 per hour</u>	
Mary Ellen Lewis Cheektowaga, NY 14227	10/03/03

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

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT – Laborer - \$7.50 per hour</u>	
Kevin Masczak Cheektowaga, NY 14225	10/01/03
Patrick Santoro Cheektowaga, NY 14225	"
Mark Wozniak Cheektowaga, NY 14225	"
Christopher Ahrens Cheektowaga, NY 14206	"
Kevin Menchini Cheektowaga, NY 14206	"

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Item No. 12 cont'd.

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

	<u>EFFECTIVE</u>
<u>PARKS DIVISION</u>	
Donald Handley	6/01/03
James McManus	10/06/03
Jason Rydzynski	"
Justin Tricoli	"
Thomas Somogye	"
Jason Maslowski	"
Walter Gardon	"
<u>SANITATION DEPARTMENT</u>	
Patrick Santoro	10/02/03
Darren Kazmierczak	9/20/03
Kenneth Kelly	9/20/03
Andrew Wastchak	9/20/03
Matthew Rich	9/16/03
<u>POLICE DEPARTMENT</u>	
Sheila Cahoon	09/25/03
Elizabeth Smith	09/30/03

Upon roll call ....

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

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

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

Steve Ciemchioch	William Vanelli
Lindsey Battaglia	Eric Scheele
Jason Elphick	William Swiat
Allison Ernst	David Smietana
Steven Saskowski	Mary Murphy
Mark Puto	Andrew Saskowski
John Kruse	Brandon Kowal
Justin Klein	Karen Kalwicki
Shaunace Jenkins	Jordan Jenkins
Gary Golab II	Rachel Gabryszak
Roobert Dominiak	Adam Czerniejewski
Nick Carter	Andrew Hall
Steven Deuser	John Szczepanski
Stephen Rozak	Matthew Weaver
Derek Wiech	David Yates
Tim Zielinski	Paul Ziolo
Beth Chojecki	Jessica Bochmann
Michelle Bone	Victoria Velardo
Maegan Schnaufer	Jasmine Adams
Jill Gordon	Jackie Poblocki
Amber Tracy	Mark Hannon
Sara Kaczmarek	Mary Zwolinski
Shawn Tyszka	Jennifer Sowinski
Kelly Brydalski	Amy Schnettler
Nick Emmanuele	Larry Roedl

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Item No. 13 Cont'd.

Rachael Gorlewski	Jay Paradowski
Ryan Mohr	Kimberly Granich
Stephanie Green	Scott Syroczyński
Chris Garcea	Diane Geiger
Sarah Geiger	Shelia Glaub
Paul Gorcyca	Aaron Grupka
Michelle Hauser	Christopher Hergott
Michelle Hora	Andrew Kaun
Beth Kawczynski	Peter Kreavy
Brandon Lehman	Lindsay Lehman
Krista M. Lesinski	Sally Lipinoga
Daniel Lysiak	Laura Mayle
Jamie Messina	Corey Miller
Daniel Mucyn	Kari Nedopak
Sarah Nolder	Nicholas Nowicki
Maria Owen	Laura Pfaff
Mark Przybysz	Nathan Pyzikiewicz
Lindsey Ritzenthaler	Shannon Rogowski
Elizabeth Sinski	Jonathan Sinski
Thomas Wasielewski	Jamie Wojciechowski
James Wozniak	Kelsey Zamoyski
Leah Zamoyski	Sean Kunkel

Upon roll call ....

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

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

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

From Seasonal to Part-time

Laura Garcea	Patrick J. Dalton, Jr.
Nicholas Gorzynski	Kate Grzedzicki
Melissa Litwin	Jillian Majka
Jon Messina	Jonathan Miller
Justin Mrozek	Zachary K. Porterfield
Ashley Reformat	Holly Rutkowski
Joshua M. Rutski	Colleen Williams
David Schnettler	Nicole Kunkel
Andrea Deuser	Jocelyn Kiszewski
Brian Koscielniak	Craig Rejman
Amy Burger	Paul Parinello
Roger Newhouse	Nicholas Conti
Jonathan Deveny	Eric Godzich
Ryan Kelly	Anthony C. Pierino
Kenneth Swain, III	

From Part-time to Seasonal  
From 7180.1901 to 7140.1614

Gwen Graser  
Kevin Fischer  
Matthew Hanley

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Item No. 14 cont'd.

From Seasonal to Part-time  
From 7180.1902 to 7140.1614  
Jeff Kunkel

Upon roll call ....

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

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

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

Rink Personnel – 7310.1611  
Recreation Attendant - \$5.15 per hour  
Brandon Jarczewski 14227

7140.1614  
Recreation Attendant II - \$5.40

Item No. 15 Cont'd.

Meagan Brown 14227

BE IT RESOLVED that the following part-time employee's date of hire be adjusted as follows:

Recreation Leader (XII)  
Barbara Spring 14043 9/8/03

Upon roll call ....

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

Item No. 16a Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, a temporary vacancy exists in the position of General Mechanic in the Building Maintenance Division; AND

WHEREAS, the Building Maintenance and Parks Divisions were canvassed internally in accordance with an agreement with the Town of Cheektowaga Employees Association; AND

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

RESOLVED, that Ralph Collins of Cheektowaga, New York 14227, be and hereby is appointed to the temporary position of General Mechanic in the Building Maintenance Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective September 29, 2003.

Upon roll call ....

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

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ABSENT: 0

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

WHEREAS, a vacancy exists in the position of Senior Maintenance Worker in the Building Maintenance Division; AND

WHEREAS, the Building Maintenance and Parks Divisions were canvassed internally in accordance with an agreement with the Town of Cheektowaga Employees Association; AND

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

RESOLVED, that John J. Trzaska of Sloan, New York 14212 be and hereby is appointed to the position of Senior Maintenance Worker in the Building Maintenance Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective October 7, 2003.

Upon roll call ....

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

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

WHEREAS, the Virginia State Police is requesting Cheektowaga K-9 Officer Daniel Smith to train and certify all K-9 Handlers and their dogs in narcotic detection in the State of Virginia. This training will be held at the Central Shenandoah Training Academy in Virginia from October 13 thru October 17, 2003.

WHEREAS, Chief Ziembra is requesting authorization to send Officer Smith to this academy. All expenses will be covered by the Virginia Police Department, there will be no cost to the Town, AND, NOW THEREFORE BE IT

RESOLVED, that Officer Smith is authorized to attend this training, and that the time spend there be authorized as normal duty time.

Upon roll call ....

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

**II. DEPARTMENTAL COMMUNICATIONS**

Item No. 18a Town of Cheektowaga – 2004 – Preliminary Ad Valorem Budget Received and Filed.

Item No. 18b Town of Cheektowaga – 2004 – Preliminary Benefit Basis Budget Received and Filed.

Item No. 19 Supervisor’s Statement of Funds – August 2003 Received and Filed.

Item No. 20a Minutes – Cheektowaga Conservation Advisory Council – August 16, 2003 Received and Filed.

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Item No. 20b Minutes – Town Environmental Advisory Committee – September 10, 2003  
Received and Filed.

Item No. 20c Minutes – Town Environmental Advisory Committee – September 25, 2003  
Received and Filed.

Item No. 20d Minutes – Cheektowaga Planning Board – September 11, 2003  
Received and Filed.

Item No. 20e Minutes – Board of Ethics – September 22, 2003  
Received and Filed.

**III. GENERAL COMMUNICATIONS**

Item No. 21a Notice of Claim: Timothy Cooper vs. Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.  
Received and Filed.

Item No. 21b Notice of Claim: Edward Falzone vs. Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and First Niagara Risk Management.  
Received and Filed.

Item No. 21c Notice of Claim: Jack Fick vs. Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.  
Received and Filed.

Item No. 22 General Purpose Financial Statements and Federal Financial Assistance Schedules Year Ended December 31, 2002 and Independent Auditors' Report  
Received and Filed.

Item No. 23 Statement of Changed in Cash Balances and Statements of Cash Receipts and Disbursements of the Receiver of Taxes and Assessments, Town Clerk and the Town Justices for the Year Ended December 31, 2002 and Independent Auditors' Report  
Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER MAZUR; AND SECONDED BY COUNCILMEMBER JOHNSON TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WENT AS FOLLOWS:

Upon roll call ....

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

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**IV. SUSPENSION OF RULES**

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

WHEREAS, the International Narcotic Enforcement Officers Association has selected Cheektowaga Police Officer Robert Lakowski, who is currently assigned to the Buffalo DEA Task Force Group, to receive a "Special Award of Honor" for outstanding service and dedication to his duties in the area of law enforcement. In conjunction with this ceremony the annual training a conference will be held with various key not speakers, DEA training, sharing of national drug intelligence, and pharmaceutical presentations. AND,

WHEREAS, this conference will be held in Ft. Lauderdale, Florida on October 19-25, 2003. AND,

WHEREAS, Chief Ziemba is requesting authorization to send P/O Laskowski to this event. The Cheektowaga Police Department will be responsible for meal expenses amounting to approximately \$147.00. All other expenses will be covered by the Narcotic Enforcement Officers Association. AND, THEREFORE BE IT

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

Upon roll call ....

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

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

WHEREAS, the Town Board of the Town of Cheektowaga ("Lessee") desires to obtain certain equipment (the "Equipment") described in Equipment Schedule "A" to the Energy Performance Contract Municipal Lease/Purchase Agreement (collectively, the "Lease") with Real Lease, Inc., the form of which has been available for review by this Town Board of Lessee prior to this meeting; AND

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; AND

WHEREAS, the funds made available under the Lease will be deposited with Manufacturers and Traders Trust Company (the "Escrow Agent") pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; AND

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; AND

WHEREAS, Lessee proposes to enter into the Lease with Real Lease, Inc. and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting; NOW, THEREFORE, BE IT

RESOLVED, that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in the forms presented to this Town Board and incorporated in this Resolution are in the best interests of Lessee for the acquisition of the Equipment; AND BE IT FURTHER

RESOLVED, that the Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby

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approved; AND BE IT FURTHER

Item No. 25 cont'd.

RESOLVED, that the Town Supervisor of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents; the Town Clerk of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same; AND BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents; AND BE IT FURTHER

RESOLVED, that pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code; AND BE IT FURTHER

RESOLVED, that the above resolution has not been repealed or amended and remains in full force and effect and, further, that the Lease and Escrow Agreement executed on behalf of Lessee are the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

Upon roll call ....

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

Item No. 26 Motion by Councilmember Jankowiak; Seconded by Councilmember Swiatek and Councilmember Johnson

WHEREAS, the Town of Cheektowaga (referred to as "Town"), and Kevin Greiner & Associates LLC d/b/a Greiner Industries (referred to as "Contractor") entered into a Yard Waste Agreement for the disposal of yard waste, dated May 20, 2003; AND

WHEREAS, the Contractor's primary facility has become unavailable; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby consents and agrees to deliver its yard waste to the Contractor's "Substitute Facility", as defined in Article 2(b) of said Yard Waste Agreement, said facility being located on the old Bethlehem Steel site located in Lackawanna, New York.

Upon roll call ....

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

Item No. 27 Motion by Unanimous; Seconded by Unanimous

WHEREAS, by resolution dated October 6, 2003, this Town Board authorized and directed the Supervisor to execute an Indenture of Lease between the Town and Garrett, LLC in order to facilitate private development of a golf course on Town-owned land located south of Genesee Street, east of Sonwil Drive and north and west of Rehm Road; AND

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Item No. 27 cont'd.

WHEREAS, the acquisition of said land was financed with a portion of the proceeds of the Town's Various Purposes Serial Bonds - 1989, Series A and Series B, of which portion \$590,000 aggregate principal amount of bonds remain outstanding; AND

WHEREAS, in order to preserve the tax-exemption on such bonds after the lease of such land to a private developer such as Garrett, LLC it is necessary to provide for the defeasance (within the meaning of federal tax law) of such bonds; AND

WHEREAS, such defeasance requires the establishment and funding of an escrow fund, through deposit of moneys in a total amount which, when invested in an appropriate portfolio of United States government obligations will provide earnings sufficient to pay all required principal and interest payments due on such bonds to maturity; AND

WHEREAS, pursuant to said Indenture of Lease, Garrett LLC will make an initial payment of rent in the amount of \$590,000, which, together with available current funds of the Town, will be deposited in said escrow fund and invested in said portfolio in order to effect said defeasance; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is authorized and directed to establish said escrow fund to be held by M & T Bank upon such terms and conditions as he shall agree upon with said bank; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to cause the deposit in said escrow fund of said initial payment of rent, together with Town current funds hereby appropriated in an amount not to exceed \$590,000.00, and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to cause the investment of said deposited funds in such portfolio of United States government obligations as he shall determine, with the assistance of the Town's financial advisor, will be sufficient to effect the defeasance of said outstanding Town bonds; and BE IT FURTHER

RESOLVED, that the Supervisor, the Clerk, the Director of Administration and Finance, and the Town Attorney are each authorized and directed to take such other actions and execute such documents as may be necessary and appropriate to effect said defeasance consistent with the provisions of said Indenture of Lease; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall pay M & T Bank the following sums out of budget line item number 500-7140-1100-5817 for services as escrow agent on this matter:

Acceptance Fee	\$500
Annual Fee	.05% on Total Market Value (\$1,000 minimum annual fee)
Per Check	\$10
Per Wire Transfer	\$15
Per Security Transaction	\$15;

and BE IT FURTHER

RESOLVED, that this Resolution shall take effect immediately.

Upon roll call ....

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



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A PRESENTATION TO THE CEDARGROVE YOUTH GROUP, THE FOLLOWING INDIVIDUALS WERE PRESENTED CERTIFICATES FOR THEIR WORK, RAISING MONEY FOR THE NEEDY, FOR FOOD AND CLOTHING; ALSO RAISING MONEY FOR THE FIRE DEPARTMENT AND MERCY FLIGHT:

Courtney Ciesielski  
Melanie Zogaria  
Joe Ciesielski  
Michael Carnes  
Kert Damsletter  
Alexa Carnes

Stephanie Ceranski  
Kayla Walker  
Sarah Essek  
Bob Hillyard  
Merissa Ciesielski  
Alexa Hyla



Item No. 28 Motion by Councilmember Swiatek; Seconded by Councilmember Mazur to adjourn the meeting at 7:50 P.M.

MARY F. HOLTZ  
Town Clerk

**TOWN OF CHEEKTOWAGA  
SPECIAL MEETING NO. 28  
OCTOBER 15, 2003**

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 15th of October 2003 at 6:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; William Pugh, Town Engineer; Christopher Kowal, Highway Superintendent; John Jaroszewski, Deputy Highway Superintendent; William P. Rogowski, Receiver of Taxes; Christine Ziemba, Chief of Police and Captain Tom Rowan

**I. PUBLIC HEARING**

Item No. 2 This being the time and place advertised to consider the Preliminary Benefit Basis Budget of the Town of Cheektowaga for the year 2004. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

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

*(The 2004 Preliminary Benefit Basis Budget is on file in the Town Clerk's Office.)*

Item No. 3 This being the time and place advertised to consider the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2004. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

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

*(The Preliminary Ad Valorem Budget for 2004 is on file in the Town Clerk's Office.)*

Item No. 4 Motion by Unanimous; Seconded by Unanimous to adjourn this special meeting. This meeting was adjourned at 6:30 P.M.

MARY F. HOLTZ  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING 29  
OCTOBER 20, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 20th day of October, 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Patricia Wojcik, Director of Senior Service; William Pugh, Town Engineer; Christine Ziemba, Chief of Police; Jerome Gabryszak, Director of Community Development and Christopher Kowal, Highway Superintendent.

*Invocation by Rev. Stephen Andzel, New Creation Fellowship*

**I. RESOLUTIONS**

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

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

**GENERAL FUND**

FROM:	100-7110-4141	Chemicals	\$6,750.00
	100-7110-2303	Over Road Vehicles	975.00
	100-7110-4454	Portable Toilets	425.00

TO:	100-7110-4451	Bldg/Grounds Maint./Repair	\$8,150.00
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**HUD CDBG FUND**

FROM:	700-1099-2500	Pine Hill Improvements	\$2,003.73
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TO:	700-1099-2400	Cedargrove Heights Recreation Improvements	\$2,003.73
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Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

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

GENERAL FUND	\$1,896,685.76
RISK RETENTION FUND	133,619.45
DEBT SERVICE FUND	20,000.00
HUD HOUSING REHABILITATION	11,165.00
SPECIAL DISTRICTS FUND	738,555.09
HIGHWAY FUND	318,398.21
TRUST & AGENCY	3,213.08

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 3 cont'd.

HUD CDBG FUND	\$ 11,883.06
PART TOWN FUND	65,041.32
CAPITAL FUND	<u>182,394.48</u>
	\$3,380,955.45

Upon roll call ....

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

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

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

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

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

WHEREAS, an application was submitted by Noco Energy Corp. for the rezoning of 1199 French Road from C-Retail Business to MS-Motor Services for the demolition an existing gas station/convenience store and the construction of a new gas station/convenience store with an accessory restaurant, AND

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

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

WHEREAS, the applicant modified his site plan to include public sidewalks along French Road and Borden Road, reduced the size of the accessory restaurant and added additional shade trees, AND

WHEREAS, the applicant hired a traffic consultant to prepare a queuing analysis to evaluate the potential for vehicular conflicts near the Borden Road/French Road intersection, AND

WHEREAS, the queuing analysis indicated that the proposed development will not negatively impact traffic on Borden Road and French Road, AND

WHEREAS, concerns for potential nuisance impacts to the abutting lawful nonconforming residential use to the south will be mitigated by the placement of vegetative and man made screening along the south property line and the menu/order speaker has been relocated away from the residential neighbors living space, AND

WHEREAS, the applicant has also performed a photometric study to evaluate artificial light nuisances, and will be limiting artificial light spill over to 0.1 foot candles at the south property line and 0.0 foot candles at the residential neighbor's living space, AND

WHEREAS, the applicant has petitioned the Town of Cheektowaga Zoning Board of Appeals for relief from the parking set back requirements and the setback requirement for the proposed refuse enclosure, AND

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

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

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 4 cont'd.

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Silvestri Architects dated October 15, 2003 acceptable, subject to :

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 29  
OCTOBER 20, 2003

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

WHEREAS, NOCO Energy Corporation petitioned for a rezoning from C-Retail Business District to MS-Motor Services District for a gas station/convenience store with an accessory restaurant for property owned by it and located at 1199 French Road, Cheektowaga, New York, which property is described in the attached legal description, AND

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

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

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

WHEREAS, the applicant must obtain necessary variances from the Zoning Board of Appeals of the Town of Cheektowaga, NOW, THEREFORE BE IT

RESOLVED, that the application of NOCO Energy Corporation, for the rezoning from C-Retail Business District to MS-Motor Services District of the property described in the attached legal description for a gas station/convenience store with an accessory restaurant be and the same is hereby approved, subject to the following condition:

1. Applicant must obtain the necessary variance from the Zoning Board of Appeals of the Town of Cheektowaga

and, BE IT FURTHER

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

Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 6 Bond: Acquisition of Various Highway Equipment

\*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 7a Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on November 3, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 23rd day of October, 2003, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

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

§235-46. SCHEDULE VII: STOP INTERSECTIONS, shall be amended by adding thereto the following:

<u>Stop Signs On</u>	<u>Direction Traffic Stops</u>	<u>At Intersection Of</u>
Cleveland Hill School Service Road	South	Bigelow Road
Buell Avenue (Service Road to 4039 Genesee Street)	North	Buell Avenue

§235-47. SCHEDULE VIII: YIELD INTERSECTIONS DESIGNATED, shall be amended by adding thereto the following:

<u>Yield Sign On</u>	<u>Direction Traffic Yields</u>	<u>At Intersection Of</u>
DEWBERRY LANE	East	Scrivner Drive

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

Dated: October 20, 2003

\_\_\_\_\_  
MARY F. HOLTZ  
Town Clerk



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

ITEM 7A WAS NOT PUBLISHED.  
THIS RESOLUTION WILL BE ON THE NOVEMBER 3, 2003 AGENDA

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 7b Motion by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, Atlas Self Storage, LLC has made application and requested the Rezoning from R-Residence District to CM-General Commercial District for 8.4 acres of land located at 550 Cayuga Road, (with the permission of the property owner, namely 580 Cayuga, Inc.), NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on November 3, 2003 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 7c Motion by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, People Inc. has made application and requested the Rezoning from CM-General Commercial District to R-Residence District for property located at 155 Wheaton Drive, (with the permission of the property owner, namely John R. Coyle, Kenneth R. Coyle & Karen M. Coyle), NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on November 3, 2003 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

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

WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 2004 Program Year, AND

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

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

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

RESOLVED, that a public hearing be held on November 3, 2003 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose and, BE IT FURTHER

RESOLVED, that a public notice of such public hearing be published in the CHEEKTOWAGA TIMES on Thursday, October 23, 2003.



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

A Public Hearing will be held on Monday, November 3, 2003 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2003 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs.

The amount of CDBG and HOME funding for which the Town will be eligible next year has not yet been made available by the Department of Housing and Urban Development. In 2003, the Town received \$1,112,000 in CDBG funds and \$397,000 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

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

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



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 8a Motion by Councilmember Jaworowicz, seconded by Councilmember Johnson

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for contracting of Snow Removal if a snow emergency should occur for use by the Cheektowaga Highway Department.

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

RESOLVED, that the Town Clerk is hereby designated as The Officer to open bids on the aforesaid items at 11:00 A.M. on November 5, 2003. `` m



NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the town in the event of a snow emergency during the 2003-04 winter season.

Specifications and information are available at the office of the Town Clerk at her office in the Cheektowaga Town Hall located at Broadway and Union Roads, Cheektowaga, New York 14227, between the hours of 9:00 AM and 4:30 PM.

In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway & Union Road, Cheektowaga, NY 14227, prior to the time of the bid opening scheduled for Wednesday, November 5, 2003, at 11:00 AM in the Town Hall Council Chambers.

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

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

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

\_\_\_\_\_  
Mary Holtz, Town Clerk



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 8b Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga has received grant monies from the New York State Education Department State Archives and Records Administration's Local Government Records Management Improvement Fund to improve records management practices associated with the Town Building Department permits and file, AND

WHEREAS, the grant funds will be utilized to implement the document imaging system in the Town's Building Department, and due to the cost of same, there is a need to call for bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the implementation of the Document Imaging System in the Town's Building Department, said notice to be published in the Cheektowaga Times and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 29th day of October, 2003 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 29, 2003 at 11:00 a.m., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the Implementation of a Document Imaging System for the Town of Cheektowaga Building Department.

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

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

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

Mary F. Holtz  
Town Clerk

DATED: October 20, 2003



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 29  
OCTOBER 20, 2003

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

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

WHEREAS, the Cheektowaga Central High School Senior Student Council has made application to hold its Homecoming Parade on October 24, 2003 from 6:00 P.M. to 7:15 P.M. as follows:

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

,and

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Central High School Senior Student Council for the aforementioned parade to be held on October 24, 2003 and, BE IT FURTHER

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

Upon roll call ....

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

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

BE IT RESOLVED, that the New York State Gas & Electric Corporation be and hereby is authorized to connect four (4) 250 watt high pressure sodium luminaries on Walden Avenue, east of the I-90 at the entrance/exit ramps to the I-90 under Service Classification No. 2, in accordance with the attached proposal submitted to the Town Engineer dated October 15, 2003 at a total annual increase of \$565.24 which shall be chargeable to the General Lighting District and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to:

Mr. James Latello  
New York State Electric & Gas Corporation  
150 Erie Street  
Lancaster, New York 14086

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 29  
OCTOBER 20, 2003

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

BE IT RESOLVED, that the Niagara Mohawk Power Corporation be and hereby is authorized to connect four (4) 250 watt high pressure sodium luminaries on Walden Avenue, west of the I-90 at the entrance/exit ramps to the I-90 under Service Classification No. 3, in accordance with the attached proposal submitted to the Town Engineer dated October 15, 2003 at a total annual estimated cost of \$534.11 for distribution, delivery and energy, which shall be chargeable to the General Lighting District and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to:

Ms. Francis Porpiglia  
Consumer Representative  
Niagara Mohawk Power Corporation  
535 Washington Street  
Buffalo, New York 14203-1497

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 11 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, the Board of Fire Commissioners of the Bellevue Fire Districts No. 9, by letter dated October 2, 2003, have requested that this Town Board authorize the installation of two (2) additional hydrants within said Fire Districts, at the below listed locations:

1. North side of Losson Road, approximately 160 feet east of Groell Avenue
2. South side of Crabapple Lane, approximately 325 feet west of North Rushford Lane

and as further identified on the drawing, referenced in the aforesaid letter, NOW, THEREFORE BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized to install two (2) hydrants at the stated locations as requested by the Bellevue Fire District No. 9 Board of Commissioners and, BE IT FURTHER

RESOLVED, that the annual hydrant rental charges for the subject hydrants shall be billed directly to the Bellevue Fire District No. 9, as an addition to the existing direct service hydrant inventory.

Upon roll call ....

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

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

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

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

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

WHEREAS, an application for a permit was submitted by the Cheektowaga Central School District to conduct a open fire on October 22, 2003 on the property located at 3600 Union Road near the tennis court, AND

WHEREAS, the applicant intends on conducting an open fire for student activities., AND

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

WHEREAS, this Town Board has reviewed the application submitted by the Cheektowaga Central School District and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

Upon roll call ....

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

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 13a Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, grant monies are available from the U.S. Department of Justice, Local Law Enforcement Block Grant Program, AND

WHEREAS, the Town of Cheektowaga Police Department seeks grant monies to continue the Roadway Interdiction Program which focuses on apprehension of offenders for drug and weapon offenses. The Interdiction Team has been established to prove that a proactive campaign of vehicle and traffic law enforcement will result in the detection of criminal activity that may not have been discovered otherwise, NOW, THEREFORE BE IT

RESOLVED, that the Police Department be authorized and directed to complete the necessary application, forms, etc. to be submitted to the U.S. Department of Justice for the purpose of securing this grant and, BE IT FURTHER

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

Upon roll call ....

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

Item No. 13b Motion by Councilmember Mazur, seconded by Councilmember Johnson

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

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

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

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

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

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

and, BE IT FURTHER

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

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 14a Appointment to Position of Working Crew Chief in Sanitation Department  
This item was withdrawn.

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

WHEREAS, by resolution dated January 6, 2003, this Town Board reappointed members to the Veterans Affairs Committee, AND

WHEREAS, vacancies exist on such Veterans Affairs Committee, and

WHEREAS, Clair E. Johnson, Earle Rosenthal and Elaine Rosenthal have volunteered to serve on such Committee NOW, THEREFORE, BE IT

RESOLVED, that the following individuals and hereby are appointed as members of the Veterans Affairs Committee, effective immediately and terminating on December 31, 2003.

Clair E. Johnson, Cheektowaga, New York 14227  
Earle Rosenthal, Cheektowaga, New York 14225  
Elaine Rosenthal, Cheektowaga, New York 14225

Item No. 15 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

From Seasonal to Part-Time

7140.1611

Kevin Fischer  
Gwen Grasser  
Matthew Hanley

Part-Time

From Recreation Attendant (I) to Recreation Attendant (II) - (7140.1614 & 7140.1613) - \$5.40

Amanda Kostran

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 16 Councilmember Jankowiak, seconded by Councilmember Mazur

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

EFFECTIVE

POLICE DEPARTMENT – Clerk - \$7.00 per hour

Barbara Wacienga Cheektowaga, NY 14227 10/21/03

BE IT RESOLVED, the following PART-TIME employees be and hereby are adjusted as follows:

EFFECTIVE

POLICE DEPARTMENT – Dog Warden – Laborer - \$6.00 to \$7.00 per hour

Mark Bauer Cheektowaga, NY 14227  
Aaron Kandefer Cheektowaga, NY 14225

9/16/03

“

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

Item No. 16 cont'd.

SANITATION DEPARTMENT

Daniel Krystyniac 10/04/03  
Kenneth Piatek 10/11/03

SEWER MAINTENANCE

James Wojciechowski 4/21/03  
Justin Maly 7/25/03

POLICE DEPARTMENT

Stefanie Zachowicz 10/01/03

Upon roll call ....

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

Item No. 17a Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, MAGLOCLEN, Saratoga County District Attorney's Office and the Saratoga Springs Police Department will be hosting a training conference, "Disclosing Secrets, Interview & Interrogation Techniques" and Information Sharing Conference in Saratoga, N.Y. on October 21-23, 2003, AND

WHEREAS, Chief Ziemba is requesting authorization to send Detective Lieutenant David Zack to this conference. The conference will cover various topics such as, listening skills, body language indicators and legal issues, just to name a few. The Police Department will be responsible for tuition, meals, travel and lodging which will amount to approximately \$454.00 NOW, THEREFORE BE IT

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

Upon roll call ....

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

Item No. 17b Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, Fox Valley Technical College is hosting a child Exploitation Investigation seminar in Rochester, New York on October 27 through 31, 2003, AND

WHEREAS, Chief Ziemba is requesting authorization to send Juvenile Detective Joseph Crean to this training. During this training Det. Crean will learn about the child predator, learn how a child predator solicits and achieves their sexual satisfaction, gain enough expertise to obtain search warrants and learn how to execute them. Topics covered include computer child exploitation, missing children, child prostitution, victim interviews, suspect interrogation, prosecution, Federal agencies' roles and resources, Federal statutes and managing the child exploitation problem. The Police Department will be responsible for travel and meal expenses amounting to approximately \$120.00. Tuition and lodging will be covered by Fox Valley Technical College NOW, THEREFORE BE IT

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

Upon roll call ....

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

**MEETING NO. 29  
OCTOBER 20, 2003**

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

WHEREAS, the Supervisors' Management School will be held November 2, 2003 through November 7, 2003 located in Wheeling, West Virginia, AND

WHEREAS, Recreation Supervisor Paul Marchewka of the Parks, Recreation and Youth Services Department has been invited to teach Large Group Team Building and Communication at the seminar, AND

WHEREAS, Mr. Marchewka will also be attending related classes being held at the seminar, AND

WHEREAS, no cost will be assigned to Mr. Marchewka to attend said classes in exchange for his teaching the two aforementioned courses, NOW, THEREFORE, BE IT

RESOLVED, that Recreation Supervisor Paul Marchewka of the Parks, Recreation and Youth Services Department be and hereby is authorized to attend the Supervisors' Management School from November 2, 2003 through November 7, 2003 in Wheeling, West Virginia.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

**II. DEPARTMENTAL COMMUNICATIONS**

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

Item No. 19 Emergency Services Quarterly Report (July – September 2003)  
Received and Filed.

Item No. 20a Minutes of Cheektowaga Conservation Advisory Council – September 4, 2003  
Received and Filed.

Item No. 20b Minutes of Cheektowaga Traffic Safety Commission – September 16, 2003  
Received and Filed.

Item No. 20c Minutes of Cheektowaga Public Library Board – September 17, 2003  
Received and Filed.

Item No. 20d Minutes of Town Environmental Advisory Committee – October 8, 2003  
Received and Filed.

**III. GENERAL COMMUNICATIONS**

Item No. 21 Summons: HSBC Mortgage Corp. vs. Scott E. Hahn, Ford Motor Credit Company, Town of Amherst and Town of Cheektowaga  
Copies were sent to: Community Development; Michael Stachowski, Town Attorney and Town Assessor  
Received and Filed.

Item No. 22a Notice of Claim: Erie County Water Authority vs. Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council and First Niagara Risk Management.  
Received and Filed.

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 22b Notice of Claim: Michael M. Golebiewski vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Engineering Department and First Niagara Risk Management.  
Received and Filed.

Item No. 23 Notice of Highway Closure: George Urban Boulevard, from French Road to Transit Road in the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Council; Traffic Safety and Highway Department  
Received and Filed.

Item No. 24 Petition: Residents of Barnabas Drive Requesting Police Enforcement on Traffic Violations  
Copies were sent to: Supervisor, Council and Chief of Police  
Received and Filed.



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

Upon roll call ....

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



**IV. SUSPENSION OF RULES**

Item No. 25 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, by resolution dated December 30, 2002, this Town Board approved agreements for the operation of nutrition programs at various sites in the Town, AND

WHEREAS, one of these sites is the Maryvale Presbyterian Church at 425 Maryvale Drive in the Town, AND

WHEREAS, such agreement contained a provision to allow the Town to terminate such contract if necessary, AND

WHEREAS, the Erie County Department of Senior Services, which operates and provides funding for the Town's nutrition program, notified the Town that, due to declining attendance at the Maryvale Presbyterian Church nutrition site, nutrition lunches at such site would no longer be available, effective November 17, 2003, AND

WHEREAS, the Town Attorney's Office previously notified Maryvale Presbyterian Church of the termination of the agreement, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby terminates the agreement between the Town and Maryvale Presbyterian Church for the nutrition program, effective November 17, 2003.

Upon roll call ....

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

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 26 Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

BE IT RESOLVED, that the Supervisor is hereby authorized to execute an Entertainer's Engagement Contract dated August 14, 2003, with United Polka Artists (Jimmy Sturr) for their July 17, 2004 appearance at the 2004 Polish-American Cultural Arts Festival.

Upon roll call ....

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

Item No. 27 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

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

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

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 29  
OCTOBER 20, 2003

Item No. 28 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the Town intends to acquire the property located at 72 Randolph Street for the purpose of demolition, site clearance and construction of new single-family homes for income-eligible homebuyers, AND

WHEREAS, the Director of Community Development has recommended that the Town retain Watts Engineers for the purpose of preparing plans and specifications for the removal of asbestos, demolition and related inspection services relative to 72 Randolph Street pursuant to their proposal dated October 20, 2003, NOW THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with Watts Engineers, 3826 Main Street, Amherst New York, 14226 for the preparation of plans and specifications for the removal of asbestos, demolition and related inspection services relative to 72 Randolph Street, Cheektowaga, New York, at a cost not to exceed \$8,950.00, said costs to be paid with Community Development Block Grant funds.

Upon roll call ....

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

Item No. 29 Motion by Councilmember Johnson, seconded by Councilmember Mazur to adjourn this meeting. This meeting was adjourned at 7:25 P.M.

Mary F. Holtz  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING NO. 30  
NOVEMBER 3, 2003**

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

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

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Sam LaGreca, Planning Board Chairman; Patricia Wojcik, Director of Senior Services; Christopher Kowal, Highway Superintendent; Jerry Gabryszak, Director of Community Development and Christine Ziemba, Chief of Police

**I. RESOLUTIONS**

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

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

GENERAL FUND

FROM:	100-1330-4001	Office Supply	\$ 674.90
	100-1330-4431	Equipment Repairs & Maint	1,600.00
	100-1910-3088	Misc. State Aid	1,200.00
	100-7510-4052	Printing Historical Material	510.00
	100-7510-4088	Travel	300.00
TO:	100-1330-2201	Office Equipment	\$ 2,274.90
	100-1680-2204	Computer/Lan Hardward	1,200.00
	100-7510-4043	Maps,Records,Supplies	810.00

Upon roll call ....

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

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

BE IT RESOLVED, that the following Vouchers and Warrants Submitted to the Town of Cheektowaga prior to October 31, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 542,891.46
RISK RETENTION FUND	86,670.09
HUD HOUSING REHABILITATION	25,739.00
SPECIAL DISTRICTS FUND	190,149.89
HIGHWAY FUND	84,987.05
TRUST & AGENCY	13,989.00
HUD CDBG FUND	33,673.12
PART TOWN FUND	12,626.16
CAPITAL FUND	<u>425,588.04</u>
	\$ 1,416,313.81

Upon roll call ....

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

MEETING NO. 30  
NOVEMBER 3, 2003

Item No. 4a Motion by Councilmember Johnson; Seconded by Councilmember Magierski

WHEREAS, by resolution dated October 20, 2003, this Town Board scheduled a public hearing for November 3, 2003 on proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), AND

WHEREAS, inadvertently, the Notice of Public Hearing was not published in the Cheektowaga Times; therefore, the date of the public hearing must be changed, NOW, THEREFORE, BE IT

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on November 17, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 6th day of November, 2003, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on November 17, 2003 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

§235-46. SCHEDULE VII: STOP INTERSECTIONS, shall be amended by adding thereto the following:

Stop Signs on Cleveland Hill School Service Road	Direction Traffic Stops South	At Intersection of Bigelow Road
Buell Avenue (Service Road to 4039 Genesee Street)	North	Buell Avenue

§235-47. SCHEDULE VIII: YIELD INTERSECTIONS DESIGNATED, shall be amended by adding thereto the following:

Yield Sign On DEWBERRY LANE	Direction Traffic Yields East	At Intersection of Scrivner Drive
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BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: November 3, 2003

MARY F. HOLTZ  
Town Clerk

Upon roll call ....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT NEXT PAGE

MEETING NO. 30  
NOVEMBER 3, 2003

Item No. 4b Motion by Councilmember Magierski; Seconded by Councilmember Johnson

WHEREAS, F.J. Wailand Associates, Inc. has made application and requested the Rezoning from R-Residence to M1 – Light Manufacturing for 0.29± acres of land located at 600 Cayuga Road, (with the permission of the property owner, namely David Conley), NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on November 17, 2003 at 6:30 P.M. at the Cheektowaga Town Hall, 3301 Broadway Street at the corner of Union Road

Upon roll call ....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT – NEXT PAGE

**MEETING NO. 30  
NOVEMBER 3, 2003**

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

WHEREAS, by resolution dated April 21, 2003, this Town Board advertised for bids for various improvements to Dartwood Park, AND

WHEREAS, due to a shortage of funding, this Town Board, by resolution dated July 21, 2003 awarded a bid only for items 3A (Play Structure for 5-12 Year Olds) and 3B (Addition to Play Structure for 5-12 Year Olds) to Gleasons Nursery, Inc. for \$48,144.00, AND

WHEREAS, thanks to the generosity of State Assemblyman Paul A. Tokasz, an additional amount of \$40,000 will now be available for the purchase of additional improvements to Dartwood Park, AND

WHEREAS, Gleason's Nursery, Inc. has agreed to honor its bid prices for items 2 (Play Structure for 2-5 Year Olds) and 4 (Bay Arch Swings), AND

WHEREAS, Gleasons Nursery, Inc. was the lowest responsible bidder for this project, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby amends the aforementioned July 21, 2003 bid award to Gleason's Nursery, Inc. include the following additional items:

Item 2	Play Structure for 20-5 Year Olds	\$27,277.00
Item 4	Bay Arch Swings	\$ 7,586.00

, and BE IT FURTHER

RESOLVED, that such additional bid award is contingent upon receipt of moneys from State Assemblyman Paul A. Tokasz.

Upon roll call ....

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

Item No. 5b Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS, the Town has received a grant award from the New York State Archives and Records Administration to fund the implementation of a document imaging system for the Town's Building Department; AND

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for said Implementation of an Imaging System in the Town's Building Department, which bids were publicly opened on October 29, 2003; AND

WHEREAS, said bids were referred to the Town Records Manager and Network Coordinator for analysis, tabulation and report; AND

WHEREAS, the Town Records Manager and the Network Coordinator recommend that the contract for the Document Imaging System be awarded to Biel's Information Technology Systems for their submission of the lowest responsible bid meeting the requirements of the Request for Proposals, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Implementation of the Document Imaging system be and hereby is awarded to Biel's Information Technology Systems, 1201 Indian Church Road, Buffalo, New York, 14224, for the bid price of \$29,349.00 (bid proposal of \$40,729.00 less deductions for one scanner and one BIS master scan interface), said bid being the lowest responsible bid meeting the requirements of the specifications; and BE IT FURTHER

MEETING NO. 30  
NOVEMBER 3, 2003

Item No. 5b Cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract with Biel's Information Technology Systems for the aforesaid service, subject to approval by the Town Attorney's Office.

Upon roll call ....

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

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

WHEREAS, bids were received and publicly opened on September 17, 2003 by the Town Clerk for the furnishing and installation of trees in the Dingens Street Park and Town Park, AND

WHEREAS, one (1) bid was received which exceeded the amount budgeted for this project, AND

WHEREAS, following a review of the sole bid, the Office of the Town Engineer has recommended in the attached memorandum dated October 29, 2003 that the bid be rejected, NOW, THEREFORE, BE IT

RESOLVED, that the bid received for the above stated project, as opened on September 17, 2003, be and hereby is rejected.

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 30  
NOVEMBER 3, 2003**

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

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

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

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

WHEREAS, an application was submitted by Philip J. Silvestri, Architect for the Boy Scouts of America for the construction of a 14,800 square foot office building at 2860 Genesee Street, AND

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

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

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Silvestri Architects dated October 16, 2003 acceptable, subject to :

1. The Town Engineer approving the grading/drainage plan.
2. The Building Owner initiate discussions with the Town to establish a payment in lieu of taxes (P.I.L.O.T.) agreement.

Upon roll call ....

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

NAYES:         0

ABSENT:        0

\*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 30  
NOVEMBER 3, 2003

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

WHEREAS, grant monies are available from Erie County Legislator Michael Ranzenhofer to assist with costs to improve the Town's animal shelter; AND

WHEREAS, The Town of Cheektowaga seeks grant monies to make improvements to the animal shelter; NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, grant monies are available from Erie County Legislator Raymond Dusza to enhance the Justice Court's portion of the Town of Cheektowaga website; AND

WHEREAS, the Town of Cheektowaga seeks grant monies to make such improvements to the Town's website; NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, grant moneys are available through the New York State Department of Transportation ("DOT") Multi-Modal No. 3 Program from State Assemblyman Paul A. Tokasz for the reconstruction of Henry Street in the Town of Cheektowaga, AND

WHEREAS, the Town of Cheektowaga seeks to avail itself of such moneys for this project, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the DOT for the purpose of securing this grant, AND BE IT FURTHER

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

**MEETING NO. 30  
NOVEMBER 3, 2003**

Item No. 8d Motion by Councilmember Jaworowicz; Seconded by Supervisor Gabryszak

WHEREAS, grant monies in the amount of \$40,000 are available from Assemblyman Paul Tokasz to renovate Dartwood Park; AND

WHEREAS, the Town of Cheektowaga seeks grant monies to make such improvements to Dartwood Park; NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the properties located at 77 and 128 Preston Road and 195 East Grand Boulevard will be rehabilitated and constructed utilizing Community Development Block Grant funds, NOW, THEREFORE, BE IT

RESOLVED, that all permit fees for renovation and construction for 77 and 128 Preston Road and 195 East Grand Boulevard are hereby waived.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town's Property Insurance Coverage expired on March 30, 2003, AND

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, solicited proposals for the renewal of the Town's property insurance coverage, AND

WHEREAS, after review of the proposals received, Holfoth Risk Management recommended that the Town of Cheektowaga accept the proposal from New York Municipal Insurance Reciprocal ("NYMIR") for \$69,028 for the following listed options:

Business Income/Extra Expense	\$500,000 Limit
Exhibitions, Fairs & Trade Shows	\$100,000 Coverage
Building and Contents Deductible	\$25,000 Deductible
Auto Physical Damage Deductible	\$100,000 Deductible, AND

WHEREAS, the proposal from NYMIR requires a capital contribution of \$5,161.36 per year for five (5) years from the Town, regardless of whether the Town renews insurance coverage with NYMIR for the next four (4) years, AND

WHEREAS, this Town Board wishes to award the Town's property insurance to NYMIR, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the Town's property insurance as outlined above to NYMIR for the period from March 30, 2003 to March 30, 2004 for a premium of \$69,028, together with capital contributions of \$5,161.36 per year for the following four (4) years, and BE IT FURTHER

MEETING NO. 30  
NOVEMBER 3, 2003

Item No. 10a Cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this property insurance coverage.

Upon roll call ....

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

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

WHEREAS, the Cheektowaga Youth Council is an organization established by the Town Supervisor for the purpose of listening to the comments and concerns of our town youth and try to formulate proposals for the Town Board in an effort to improve the recreation and all inclusive activities available for the Town's youth; and

WHEREAS, the Cheektowaga Youth Council has requested that they be permitted to use the Cheektowaga Central High School Board Room on November 12th and 13th, 2003, 6:00 P.M. to 9:00 P.M., for a Youth Council Session and Meeting; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached form entitled "Cheektowaga Central School District Application for Use of Facilities" and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga will indemnify the Cheektowaga Central School District under its self insurance program for this activity.

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 30  
NOVEMBER 3, 2003**

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

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes to reconstruct Genesee Street, SH 1212, within the Town between Dick Road/Cayuga Road and Holtz Road under PIN 5512.39.101 and PIN 5512.45.121, AND

WHEREAS, by resolution dated November 4, 2002 this Town Board agreed to accept and maintain two (2) service roads as Town highways following completion and acceptance, which access management roads are to be constructed under the stated projects as follows:

- 1) Along the former railroad corridor between Sonwil Drive and Veridian Engineering's east property line
- 2) At the existing traffic signal adjacent to McDonald's (south from Genesee Street along the west property line of McDonald's and Quality Inn, terminating in a cul-de-sac 650± feet south of Genesee Street), AND

WHEREAS, the Town desires to have a highway lighting system constructed on the two (2) above described access roads, AND

WHEREAS, the NYSDOT has agreed to provide, as a part of the project, the following items in connection with a street lighting system:

- 1) Underground duct system, including conduits, pull boxes, hand holes and drainage pockets
- 2) Ducts, pull boxes and anchor bolts on structures
- 3) Foundation for light standards
- 4) Light standards and bracket arms
- 5) Luminaries, wiring switches and ballasts and all other components necessary to complete the lighting system,

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

RESOLVED, that this Town Board approves of the NYSDOT installation of a highway lighting system on each of the two (2) above described access management service roads and agrees to maintain, repair, and energize such highway lighting system, AND, BE IT FURTHER

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

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

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

Upon roll call ....

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

MEETING NO. 30  
NOVEMBER 3, 2003

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

WHEREAS, the Governmental Accounting Standards Board has issued "GASB No.

34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments", which requires that governments must depreciate their exhaustible capital assets, including infrastructure, AND

WHEREAS, The Town Board has previously approved the implementation of GASB No. 34, AND

WHEREAS, GASB NO. 34 in paragraph No. 161 provides guidelines on estimating useful lives of capital assets as (a) general guidelines obtained from professional or industry organizations, (b) information for comparable assets of other governments, or (c) internal information, and a government should also consider an asset's present condition and how long it is expected to meet service demands, AND

WHEREAS, the Town's Accounting Department is currently compiling the Town's capital assets, and is required to establish reasonable asset lives for depreciation purposes, AND

WHEREAS, the Director of Administration and Finance must affix the useful life for each asset, and must need guidance into ascertaining the useful like of the Town's assets, AND

WHEREAS, Mr. Paul E. Greewald authored a book on "Estimating Useful Lives for Capital Assets", and the U.S. Department of Transportation – Federal Highway Administration has published "Price Trends for Federal – Aid and Highway Construction", AND

WHEREAS, The Director of Administration and Finance desires to utilize these publications as a guide to establishing the useful lives for the Town's capital assets,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Director of Administration and Finance to avail himself of the aforementioned publications as a guide for establishing the useful lives of the Town's capital assets in meeting the requirements of GASB No. 34.

Upon roll call ....

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

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

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

Summer Teen Club – (7140.1630)

Recreation Attendant (I) - \$5.15  
Tiffany Gasiiecki

Cheektowaga, NY 14227

Upon roll call ....

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

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

BE IT RESOLVED that the individual listed below be and hereby is terminated from the Department of Parks, Recreation & Youth Services, effective immediately:

MEETING NO. 30  
NOVEMBER 3, 2003

Item No. 13 Cont'd.

Kimberly Hawthorne  
Jeffrey Rogowski  
Michael Young

Upon roll call ....

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

Item No. 14 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

BE IT RESOLVED, the following PART-TIME employee's hourly rate be and hereby is adjusted as follows:

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT – Clerk - \$7.00 per hour to \$6.00 per hour</u>	
Barbara Wacienga Cheektowaga, NY 14227	10/21/03

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

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT</u>	
Thomas Buil	10/19/03
<u>PARKS DIVISION</u>	
Adam Nowicki	10/05/03
Michael Papero	10/03/03
Christopher Meszaros	10/18/03

Upon roll call ....

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

Item No. 15a Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

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

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

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

RESOLVED, that Ronald Bolognese of Depew, New York 14043, be and hereby is appointed to the position of Motor Equipment Operator in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective November 4, 2003.

Upon roll call ....

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

MEETING NO. 30  
NOVEMBER 3, 2003

Item No. 15b Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

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

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

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

RESOLVED, that David Gallmeyer of Cheektowaga, New York, 14227 be and hereby is appointed to the position of General Mechanic in the Parks Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective November 16, 2003.

Upon roll call ....

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

NAYES: 0

ABSENT: 0



**II. DEPARTMENTAL COMMUNICATIONS**

Item No. 16 Supervisor's Statement of Funds – September 2003  
Received and Filed.

Item No. 17 Building Permits – October 2003  
Received and Filed.

Item No. 18a Town Environmental Advisory Committee – October 22, 2003  
Received and Filed.

Item No. 18b Cheektowaga Conservation Advisory Council – October 2, 2003  
Received and Filed.

Item No. 18c Cheektowaga Conservation Advisory Council – October 18, 2003  
Received and Filed.



**III. GENERAL COMMUNICATIONS**

Item No. 19 Notice of Claim: Nationwide Mutual Ins./David & Lisa Tolnay vs. Town of Cheektowaga  
Received and Filed.



MEETING NO. 30  
NOVEMBER 3, 2003

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

Upon roll call ....

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



**IV. SUSPENSION OF RULES**

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

WHEREAS, Community Banner Services, a division of CGI Communications, Inc. operates a community banner program wherein it manufactures and installs decorative vinyl banners to communities in New York State at no cost to the community, AND

WHEREAS, such banners serve to improve the appearance of entranceways to the community and commercial areas of the communities, AND

WHEREAS, under Community Banner Service's program, the top 75% of the banner is devoted to a decorative design, and the remaining 25% is devoted to business sponsorship for which they charge a fee to the business involved, AND

WHEREAS, Community Banner Services approached the Town of Cheektowaga about initiating such a program in the Town, AND

WHEREAS, this Board feels that this decorative banner program will enhance the appearance of the Town and encourage business development in the Town, and is an overall benefit to the Town, AND

WHEREAS, the Town Attorney's Office has prepared an agreement which enumerates the rights and responsibilities of the Town and Community Banner Services, AND

WHEREAS, this agreement is satisfactory to this Town Board, NOW, THEREFORE,  
BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Community Banner Services and any and all other documents necessary to effectuate this agreement and the community banner program in the Town of Cheektowaga.

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 30  
NOVEMBER 3, 2003

Item No. 20b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the NYS Department of Motor Vehicles, Governor's Traffic Safety Committee, has made National Highway Safety Administration funds available through the County of Erie for the 2003-2004 year to fund a Child Passenger Safety Program to increase child safety seat usage in an effort to reduce serious injury or death from traffic crashes, and

WHEREAS, the Town of Cheektowaga Police Department applied for such funding, and has been notified that the Town has been awarded the sum of \$10,717 to conduct such program in the Town of Cheektowaga, NOW, THEREFORE, BE IT

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

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 21 A MOTION WAS MADE BY COUNCILMEMBER MAZUR, AND SECONDED BY COUNCILMEMBER JANKOWIAK TO ADJOURN THE MEETING. TIME OF ADJOURNMENT WAS 9:00 P.M.

MARY F. HOLTZ  
TOWN CLERK

**TOWN OF CHEEKTOWAGA  
MEETING 31  
NOVEMBER 17, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th day of November, 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

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

*Invocation by Rev. Ken Lombardo*

**I. PUBLIC HEARING**

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss amending Chapter 235 of the Code of the said Town of Cheektowaga (Vehicle and Traffic) hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted; and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:



§235-46. SCHEDULE VII: STOP INTERSECTIONS, shall be amended by adding thereto the following:

<u>Stop Signs On</u>	<u>Direction Traffic Stops</u>	<u>At Intersection Of</u>
Cleveland Hill School	South	Bigelow Road
Buell Avenue (Service Road to 4039 Genesee Street)	North	Buell Avenue

§235-47. SCHEDULE VIII: YIELD INTERSECTIONS DESIGNATED, shall be amended by adding thereto the following:

<u>Yield Sign On</u>	<u>Direction Traffic Yields</u>	<u>At Intersection Of</u>
DEWBERRY LANE	East	Scrivner 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.

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

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

**MEETING NO. 31  
NOVEMBER 17, 2003**

Item No. 3 cont'd.

GENERAL FUND

FROM:	100-1330-2201	Office Equipment	\$ 1,674.90
	100-1640-4161	Mid. Unleaded Gasoline	5,000.00
	100-1640-4161	Mid. Unleaded Gasoline	2,000.00
	100-1410-4111	Publishing Notices	4,000.00
	100-1910-2665	Sales Of Equipment	7,745.00
	100-1430-4093	Town Training	1,000.00
	100-1625-1971	Part-Time Wages	6,660.00
	100-3120-1931	Vacation Sellback	800.00
TO:	100-1330-4001	Office Supplies	\$ 1,674.90
	100-1640-4441	Police Equipment Repairs	5,000.00
	100-1640-4445	Parks Equipment Repairs	2,000.00
	100-1410-4431	Equipment Maintenance	4,000.00
	100-3120-2303	Police Vehicles	4,100.00
	100-3120-2501	Other Equipment	3,645.00
	100-1430-4752	Pre-Employment Physical	1,000.00
	100-1625-1951	Seasonal Wages	6,660.00
	100-3120-1918	Education	800.00

SPECIAL DISTRICTS FUND

FROM:	150-1910-4711	Contingency	\$ 94,070.00
	150-8160-8141	Medical Insurance	8,000.00
	400-8140-9101	Bond Principal	13,000.00
	400-8140-9201	Bond Interest	14,077.00
	255-8125-9201	Bond Interest	15,336.00
TO:	150-8173-1901	Regular Payroll	\$ 6,930.00
	150-8173-1902	OT Payroll	1,940.00
	150-8173-1951	Seasonal Payroll	200.00
	150-8160-8143	Retiree's Medical	93,000.00
	400-8140-4543	Ditch & Creek Maintenance	27,077.00
	255-8125-4543	Contracted Sewer Repair	15,336.00

HIGHWAY FUND

FROM:	300-9501-9211	Bond Interest	\$ 17,990.00
TO:	300-5110-4469	Disposal Costs	\$ 17,990.00

Upon roll call ....

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

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

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to November 14, 2003 are hereby approved and made a part hereof:

GENERAL FUND	\$ 2,132,834.95
RISK RETENTION FUND	194,816.37
DEBT SERVICE FUND	375,593.75
HUD HOUSING REHABILITATION	18,597.00
SPECIAL DISTRICTS FUND	948,905.03
HIGHWAY FUND	353,455.80
TRUST & AGENCY	9,622.08
HUD CDBG FUND	1,976.19
PART TOWN FUND	81,686.68
CAPITAL FUND	312,781.79
	<u>\$ 4,430,269.64</u>

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 4 cont'd.

Upon roll call ....

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

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

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

Town of Cheektowaga  
2004  
Final Benefit Basis Budget

AND,

WHEREAS, a Public Hearing was duly held on the 15th day of October, 2003 at 6:00 P.M., in relation to the Preliminary Benefit Basis Budget, as provided by law, with amendments made to same, NOW, THEREFORE, BE IT

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

RESOLVED, that the Supervisor be and hereby is directed to cause same to be spread on the Tax Rolls for the year 2004.

Upon roll call ....

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

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

WHEREAS, officers and employees in charge of the various administrative units of the government of the Town of Cheektowaga have submitted estimates of revenues and expenditures for the 2004 fiscal year, AND

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

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 2004, and a public hearing was conducted thereon October 15, 2003, as required by Section 108 of the Town Law.

NOW, THEREFORE, BE IT RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual budget of the Town of Cheektowaga for the fiscal year beginning on January 1, 2004, and the same shall be entered in the minutes of the Town Board.

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 6a Issue Negative Declaration for Property Located at 550 Cayuga Road  
This item was withdrawn.

Item No. 6b Motion by Councilmember Johnson, seconded by Councilmember Magierski

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

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

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

WHEREAS, an application was submitted by People, Inc. for the rezoning of 0.84+ acres of land at 155 Wheaton Drive from CM-General Commercial to R-Residence for the construction of a single family home (community residence), AND

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

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

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by William L. Long Associates acceptable.

Upon roll call ....

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

NAYES: 0

ABSENT: Councilmember Jankowiak

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 7a Decision on Rezoning of Property Located at 550 Cayuga Road  
This item was withdrawn.

Item No. 7b Motion by Councilmember Magierski, seconded by Councilmember Johnson

WHEREAS, People, Inc. petitioned for a rezoning from CM-General Commercial District to R-Residence District for property owned by John R. Coyle, Kenneth R. Coyle and Karen M. Coyle and located at 155 Wheaton Drive, Cheektowaga, New York, which property is described in the attached legal description, AND

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

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

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

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

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

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 7c Motion by Councilmember Johnson, seconded by Councilmember Magierski

WHEREAS, this Town Board held a public hearing on November 17, 2003 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

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

<u>Stop Signs On</u>	<u>Direction Traffic Stops</u>	<u>At Intersection Of</u>
Cleveland Hill School	South	Bigelow Road
Buell Avenue (Service Road to 4039 Genesee Street)	North	Buell Avenue

§235-47. SCHEDULE VIII: YIELD INTERSECTIONS DESIGNATED, shall be amended by adding thereto the following:

<u>Yield Sign On</u>	<u>Direction Traffic Yields</u>	<u>At Intersection Of</u>
DEWBERRY LANE	East	Scrivner Drive

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

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

Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 8a Motion by Councilmember Jaworowicz, seconded by Councilmember Johnson

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for contracting of Snow Removal if a snow emergency should occur for use by the Cheektowaga Highway Department.

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

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on December 3, 2003.



NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the town in the event of a snow emergency during the 2003-04 winter season.

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

In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, prior to the time of the bid opening scheduled for Wednesday, December 3, 2003 at 11:00 A.M. in the Town Hall Council Chambers.

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

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

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

\_\_\_\_\_  
Mary F. Holtz, Town Clerk



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 8b Motion by Councilmember Johnson, seconded by Councilmember Mazur

WHEREAS, there is need to replace sanitary sewer manhole castings and covers utilizing self-sealing covers and vented covers, AND

WHEREAS, the Engineering Department is hereby requested to prepare specifications, 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 manhole castings with self-sealing covers and manhole castings with vented type covers, notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 3<sup>rd</sup> day of December, 2003 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 3, 2003 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of Sanitary Manhole Frames and Covers for the Sewer Maintenance Department.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Sanitary Manhole Frames and Covers" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

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

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

Mary F. Holtz  
Town Clerk

DATED: November 17, 2003



Upon roll call ....

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

NAYES: 0

ABSENT: Councilmember Jankowiak

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 8c Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the installation and repair of sanitary sewers in the Town of Cheektowaga for the years 2004 and 2005, AND

WHEREAS, the Cheektowaga Engineering Department is hereby requested to prepare specifications, 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 equipment, operators and laborers for said installation and repair of sanitary sewers, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 10<sup>th</sup> day of December, 2003 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 10, 2003 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment, operators and laborers for the Installation and Repair of Sanitary Sewers in the Town of Cheektowaga for the years 2004 and 2005.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Equipment, Operators and Laborers for Sanitary Sewer Projects" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

Mary F. Holtz  
Town Clerk

Dated: November 17, 2003



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 8d Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for drainage system maintenance and erosion control projects in the Town of Cheektowaga for the years 2004 and 2005, AND

WHEREAS, the Cheektowaga Engineering Department is hereby requested to prepare specifications, 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 equipment, operators and laborers for said drainage system maintenance and erosion control projects, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 10<sup>th</sup> day of December, 2003 at 11:00 a.m., Eastern Standard Time, at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 10, 2003 at 11:00 a.m., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of equipment and operators for drainage systems maintenance and erosion control projects in the Town of Cheektowaga for the years 2004 and 2005.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Drainage Systems Maintenance and Erosion Control Projects" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

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

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

Mary F. Holtz  
Town Clerk

DATED: November 17, 2003



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 31  
NOVEMBER 17, 2003

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

WHEREAS, pursuant to Section 118(2) of the Town Law and by prior Resolution, this Town Board previously authorized the payment in advance of audit of claims for public utility services and postage, which claims are then presented at the next regular meeting for audit, AND

WHEREAS, Section 118(1) of the Town Law authorizes payments in advance of audit also for amounts becoming due upon lawful contracts for periods exceeding one year, AND

WHEREAS, many departments in the Town have entered in lease agreements for photocopiers with various leasing companies, and if payments due on statements are not received by said leasing companies in a timely fashion, the Town is subject to late charges and interest charges, NOW THEREFORE, BE IT

RESOLVED, that pursuant to Town Law Section 118, this Town Board hereby authorizes advance payment of statements:

1. From leasing companies for photocopiers in all Town departments, where leases are more than one year, in order to avoid unnecessary late fees or interest charges, AND
2. For public utility services and postage

in advance of audit of such claims, provided, however, that such claims shall be presented at the next regular Town Board meeting for audit.

Upon roll call ....

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

Item No. 10a Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, grant monies are available from the New York State Energy Research and Development Authority to pay for a portion of the costs associated with implementing cost effective electrical efficiency improvements in conjunction with the energy audit of Town facilities being conducted by Johnson Controls, AND

WHEREAS, the Town of Cheektowaga authorized Johnson Controls by adoption of a Town Board resolution on September 15, 2003 to implement energy efficient measures following an audit of Town facilities and now seeks grant monies to partially reimburse the Town for implementation of said energy efficiency improvements, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

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

WHEREAS, the Town and Belmont Shelter Corp., located at 1195 Main Street, Buffalo, NY 14209, previously entered into an Agreement dated November 1, 1999, for the provision of housing counseling services, including mortgage default, pre-purchase and landlord-tenant counseling, AND

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 10b cont'd.

WHEREAS, the Town desires to renew said Agreement under the same terms and conditions as said original Agreement, AND

WHEREAS, funding for such services have been budgeted under the Town's Community Development Block Grant Program, NOW, THEREFORE BE IT

RESOLVED, that the Agreement with Belmont Shelter Corp., 1195 Main Street, Buffalo, NY 14209, dated November 1, 1999, be and hereby is renewed for a period of one year under the same terms and conditions as the original Agreement for an amount not to exceed \$8,000 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute as necessary any documents in relation to said Agreement.

Upon roll call ....

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

Item No. 10c Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga has received funding from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, AND

WHEREAS, energy conservation and weatherization services for income-eligible persons is an eligible activity under the Community Development Block Grant Program, AND

WHEREAS, Supportive Services Corporation of Western New York has requested funding for assisting in providing energy conservation and weatherization services for income-eligible Town residents, AND

WHEREAS, funding for such services is available in the Community Development Block Grant program budget, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Supportive Services Corporation of Western New York for an amount not to exceed \$6,000 to provide energy conservation and weatherization services for income-eligible Town residents through the end of the 2003/2004 Program Year.

Upon roll call ....

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

Item No. 10d Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, the New York State Department of Transportation proposes the March 2004 letting for the reconstruction of Genesee Street from the Dick Road/Cayuga Road intersection to the east entrance drive to the Buffalo Niagara International Airport identified as PIN 5512.39.101, AND

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

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

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 10d cont'd.

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

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

Upon roll call ....

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

Item No. 10e Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, the New York State Department of Transportation proposes the March 2004 letting for the reconstruction of Genesee Street from the Dick Road/Cayuga Road intersection to the east entrance drive to the Buffalo Niagara International Airport identified as PIN 5512.39.101, AND

WHEREAS, as part of said highway reconstruction project, the NYSDOT proposes the replacement of Town owned street lighting facilities on the south side of Genesee Street between Dick Road and the Kensington Expressway entrance, and the installation of a street lighting system on an access management road as identified in the contract documents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby grants permission to the NYSDOT to replace the aforesaid Town owned street lighting equipment under said contract, and approves of the installation of the access management roadway lighting system and, BE IT FURTHER

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

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

Upon roll call ....

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

Item No. 10f Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, the ongoing improvements project at the Town Senior Citizens Center includes provisions for the installation of a standby emergency generator, the installation of which is governed by utility company regulations, AND

WHEREAS, the New York State Electric & Gas Corporation (NYSEG) requires that said generator be installed and operated in accordance with terms and conditions outlined in the attached letter agreement dated October 30, 2003, and in accordance with NYSEG Requirements for Installation of Electric Services and Meters, Section XIII pertaining to Customer Owned Generator, AND

WHEREAS, the Town fully intends to comply with the aforesaid requirements governing the installation and operation of said generator, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute the attached NYSEG letter agreement dated October 30, 2003 on behalf of this Town Board following review and approval by the Office of the Town Attorney.

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 10f cont'd.

Upon roll call ....

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

NAYES: 0

ABSENT: Councilmember Jankowiak

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 11 Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

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

	<u>EFFECTIVE</u>
<u>PARKS DIVISION</u>	
Adam Nowicki	10/05/03
Michael Papero	10/03/03
Christopher Meszros	10/18/03

Upon roll call ....

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

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

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

From Seasonal to Part-Time

Catherine Giles  
Brian Hansen

Part-Time to Seasonal

Glenn Au  
Matthew Bean  
Lynne Butts

Part-Time

Adapted Recreation Program – 7310.1803  
Maribeth Stadelmeyer

Upon roll call ....

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

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

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

Rink Personnel – 7140.1611

Recreation Attendant (III) - \$5.65

Kim Anderhalt  
Cheektowaga, New York 14225

Pre-K – 7140.1664

Recreation Instructor (XII) - \$9.15

Cynthia Schmitt

Marilla, New York 14102

Upon roll call ....

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

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

MEETING NO. 31  
NOVEMBER 17, 2003

BE IT RESOLVED, this Town Board hereby creates two (2) part-time Computer support Technician positions pursuant to Civil Service Laws and Rules effective November 18, 2003.

Upon roll call ....

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

NAYES: 0

ABSENT: Councilmember Jankowiak

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

WHEREAS, a vacancy exists in the position of General Mechanic in the Building Maintenance Division; AND

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

WHEREAS, Christine L. Klaffka, currently employed as a Cleaner in the Building Maintenance Division, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Christine Klaffka of Cheektowaga, New York, 14225 be and hereby is appointed to the position of General Mechanic in the Building Maintenance Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective December 1, 2003.

Upon roll call ....

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

NAYES: 0

ABSENT: Councilmember Jankowiak

Item No. 16 Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, surviving spouses of full-time employees and retirees are entitled to extend their health insurance coverage through federal COBRA law, on a self-pay basis, for up to 36 months, AND

WHEREAS, the Town is now able to extend this coverage past the original COBRA duration, upon the election of the surviving spouse, AND

WHEREAS, this action will be at no cost to the Town, as the surviving spouse is responsible for payment of his/her entire premium pursuant to procedures established by the Town Personnel Department, AND

WHEREAS, such extended coverage shall only be available to the extent it is permitted by law and by each health insurance carrier at issue NOW, THEREFORE BE IT

RESOLVED, that a surviving spouse of a Town full-time employee or retiree may elect to continue health insurance coverage beyond the duration of the COBRA coverage that resulted from the death of a full-time employee or retiree, and the surviving spouse shall be responsible for payment of the entire premium cost for such continued coverage.

Upon roll call ....

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

NAYES: 0

ABSENT: Councilmember Jankowiak

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

**MEETING NO. 31  
NOVEMBER 17, 2003**

WHEREAS, MAGLOCLLEN in conjunction with the NYS Police, Onondaga County District Attorney's Office, and the FBI Laboratory, are hosting an "Illicit Gambling Conference" from December 2-4, 2003 in Syracuse, New York, AND

WHEREAS, Chief Christine Ziembra is requesting authorization to send Lt. Jim Starr to this conference. Topics will include Illegal Gambling Operations, Casino Gaming, Gambling Devices, Money Laundering, and other related areas of expertise. The Police Department will be responsible for registration, travel, lodging and meals amounting to approximately \$283.00. A Cheektowaga Police vehicle will be used for transportation to and from this conference, NOW, THEREFORE BE IT

RESOLVED, that Lt. Starr is authorized to attend this conference and that time spent there be authorized as normal duty time. Expenses will be charged to Education line 0100-3120-4085.

Upon roll call ....

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

**III. DEPARTMENTAL COMMUNICATIONS**

Item No. 18a Minutes of Cheektowaga Public Library Board – October 15, 2003  
Received and Filed.

Item No. 18b Minutes of Cheektowaga Traffic Safety Commission – October 21, 2003  
Received and Filed.

**IV. GENERAL COMMUNICATIONS**

Item No. 19a Van M. Miller vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police Department and First Niagara Risk Management.  
Received and Filed.

Item No. 19b Van M. Miller vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police Department and First Niagara Risk Management.  
Received and Filed.

Item No. 19c Erie Insurance Company for Sandra Bakeman vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer Department, Engineering Department and First Niagara Risk Management.  
Received and Filed.

Item No. 19d Notice of Claim: Michael Oliwa vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Justice Court and First Niagara Risk Management.  
Received and Filed.

Item No. 20 Request to Speak: Discontinuation of storm sewer installation for a stretch of four houses on east side of Raymond Avenue in the block between Decks and Dowmer.  
Received and Filed.



MEETING NO. 31  
NOVEMBER 17, 2003

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

Upon roll call ....

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



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

WHEREAS, a seminar entitled, "Demographic Analysis Using the New 2002 U.S. Census" is scheduled to be held in Getzville, New York on November 20, 2003, AND

WHEREAS, Building Inspector Daniel J. Ulatowski has requested permission to attend said seminar, AND

WHEREAS, the Office of Building Inspections/Community Development submitted a request for travel authorization along with the proper paperwork in a timely manner, AND

WHEREAS, cost of said seminar including transportation shall not exceed \$235, AND

WHEREAS, money has been budgeted to the Office of Building Inspections/Community Development to cover these expenses, NOW, THEREFORE, BE IT

RESOLVED, that Building Inspector Daniel J. Ulatowski be and hereby is authorized to attend "Demographic Analysis Using the New 2002 U.S. Census" Seminar to be held in Getzville, New York on November 20, 2003.

Upon roll call ....

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

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

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

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

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

WHEREAS, an application was submitted by F. J. Wailand Associates, Inc. for the rezoning of 0.28± acres of land at 600 Cayuga Road from R-Residence to M1-Light Manufacturing for the construction of a 6,700 square foot parking area expansion to an existing warehouse, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 24, recommended a determination of non significance as shown in the attached memorandum dated September 25, 2003, AND

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 22 cont'd.

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting held on November 13, 2003, subject to the installation of additional shade trees along the southerly property line and a (24) twenty four foot wide access driveway along the south property line as agreed to between the mutual abutting property owners, AND

WHEREAS, the Town Engineer has reviewed the grading/drainage plan for the subject parking expansion and has found it acceptable, AND

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

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

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 31  
NOVEMBER 17, 2003

Item No. 23 Motion by Councilmember Magierski, seconded by Councilmember Johnson

WHEREAS, F.J. Wailand Associates, Inc. petitioned for a rezoning from R-Residence District to M1-Light Manufacturing District for property owned by David Conley and located at 600 Cayuga Road, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 17th day of November, 2003 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

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

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

RESOLVED, that the application of F.J. Wailand Associates, Inc. for the rezoning from R-Residence District to M1-Light Manufacturing District of the property described in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 31  
NOVEMBER 17, 2003

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

WHEREAS, the Town will hold its annual Winter Recreation Festival on December 14, 2003, beginning at 1:00 P.M. with the assembly of people for a parade in the parking lot located in the rear of the Tops Market at the Thruway Plaza at 2195 Harlem Road, AND

WHEREAS, Benderson Development Company, Inc., and Har Wal Associates, Inc., owners of the premises, require that the Town defend, indemnify and hold harmless Benderson and Har Wal from any and all damages that may arise from the Town's use of these premises, in addition to the Town's standard self-insured letter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to defend, indemnify, and hold harmless Benderson Development Co., Inc., and Har Wal Associates from any and all claims, liability, judgments or other damages, as requested by Benderson and Har Wal, and the Law Department is hereby authorized and directed to provide Benderson and Har Wal with a letter of such indemnification together with standard proof of self-insurance by the Town for this event.

Upon roll call ....

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

Item No. 25 Supervisor Gabryszak, seconded by Councilmember Mazur to adjourn this meeting in memory of Daniel F. Orzechowski, father of Mark Orzechowski, Network Coordinator.

Mary F. Holtz  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING NO. 32  
DECEMBER 1, 2003**

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

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

ABSENT: 0

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

**I. RESOLUTIONS**

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

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

**GENERAL FUND**

FROM:	100-1685-4088	Travel	\$ 265.00
	100-3020-4022	Equipment Maintenance	7,500.00
	100-1110-2655	Misc. Revenues	1,649.00
	100-1910-3088	Miscellaneous State Aid	5,000.00

TO:	100-1685-4051	Records Management	\$ 265.00
	100-3020-4203	Cell Phone/Pager	7,500.00
	100-1110-4231	Data Processing	1,299.00
	100-1110-4431	Equipment Maintenance	350.00
	100-1330-2201	Office Equipment	5,000.00

**SPECIAL DISTRICTS FUND**

FROM:	255-8125-1951	Seasonal Payroll	\$ 29,938.00
	255-8135-4001	Office Supplies	1,200.00
	255-8135-4087	Conferences & Seminars	800.00
	255-8135-4142	Chemicals & Odor Con.	1,000.00

TO:	255-8125-1902	Overtime Payroll	\$ 29,938.00
	255-8135-2500	Pump Station Equipment	1,200.00
	255-8135-4087	Equipment Repairs	1,800.00

Upon roll call ....

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

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

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

GENERAL FUND	\$ 2,059,953.74
RISK RETENTION FUND	26,882.25
HUD HOUSING REHABILITATION	17,905.00

MEETING NO. 32  
DECEMBER 1, 2003

Item No. 3 Cont'd.

SPECIAL DISTRICTS FUND	682,451.00
HIGHWAY FUND	393,161.65
TRUST & AGENCY	26,400.14
HUD CDBG FUND	7,137.48
PART TOWN FUND	65,563.85
CAPITAL FUND	<u>50,168.86</u>
	\$ 3,329,623.97

Upon roll call ....

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

Item No. 4 Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

WHEREAS, Daniel McMann / E.P.O. Center for the Visually Impaired has made application and requested the Rezoning from R- Residence to RA - Apartment District for 0.45± acres of land located at 30 Alpine Place, (with the permission of the property owner, namely The Most Holy Redeemer Catholic Church Society of Cheektowaga, New York), NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 15, 2003 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

AFFIDAVIT – NEXT PAGE

MEETING NO. 32  
DECEMBER 1, 2003

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

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

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

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

RESOLVED, that sealed bids will be received on the 10<sup>th</sup> day of December, 2003 at 11:00 A.M. Eastern Standard Time at a Public bid opening to be held in the Council Chambers at Town Hall.



TOWN OF CHEEKTOWAGA  
NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on December 10, 2003 at 11:00 A.M. Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2004.

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

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

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

MARY F. HOLTZ  
Town Clerk



Upon roll call ....

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

AFFIDAVIT – NEXT PAGE

MEETING NO. 32  
DECEMBER 1, 2003

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

WHEREAS, by resolution dated February 28, 1994, a Shelter Permit Policy was adopted regulating the issuance of picnic shelters in Town parks and establishing fees for the use of such shelters, AND

WHEREAS, by resolution dated April 15, 2002, such Shelter Permit Policy was amended to include the Town Park Pavilion, AND

WHEREAS, fees for picnic shelters have not been increased since 1994, AND

WHEREAS, the Director of the Department of Parks, Recreation and Youth Services has recommended that the fee for use of picnic shelters be increased by \$5.00 to cover increased expenses to the Town, AND

WHEREAS, the occupancy limits of the shelters and other provisions of the Shelter Permit Policy also need to be revised, NOW, THEREFORE, BE IT

RESOLVED, that the attached revised Shelter Permit Policy be and hereby is adopted, effective immediately.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 32  
DECEMBER 1, 2003

Item No. 7 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga is the owner of property at the end of Scott Place in the Town, AND

WHEREAS, such property is used by the Town of Cheektowaga Police department for a firing range and police training facility, AND

WHEREAS, it has been recommended that such property be named in honor of Cheektowaga Police Officers Robert Burgess and David Tolsma who died in the line of duty in 1977, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga Police Training Facility on Scott Place be and hereby is dedicated and named the "Robert Burgess / David Tolsma Town of Cheektowaga Police Training Facility", effective immediately.

Upon roll call ....

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

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

WHEREAS, the Cheektowaga Youth Council is an organization established by the Town Supervisor for the purpose of listening to the comments and concerns of our town youth and try to formulate proposals for the Town Board in an effort to improve the recreation and all inclusive activities available for the Town's youth; AND

WHEREAS, the Cheektowaga Youth Council has requested that they be permitted to use the Cleveland Hill High School Cafeteria on December 9<sup>th</sup> and 11<sup>th</sup>, 2003, 7:00 P.M. to 8:00 P.M., for a Youth Council Session and Meeting; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached form entitled "Cleveland Hill Schools Application for Use of Buildings or Grounds" and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga will indemnify the Cleveland Hill School District under its self insurance program for this activity.

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 32  
DECEMBER 1, 2003

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

WHEREAS, the Town administers a housing rehabilitation loan program for eligible Town homeowners to make necessary repairs and improvements to their homes, AND

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

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owner of the property located at 60 Seminole Pkwy., in an amount not to exceed \$32,000, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a housing rehabilitation loan agreement with the owner of the property located at 60 Seminole Pkwy., Cheektowaga, New York, for a housing rehabilitation loan not to exceed \$32,000.

Upon roll call ....

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

Item No. 9 Motion by Councilmember Johnson; Seconded by Councilmember Swiatek

BE IT RESOLVED, that New York State Electric and Gas Corporation (NYSEG) be and hereby is authorized to install three (3) 150 watt high pressure luminaries and wood poles on Losson Road, in accordance with the attached proposal dated November 18, 2003, at a total annual increase of \$842.58 to the General Lighting District in order to provide for uniformity of street lighting in an unlit area east of Hillpine Road, AND, BE IT FURTHER

RESOLVED, that a one time charge of \$350.00 for installation of a transformer to provide secondary voltage for said lighting installation payable to NYSZEG shall also be chargeable to the General Lighting District, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to:

Mr. Jim Latello  
NYSEG  
150 Erie Street  
Lancaster, NY 14086

Upon roll call ....

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

\*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 32  
DECEMBER 1, 2003**

Item No. 10 Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

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

POLICE DEPARTMENT – Clerk - \$6.00 per hour

Marc Mangione Cheektowaga, NY 14227  
Chris Lomas Cheektowaga, NY 14225

EFFECTIVE

11/18/03

“

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

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

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

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

RESOLVED, that Donald Karl of Cheektowaga, New York 14225 be and hereby is appointed to the position of Motor Equipment Operator in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective December 2, 2003.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

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

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

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

RESOLVED, that Gregory Gaczewski of Cheektowaga, New York 14227 be and hereby is appointed to the position of Motor Equipment Operator in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective December 2, 2003.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

**MEETING NO. 32  
DECEMBER 1, 2003**

Item No. 11c Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

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

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

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

RESOLVED, that Gerald Sprada of Cheektowaga, New York 14206, be and hereby is appointed to the position of Motor Equipment Operator in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective December 2, 2003.

Upon roll call ....

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

NAYES: 0

ABSENT: 0



**II. DEPARTMENTAL COMMUNICATIONS**

Item No. 12 Building Permits – November 2003  
Received and Filed.

Item No. 13 Supervisor's Statement of Funds – October 2003  
Received and Filed.

Item No. 14a Minutes –Town Environmental Advisory Committee - November 19, 2003  
Received and Filed.

Item No. 14b Minutes – Board of Ethics Committee – October 6, 2003  
Received and Filed.

Item No. 14c Minutes – Cheektowaga Conservation Advisory Council – November 6, 2003  
Received and Filed.



**III. GENERAL COMMUNICATIONS**

Item No. 15a Notice of Claim: Elizabeth Hernandez vs. Town of Cheektowaga  
Received and Filed.

Item No. 15b Notice of Claim: Cheryl Julian vs. Town of Cheektowaga  
Received and Filed.

MEETING NO. 32  
DECEMBER 1, 2003

Item No. 15c Notice of Claim: Thomas Przybylak vs. Town of Cheektowaga  
Received and Filed.

Item No. 15d Notice of Claim: Camille C. Waters vs. Town of Cheektowaga  
Received and Filed.



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

Upon roll call ....

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

NAYES: 0

ABSENT: 0



**IV. SUSPENSION OF RULES**

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

WHEREAS, Certain Teed Corporation, a company which manufactures fencing and other building materials, currently rents space at 2525 Walden Avenue in the Town of Cheektowaga for its business, AND

WHEREAS, Certain Teed Corporation has been in its current location since 1971, and currently employs 160± people at the Cheektowaga facility, AND

WHEREAS, Certain Teed Corporation has stated that the current building space in Cheektowaga is inadequate to accommodate its present and future manufacturing growth needs, and has been unable to identify property in Cheektowaga to accommodate its future growth plans, AND

WHEREAS, Certain Teed Corporation wants to relocate into Buffalo's Empire Zone, an economic development zone created in the City of Buffalo, AND

WHEREAS, Certain Teed Corporation wishes to avail itself of other tax breaks and incentives for operating within an economic development zone, AND

WHEREAS, Article 18-B and Section 959(a)(iii) of the General Municipal Law allow for the certification of a business enterprise that has shifted its operation from an area within the State into an economic development zone, AND

WHEREAS, a public hearing must be held within the Town of Cheektowaga before Certain Teed Corporation can be certified to be eligible for tax breaks and incentives, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held by this Town Board on the 15th day of December, 2003 at 6:45 P.M. in the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for the purpose of soliciting comments from the public concerning this shift of operations of Certain Teed Corporation, and BE IT FURTHER

RESOLVED, that the Town Clerk shall post the attached Notice of Hearing on her sign board and in all public libraries within the Town of Cheektowaga.

MEETING NO. 32  
DECEMBER 1, 2003

Item No. 16 Cont'd.

Upon roll call ....

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



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, pursuant to the General Municipal Law, Article 18-B, Section 959(a)(iii) will hold a public hearing on the 15th day of December, 2003 at 6:45 P.M. in the Council Chambers of the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for the following purpose:

To solicit comments regarding the relocation of Certain Teed Corporation located at 2525 Walden, Cheektowaga, New York into the City of Buffalo's Empire Zone, a State Economic Development Zone,

All speakers will be limited to ten (10) minutes for their presentations. Persons wishing to present testimony should register in advance by contacting the Cheektowaga Town Clerk's Office at (716) 686-3400. Advance registration is recommended as these speakers will be heard first. Ten (10) copies of any prepared testimony must be submitted to the Cheektowaga Town Clerk's Office, 3301 Broadway, Cheektowaga, New York no later than ten (10) days prior to the hearing date.

Dated: December 1, 2003

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

MARY F. HOLTZ  
Town Clerk

AFFIDAVIT – NEXT PAGE

MEETING NO. 32  
DECEMBER 1, 2003

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

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 32  
DECEMBER 1, 2003

Item No. 18 Motion by Supervisor Gabryszak; Seconded by Councilmember Swiatek to adjourn the meeting at 7:15 P.M.

MARY F. HOLTZ  
TOWN CLERK

**TOWN OF CHEEKTOWAGA  
EXECUTIVE SESSION  
MEETING NO. 33  
December 9, 2003**

6:00 P.M.

Item No. 1. At an "Executive Session" of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 9<sup>th</sup> of December 2003 at 6:00 P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak  
Councilmember Patricia A. Jaworowicz  
Councilmember James J. Jankowiak  
Councilmember Thomas J. Mazur  
Councilmember Alice Magierski

ABSENT: Councilmember Thomas M. Johnson  
Councilmember Jeff Swiatek

Also present were: Mary F. Holtz, Town clerk, Michael Stachowski, Town Attorney

DURING THE PUBLIC WORK SESSION OF THE TOWN BOARD A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER MAZUR; TO ENTER INTO EXECUTIVE SESSION AT 6:00 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call ....

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

Item No. 2 Motion by Unanimous; Seconded by Unanimous

BE IT RESOLVED, that the Town hereby retains by laws firm of Ferrara, Fiornza, Larrison, Barrett and Reitz, P.C. (Henry F. Sobota, Esq. of counsel) to act as special counsel in the matter of a proceeding against a town employee identified during Executive Session on this day, and to assist in the preparation of charges and the presentation of evidence before the appointed hearing officer.

Upon roll call...

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

Item No.3 Motion by Unanimous; Seconded by Unanimous

BE IT RESOLVED, that John M Curran of Orchard Park, New York is appointed as the hearing officer pursuant to Section 25-6 (B) of the Residency Law of the Town of Cheektowaga (Chapter 25 of the Code of the Town of Cheektowaga), to conduct a hearing, make findings of fact, and determine whether or not a Town employee is a resident of the Town, and to report such findings and determination to the Town Board, The Town Supervisor and the Town attorney are authorized to make all necessary arrangements for the hearing.

Upon roll call....

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

MOTION BY COUNCILMEMBER JANKOWIAK; SECONDED BY COUNCILMEMBER MAZUR TO EXIT THE EXECUTIVE SESSION AT 6:15 P.M. AND RECONVENE THE WORK SESSION. THE VOTING WENT AS FOLLOWS:

Upon Roll Call...

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

Respectfully submitted by:

MARY F. HOLTZ  
TOWN CLERK

**TOWN OF CHEEKTOWAGA  
MEETING 34  
DECEMBER 15, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of December, 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Patricia Wojcik, Director of Senior Service; Christine Ziemba, Chief of Police; Jerome Gabryszak, Director of Community Development and Salvatore LaGreca, Chairman of Planning Board.

*Invocation by Rev. Lowell Avery*

**I. RESOLUTION**

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

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

**GENERAL FUND**

From:	100-3120-3820	State Aid	\$ 12,535.00
	100-1410-4111	Publishing Notices	2,000.00
	100-1410-4593	Contractual Steno	1,485.00
	100-1410-4088	Travel Training & Conference	1,000.00
	100-1410-4188	Equipment Rental	300.00
	100-1410-2201	Office Equipment	240.00
	00-7110-4451	Bldg/Grounds Maint.	12,500.00
	100-7110-4454	Portable Toilets	2,750.00
	100-7110-4022	Park Supplies	2,750.00
	100-1910-4082	Gov't Business Travel	200.00
	100-5132-4432	Building & Maint.	8,000.00
	100-1415-4500	Supplies & Equipment	4,565.00

To:	100-3120-2205	Grant Expense	\$ 12,535.00
	100-1410-4600	Archival Book Restoration	5,025.00
	100-7110-2304	Park Equipment	18,000.00
	100-1910-4081	Municipal Association Dues	200.00
	100-5132-4431	Radio Repair & Maint.	8,000.00
	100-1415-4088	Travel, Training	55.00
	100-1415-4001	Contractual Services	4,510.00

**HIGHWAY FUND**

From:	300-5140-4188	Rental of Copier	\$ 1,000.00
	300-5110-4331	Machinery Rental	6,600.00
	300-5110-4469	Disposal Cost	4,700.00
	300-5140-4190	Barricade Rental	275.00
	300-5148-4029	Service Govt.	3,500.00
	300-5150-4177	Receiver & Pipe	1,000.00

To:	300-5140-4001	Office Supplies	\$ 1,000.00
	300-5130-2407	Highway Equipment	11,300.00
	300-5110-4177	Receiver & Pipe	4,775.00

**MEETING NO. 34  
DECEMBER 15, 2003**

Item No. 2 cont'd.

SPECIAL DISTRICTS FUND

From:	400-8140-4432	Storm Sewer Repairs	\$ 2,000.00
To:	400-8140-4002	Engineering Supplies	\$ 2,000.00

HUD CDBG FUND

From:	700-1003-0704	Contingency	\$ 4,000.00
To:	700-1003-0603	Lead Hazard Testing	\$ 4,000.00

PART TOWN FUND

From:	800-3620-1901	Regular Payroll	\$ 8,500.00
	800-3620-1917	Clothing	300.00
	800-3620-4088	Travel, Training	300.00
To:	800-3620-1902	Overtime Payroll	\$ 8,500.00
	800-3620-4191	Miscellaneous	600.00

Upon roll call ....

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

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

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to December 12, 2003 are hereby approved and made a part hereof:

GENERAL FUND	\$2,549,377.76
RISK RETENTION FUND	69,438.95
DEBT SERVICE FUND	548,806.25
HUD HOUSING REHABILITATION	513.00
SPECIAL DISTRICTS FUND	1,526,063.49
HIGHWAY FUND	608,953.98
TRUST & AGENCY	2,134.97
HUD CDBG FUND	19,645.77
PART TOWN FUND	130,266.53
CAPITAL FUND	246,085.95
	<u>\$5,701,286.65</u>

Upon roll call ....

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

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

WHEREAS, by resolution dated January 6, 2003, this Town Board established Town Board meeting dates for 2003, AND

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 2003 and the first meeting date for January, 2004, NOW, THEREFORE, BE IT

RESOLVED, that Town Board meetings shall be held on the following referenced dates at the following times in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York:

December 29, 2003	6:00 P.M.
January 5, 2004	7:00 P.M. (6:45 P.M. public comment)

Item No. 4 cont'd.

and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to give public notice of the times and place of such meeting to the news media at least one week prior to such meetings and to conspicuously post notice at least 72 hours before such meetings.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on January 5, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 18th day of December, 2003, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on January 5, 2004 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

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

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

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

Dated: December 15, 2003

\_\_\_\_\_  
MARY F. HOLTZ  
Town Clerk



Upon roll call ....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 34  
DECEMBER 15, 2003

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

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on December 3, 2003 for Snow Removal if a snow emergency should occur for use by the Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highway for analysis, tabulation and reports, AND

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

RESOLVED, that the bid for labor and material necessary for the removal of snow during a snow emergency on an as-needed basis be awarded to Michael Serafini Inc., 3529 Broadway, Cheektowaga, NY 14227. Attached and made part of this resolution is bid submitted for review, AND

BE IT FURTHER RESOLVED, that payment of topsoil for Highway Department is charged to the line item #0300-5142-4029.

Upon roll call ....

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

NAYES: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 34  
DECEMBER 15, 2003**

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

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of manhole frames and self-sealing covers and manhole frames with vented covers, which bids were duly received and opened at the December 3, 2003 public bid opening, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, bids were reviewed by Allan Blachowski, Junior Civil Engineer, and it is recommended that the award be made to the lowest responsible bidders meeting the requirements of the specifications, NOW, THEREFORE BE IT

RESOLVED, that the contract for the furnishing of manhole frames and covers for 2004 be and hereby is awarded to:

Neenah Foundry Company  
P. O. Box 729  
Neenah, WI 54957  
(920) 725-7000

<u>ITEM</u>	<u>QUANTITY</u>	<u>DELIVERED UNIT BID PRICE</u>
Frame with 24" diameter	25	\$145.00
Self-sealing cover (set)	50	129.00
	75	127.00
	100	124.00

Syracuse Castings  
6177 South Bay Road  
P. O. Box 1821  
Cicero, New York 13039  
(315) 699-2982

Frame with 24" diameter	25	\$128.00
Vented cover (set)	50	123.00
	75	121.00
	100	118.00

Upon roll call ....

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

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

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 10, 2003, AND

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

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

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

Category A	-	Single Units	-	\$1.82 per day, per unit, Items I through X
Category B	-	Handicapped Units	-	\$2.50 per day, per unit, Item I

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 6c cont'd.

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

Category C - Special Events - \$34.50 per day, per unit, Items I through V

Upon roll call ....

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

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

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

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

RESOLVED that sealed bids will be received on January 7, 2004 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.



Notice to Bidders

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, publicly opened and read by the Town Clerk of the Town of Cheektowaga, Erie County, New York, on January 7, 2004 at 11:00 A.M., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of baseball and softball equipment.

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

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

Mary Holtz  
Town Clerk

Dated: December 15, 2003



Upon roll call ....

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 8 Motion by Unanimous, seconded by Unanimous

WHEREAS, on September 11, 2001, the United States of America was attacked by terrorists; AND

WHEREAS, these attacks were unprovoked in nature and aimed directly at our country's citizens, and

WHEREAS, thousands of Americans' lives were lost on this dark day, AND

WHEREAS, the President of the United States, AND

WHEREAS, this call for justice has necessitated the United States Military to call reservists to active duty, AND

WHEREAS, the Town of Cheektowaga wholeheartedly supports the President of the United States in his call for justice to all involved in this unprecedented act of terror on our citizens, AND

WHEREAS, this unprovoked terrorist attack has necessitated the United States Military Reserve to call to its personnel to active duty, AND

WHEREAS, pursuant to Sections 242 and 243 of Civil Service Military Law, Town employees who are reservists may annually take up to twenty-two paid working days from their civil service positions when they are absent thirty calendar days in order to fulfill their military requirements, AND

WHEREAS, this Town Board fully supports all United States reservists and their defense of our great nation, and as such, in this time of crisis, for the call-up resulting from this singularly tragic event, the Cheektowaga Town Board seeks to waive its requirements under the various union contracts and the Civil Service Military Law for military call-up to pursue the counter-attack on a one-time basis, AND

WHEREAS, as a show of this Town Board's complete support of its employees being called to active duty, no reservist employed by the Town of Cheektowaga shall be penalized monetarily while serving their country, AND

WHEREAS, by Resolutions dated October 1, 2001, March 4, 2002, June 17, 2002, and October 21, 2002, this Town Board enacted a policy whereby any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary, NOW, THEREFORE BE IT

RESOLVED that any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary AND, BE IT FURTHER

RESOLVED, that such policy shall be extended to and including December 31, 2004, and be subject to further review at that time.

Upon roll call ....

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

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

WHEREAS, the Town of Cheektowaga Building Code requires that all Building and Plumbing Permit fees shall be as specified in a schedule as approved by the Town Board, AND

WHEREAS, it has been recommended that the attached Building and Plumbing Permit fee schedules, NOW, THEREFORE BE IT

RESOLVED, that the Building and Plumbing Permit fees shall be as set forth on the attached fee schedule.

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 9 cont'd.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 34  
DECEMBER 15, 2003

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

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

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

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

WHEREAS, an application was submitted by Carl Paladino, President of 8297 Group Inc. for the construction of single story, 5,300 square foot building addition to enclose an existing swimming pool at the Days Inn Hotel at 4345 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on December 3, 2003 recommended a determination of non significance as shown in the attached memorandum dated December 4, 2003, AND

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

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

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

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 11 Motion by Councilmember Johnson, seconded by Councilmember Mazur

WHEREAS, the Board of Fire Commissioners of the South Line Fire District No. 10, by letter dated November 17, 2003, copy attached, have requested that this Town Board authorize the installation of one (1) additional fire hydrant fronting #2150 Old Union Road at a location referenced on the attached drawing, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized to install one (1) hydrant at the stated location as requested by the South Line Fire District No. 10 Board of Commissioners and, BE IT FURTHER

RESOLVED, that the annual hydrant rental charge for the subject hydrants shall be billed directly to the South Line Fire District as an addition to the existing direct service hydrant inventory and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to furnish a copy of this resolution and attachments to the Erie County Water Authority, 3030 Union Road, Cheektowaga, New York 14227-1097.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 12a Motion by Councilmember Jaworowicz, seconded by Councilmember Jankowiak

WHEREAS, pursuant to Section 212 (2)(j) of the Judiciary Law of the State of New York, the chief administrator of the Unified Court System may establish a system for the payment of fines by credit card or similar device, AND

WHEREAS, Section 5 of the General Municipal Law of the State of New York also authorizes local governments to enter into agreements with credit card issuers to provide for the acceptance by the local government of credit cards as a means of payment of fines, civil penalties, fees charges, etc. owed to the local government, AND

WHEREAS, the Unified Court System currently has an agreement with Key Bank of New York for the processing via credit card for the payment of Vehicle & Traffic fines, bail and pre-arraignment bail, AND

WHEREAS, the Town Justice Court has indicated a desire to utilize credit cards only for the payment of fines for parking violations and other violations under the Vehicle and Traffic laws of the Town of Cheektowaga and State of New York, AND

WHEREAS, this Board is in agreement with the Town justices that the use of credit cards to pay traffic fines will be more user friendly to the public and will help the town to maximize revenues from the Court, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Addendum to The Agreement Between The New York State Unified Court System and Key Bank of New York on behalf of the Town of Cheektowaga, as well as any other documents necessary to effectuate such agreement.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 34  
DECEMBER 15, 2003

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

WHEREAS, grant monies in the amount of \$2,500 are available from Erie County Legislator Michael Ranzenhofer via the Erie County Public Benefit Fund to improve purchase equipment for the Meals on Wheels Room and the Conference Room at the Cheektowaga Senior Citizens Center, AND

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

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

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

Upon roll call ....

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

Item No. 12c Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, grant monies in the amount of \$5,000 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund to improve public utilization of the Town Council Offices, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to make such improvements to the Council Offices, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

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

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

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

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

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

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

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 12d cont'd.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

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

Part-Time

Barbara Spring

Seasonal

Kenneth Wakefield

Upon roll call ....

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

NAYES: 0

ABSENT: 0

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

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

BUILDING AND GROUNDS – Laborer - \$8.00 per hour

Felix Lampke Cheektowaga, NY 14227

EFFECTIVE

1/02/04

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

BUILDING AND GROUNDS – Clerk - \$7.00 per hour

Karen A. Pfalzer Depew, NY 14043

EFFECTIVE

12/16/03

Management Information Services – Computer Support Technician - \$12.00 per hour

Richard McKay Cheektowaga, NY 14227

12/16/03

Management Information Services – Computer Support Technician - \$11.28 per hour

Andrew Meade Buffalo, NY 14216

12/16/03

and, BE IT FURTHER

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Andrew Meade be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution and, BE IT FURTHER

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

PARKS DIVISION

Adam Pieczynski

Ed Pozdyn

Timothy Stevenson

EFFECTIVE

10/31/03

11/08/03

12/09/03

Item No. 14 cont'd.

BUILDING MAINTENANCE DIVISION

Felix Lampke

EFFECTIVE

07/01/03

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 15 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

From Seasonal to Part-Time

Kurt Hansen

(effective immediately)

Part-Time

From Recreation Instructor (V) to Recreation Instructor (VI) - \$6.65

Jocelyn Kiszewski

(effective 1/6/04)

Item No. 15 cont'd.

From Recreation Attendant (VIII) to Recreation Attendant (IX) - \$7.15

Brian Koscielniak

(effective 1/6/04)

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 16a Motion by Councilmember Jankowiak, seconded by Councilmember Swiatek

WHEREAS, a temporary vacancy currently exists in the position of General Crew Chief in the Parks Division, AND

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

WHEREAS, William Lawicki, currently employed as a Working Crew Chief in the Parks Division, bid on said vacancy, and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that William Lawicki of Cheektowaga, New York 14227 be and hereby is appointed to the temporary position of General Crew Chief in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective December 16, 2003.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

Item No. 16b Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

MEETING NO. 34  
DECEMBER 15, 2003

WHEREAS, a vacancy exists in the title of General Crew Chief in the Central Garage,  
AND

Item No. 16b cont'd.

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

WHEREAS, Michael A. Gorlewski, currently employed as an Automotive Crew Chief in  
the Central Garage, bid on said vacancy, and meets the necessary qualifications, NOW, THEREFORE  
BE IT

RESOLVED, that Michael A. Gorlewski of Sloan, New York 14212 be and hereby is  
appointed to the position of General Crew Chief in the Central Garage in accordance with the terms  
and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga  
Supervisory Unit effective December 16, 2003.

Upon roll call ....

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

Item No. 16c Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the title of Working Crew Chief in the Sanitation  
Department, AND

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

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

RESOLVED, that David Longo of Cheektowaga, New York 14225, be and hereby is  
appointed to the position of Working Crew Chief in the Sanitation Department in accordance with the  
terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga  
Supervisory Unit effective December 16, 2003.

Upon roll call ....

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

Item No. 16d Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the position of Dog Control Officer in the Police  
Department, AND

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

WHEREAS, Thomas Marten, currently employed as a temporary Dog Control Officer  
in the Police Department, bid on said vacancy, and meets the necessary qualifications, NOW,  
THEREFORE BE IT

RESOLVED, that Thomas Marten of Cheektowaga, New York 14227, be and hereby is  
appointed to the position of Dog Control Officer in the Police Department, pursuant to the terms and  
conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and  
the Town of Cheektowaga Employees Association effective December 8, 2003.

Upon roll call ....

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

MEETING NO. 34  
DECEMBER 15, 2003

NAYES: 0  
ABSENT: 0

Item No. 16e Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

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

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

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, Todd Stucke currently employed as a seasonal Laborer in the Parks Division, has applied for said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Todd Stucke of Cheektowaga, New York 14225, be and hereby is appointed to the position of Cleaner in the Parks, Recreation and Youth Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective December 16, 2003.

Upon roll call ....

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

Item No. 16f Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

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

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

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

RESOLVED, that Peter Gerlach of Cheektowaga, New York 14227, be and hereby is appointed to the position of Motor Equipment Operator in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective December 31, 2003.

Upon roll call ....

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

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

WHEREAS, the Office of Public Safety, Law Accreditation Program is offering an accreditation workshop on December 18, 2003 in Albany, New York, AND

WHEREAS, Chief Ziembra is requesting authorization to send Lt. David Przepiora to this workshop. This workshop will assist the Cheektowaga Police Department in maintaining accreditation status in the most efficient manner, as we must complete the reaccreditation process in 2004. The Police Department will be responsible for travel, lodging and meals amounting to approximately \$177.00, NOW, THEREFORE BE IT

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

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 17 cont'd.

Upon roll call ....

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

**II. DEPARTMENTAL COMMUNICATIONS**

Item No. 18a Minutes of Cheektowaga Planning Board – November 13, 2003  
Received and Filed.

Item No. 18b Minutes of Cheektowaga Traffic Safety Commission – November 18, 2003  
Received and Filed.

Item No. 18c Minutes of Cheektowaga Conservation Advisory Council – November 22, 2003  
Received and Filed.

Item No. 18d Minutes of Environmental Advisory Committee – December 3, 2003  
Received and Filed.

**III. GENERAL COMMUNICATIONS**

Item No. 19a Notice of Claim: Gary Quillin vs. the Town of Cheektowaga, Town of Cheektowaga  
Police Department and Police Officer Brian Gray  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town  
Attorney; Council; Police Department and First Niagara Risk Management.  
Received and Filed.

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

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

Item No. 19d Notice of Claim: Raymond Paprocki vs. the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town  
Attorney; Council; Police Department and First Niagara Risk Management.  
Received and Filed.

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



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

Upon roll call ....

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



**IV. SUSPENSION OF RULES**

Item No. 20 Motion by Councilmember Magierski, seconded by Councilmember Jankowiak

WHEREAS, the Town Clerk's Office is in need of storage space for the election machines and the Town's Records Center, AND

WHEREAS, 2775 Broadway, Inc. has leased space to the Town in a building located at 2727 Broadway which has accommodated the Town's needs, AND

WHEREAS, 2775 Broadway, Inc. has submitted a lease agreement for the lease of two (2) areas in 2727 Broadway to be renewed for three (3) years, as follows:

Area A	4,018 sq. ft.	\$20,491.80 rental per year
Area B	4,707 sq. ft.	\$24,005.76 rental per year

NOW, THEREFORE BE IT

RESOLVED, that, upon final approval by the Town Attorney, the Supervisor be and hereby is authorized and directed to execute attached agreements with 2775 Broadway Inc. and, BE IT FURTHER

RESOLVED, that moneys for such lease payments shall be appropriated from the following line items:

0100-1450-4343	Records Storage Space
0100-1410-4343	Records Storage Space

and, BE IT FURTHER

RESOLVED, that the Town Accounting Department be and hereby is authorized to issue manual checks in connection with the payment of rent for these leases.

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 34  
DECEMBER 15, 2003

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

WHEREAS, under various Town ordinances and local laws, appearance tickets may be served with respect to violations of same, AND

WHEREAS, presently police officers of the Town or other municipalities are tasked with serving warrants and summons, which takes time away from their other duties, AND

WHEREAS, because of other duties of the police officers, sheriffs or other municipalities' police officers, prompt service of these warrants and summons is not always possible; therefore, violations are allowed to continue for longer periods of time, AND

WHEREAS, pursuant to the Municipal Home Rule Law of the State of New York, the Town can enact a local law to authorize other public servants of the Town to issue appearance tickets, AND

WHEREAS, Local Law Intro No. 2004-1 of the Year 2004 has been drafted to authorize public servants of the Town to issue appearance tickets, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 5th day of January, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 2004-1 of the Year 2004 entitled "A Local Law Authorizing the Issuance of Appearance Tickets by Public Servants of the Town of Cheektowaga"and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Times, the official Town newspaper .



NOTICE OF PUBLIC HEARING

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

Local Law Intro No. 2004-1  
A Local Law Authorizing the Issuance of Appearance Tickets  
By Public Servants of the Town of Cheektowaga

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

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

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

Dated: Cheektowaga, New York  
December 15, 2003

\_\_\_\_\_  
Mary F. Holtz  
Town Clerk



Upon roll call ....

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

MEETING NO. 34  
DECEMBER 15, 2003

AFFIDAVIT - NEXT PAGE(S)

Item No. 22 Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga currently has a contract with Adelphia Business Solutions (formerly Hyperion Communications) for telephone and other telephone and other telecommunications services for Town offices, both on and off campus, which was approved by resolution dated July 19, 1999, AND

WHEREAS, said contract expired on November 30, 2003, AND

WHEREAS, Adelphia Business Solutions has submitted a proposal to continue these services to the Town for thirty-nine (39) months, AND

WHEREAS, as part of its proposal, Adelphia Business Solutions will give the Town one free month for every twelve months, as such, the Town will only be responsible to pay Adelphia Business Solutions for thirty-six (36) months of service, AND

WHEREAS, Adelphia Business Solutions has submitted the attached Switch Service Contract for approval by this Town Board, AND

WHEREAS, this Town Board wishes to continue its telephone and telecommunications services through Adelphia Business Solutions, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Switch Service Contract with Adelphia Business Solutions for a term commencing on December 1, 2003 and terminating on March 1, 2007 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all other documents necessary to effectuate the terms of this contract with Adelphia Business Solutions.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 34  
DECEMBER 15, 2003

Item No. 23 Motion by Councilmember Johnson, seconded by Councilmember Mazur to adjourn this meeting. This meeting was adjourned at 7:45 P.M.

Mary F. Holtz  
Town Clerk

**TOWN OF CHEEKTOWAGA  
MEETING 35  
DECEMBER 29, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 29th day of December, 2003 at 6:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Patricia Wojcik, Director of Senior Services and William Pugh, Town Engineer.

**I. RESOLUTION**

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

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

**GENERAL FUND**

FROM:	100-1110-2105	Equipment	\$ 3,128.00
	100-1110-2205	Copy Machine	602.00
	100-1110-4013	Law Books	731.00
	100-1110-4321	Data Processing	1,720.00
	100-1110-4431	Equipment Maintenance	8,400.00
	100-1110-4591	Juror Fees	1,240.00
	100-7410-4451	Building & Grounds Maint.	2,000.00
TO:	100-1110-2770	Misc. Rev. Received	\$ 3,128.00
	100-1110-4082	Training	107.00
	100-1110-4592	Contracted Clerical	10,100.00
	100-7410-4439	HVAC	2,000.00

**HIGHWAY FUND**

FROM:	300-5110-4185	Barricades	\$ 2,000.00
	300-5140-4188	Rental of Copier	2,400.00
TO:	300-5130-2407	Highway Equipment	\$ 4,400.00

**HUD CDBG FUND**

FROM:	700-1003-0704	Contingency	\$ 10,000.00
TO:	700-1003-0721	Drainage Improvements	\$ 10,000.00

Upon roll call ....

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

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

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to December 26, 2003 are hereby approved and made a part hereof:

**MEETING NO. 35  
DECEMBER 29, 2003**

Item No. 3 cont'd.

GENERAL FUND	\$ 97,650.94
RISK RETENTION FUND	27,643.17
SPECIAL DISTRICTS FUND	261,600.43
HIGHWAY FUND	59,325.68
TRUST & AGENCY	1,606.02
HUD HOUSING REHABILITATION FUND	475.00
HUD CDBG FUND	132,289.54
PART TOWN FUND	1,018.00
CAPITAL FUND	<u>259,574.82</u>
	<b>\$841,183.60</b>

Upon roll call ....

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

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

WHEREAS, as a result of advertisement, bids were received on December 10, 2003 for the furnishing of equipment and operators for drainage systems maintenance and erosion control projects during the calendar years of 2004 and 2005 in the Town of Cheektowaga, AND

WHEREAS, 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 from Allan Blachowski, Junior Civil Engineer, to the Town Board dated December 29, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment and operators for drainage systems maintenance and erosion control projects in the Town of Cheektowaga for the years 2004 and 2005 be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

		<u>2004</u>	<u>2005</u>
		Per 8 hr day	Per 8 hr day
Item I	Tandum	\$420.00	\$445.00
Item II	Rubber Tire Backhoe	575.00	585.00
Item III	Laborer	640.00	658.00
Item IV	Walk Behind Saw	1.00	1.00
Item V	Vermeer Road Saw	1.00	1.00
Item VI	Equipment Truck "A"	10.00	10.00
Item VII	Equipment Truck "B"	10.00	10.00
Item VIII	Shield - 8' X 10'	1.00	1.00
Item IX	Shield - 6' X 16'	1.00	1.00
Item X	Transport Shield	1.00	1.00
Item XI	Roller	1.00	1.00
Item XII	13' Hydraulic Crawler Backhoe	200.00	210.00
Item XIII	19' Hydraulic Crawler Backhoe	765.00	775.00
Item XIV	21' Hydraulic Crawler Backhoe	825.00	836.00
Item XV	24' Hydraulic Crawler Backhoe	945.00	975.00
Item XVI	Dozer D-3	425.00	450.00
Item XVII	Dozer D-4	625.00	640.00
Item XVIII	Dozer D-6	925.00	936.00
Item XIX	Front End Loader	500.00	510.00
Item XX	Landscape Tractor	1.00	1.00

and, BE IT FURTHER

RESOLVED, that payment for said equipment and operators for drainage systems maintenance and erosion control projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items.

MEETING NO. 35  
DECEMBER 29, 2003

Item No. 4a cont'd.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 35  
DECEMBER 29, 2003

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

WHEREAS, as a result of advertisement, bids were received on December 10, 2003 for the furnishing of equipment and operators for the installation and repair of sanitary sewers during the calendar years of 2004 and 2005 in the Town of Cheektowaga, AND

WHEREAS, 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 from Allan Blachowski, Junior Civil Engineer, to the Town Board dated December 18, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment and operators for the installation and repair of sanitary sewers in the Town of Cheektowaga for the year 2004 be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

Item 1	Single Axle Dump	\$170.00 per 8 hour day
Item 2	Tandem Dump	\$400.00 per 8 hour day
Item 3	Rubber Tire Backhoe	\$520.00 per 8 hour day
Item 4	Laborers	\$620.00 per 8 hour day
Item 5	Crawler Hydraulic Backhoe	\$300.00 per 8 hour day
Item 6	Front End Loader	\$ 1.00 per 8 hour day
Item 8	Vermeer Road Saw	\$ 1.00 per 8 hour day
Item 9	Equipment Truck "A"	\$ 1.00 per 8 hour day
Item 10	Equipment Truck "B"	\$ 1.00 per 8 hour day
Item 11	Shield 6' X 8'	\$ 1.00 per 8 hour day
Item 12	Shield 8' X 16'	\$ 1.00 per 8 hour day
Item 13	Transport Shield	\$ 1.00 per 8 hour day
Item 14	Roller (small)	\$ 1.00 per 8 hour day

and, BE IT FURTHER

RESOLVED, that the contract for the furnishing of equipment and operators for the installation and repair of sanitary sewers in the Town of Cheektowaga for the year 2005 be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

Item 1	Single Axle Dump	\$174.00 per 8 hour day
Item 2	Tandem Dump	\$430.00 per 8 hour day
Item 3	Rubber Tire Backhoe	\$550.00 per 8 hour day
Item 4	Laborers	\$640.00 per 8 hour day
Item 5	Crawler Hydraulic Backhoe	\$300.00 per 8 hour day
Item 6	Front End Loader	\$110.00 per 8 hour day
Item 7	Walk Behind Saw	\$ 1.00 per 8 hour day
Item 8	Vermeer Road Saw	\$ 1.00 per 8 hour day
Item 9	Equipment Truck "A"	\$ 1.00 per 8 hour day
Item 10	Equipment Truck "B"	\$ 1.00 per 8 hour day
Item 11	Shield 6' X 8'	\$ 1.00 per 8 hour day
Item 12	Shield 8' X 16'	\$ 1.00 per 8 hour day
Item 13	Transport Shield	\$ 1.00 per 8 hour day
Item 14	Roller (small)	\$ 1.00 per 8 hour day

and, BE IT FURTHER

RESOLVED, that payment for said equipment and operators for sanitary sewer projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items.

Upon roll call ....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

**MEETING NO. 35  
DECEMBER 29, 2003**

Item No. 5a Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, the salaries of the following Town officials be and hereby are established and set forth as follows, effective January 1, 2004:

Supervisor	\$71,000
Councilmember (6)	\$18,551
Tax Receiver	\$57,822
Town Clerk	\$65,057
Highway Superintendent	\$71,903
Town Justice (2)	\$65,054
Budget Director	\$ 5,000
Registrar of Vital Statistics	\$ 5,000

Upon roll call ....

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

Item No. 5b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2004:

Town Engineer	\$74,501
Director of Administration & Finance	\$71,298
Accountant	\$51,522
Supervising Building & Plumbing Inspector	\$60,553
Executive Director Parks, Youth & Recreation	\$76,436
Program Coordinator – I	\$42,039
Town Attorney	\$63,080
Deputy Town Attorney (1)	\$42,555
Deputy Town Attorney (1)	\$33,112
Deputy Town Attorney – Prosecutors (2)	\$16,421
Clerk of Justice Court	\$42,648
Clerk to Town Justice	\$33,661
Director of Community Development	\$64,372
Council Office Clerk Steno	\$38,540
Administrative Assistant (Town Board)	\$38,540
Municipal Administrative Assistant Legal	\$37,698
Deputy Tax Receiver	\$35,892
Deputy Superintendent of Highways	\$70,148
Recreation Supervisor – Senior Citizens	\$65,672
Employee Relations Administrative Clerk	\$42,191
Confidential Secretary to the Supervisor	\$36,575
Secretary to Town Supervisor's Office	\$33,166
Intern Personnel Specialist	\$33,292

Upon roll call ....

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

Item No. 5c Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

FEES IN (\$0.00) DENOTE 2003 FEE

CAMP DARTWOOD

SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$499 (\$566)	\$595 (\$674)
PER CHILD WEEKLY	\$ 91 (\$ 89)	\$109 (\$106)
SECOND CHILD ALL 6 WEEKS	\$485 (\$540)	\$582 (\$660)

MEETING NO. 35  
DECEMBER 29, 2003

SECOND CHILD WEEKLY	\$ 89 (\$ 83)	\$103 (\$100)
<u>Item No. 5c cont'd.</u>		
CAMP DARTWOOD cont'd.		
THREE DAY WEEK	\$ 78 (\$ 76)	
CAMP FLAMINGO		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$499 (\$566)	\$595 (\$674)
PER CHILD WEEKLY	\$ 91 (\$ 89)	\$109 (\$106)
SECOND CHILD ALL 6 WEEKS	\$485 (\$540)	\$582 (\$660)
SECOND CHILD WEEKLY	\$ 89 (\$ 83)	\$103 (\$100)
THREE DAY WEEK	\$ 78	(\$ 76)
CAMP JI-IK-DO-WAH-GAH		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$484 (\$544)	\$595 (\$674)
PER CHILD WEEKLY	\$ 91 (\$ 89)	\$109 (\$106)
SECOND CHILD ALL 6 WEEKS	\$466 (\$517)	\$582 (\$660)
SECOND CHILD WEEKLY	\$ 89 (\$ 83)	\$103 (\$100)
THREE DAY WEEK	\$ 78 (\$ 76)	
CAMP CRABAPPLE		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD ALL 6 WEEKS	\$427 (\$476)	\$595 (\$674)
PER CHILD WEEKLY	\$ 91 (\$ 89)	\$109 (\$106)
SECOND CHILD ALL 6 WEEKS	\$408 (\$460)	\$582 (\$660)
SECOND CHILD WEEKLY	\$ 89 (\$ 83)	\$103 (\$100)
THREE DAY WEEK	\$ 78 (\$ 76)	
ADAPTED RECREATION PROGRAM		
	RESIDENT	NON-RESIDENT
OCTOBER - APRIL	\$140	\$169
YOUTH SOCCER		
SUMMER	RESIDENT	NON-RESIDENT
CHILD	\$ 51 (\$49)	\$65 (\$62)
ADULT, JUNIORS, MIDGET	\$450 PER TEAM	
(ADULT, JUNIORS AND MIDGET TEAMS PAY THE REFeree FEES PRIOR TO THE START OF THE GAME)	EACH NON RESIDENT PAYS \$15 ADDITIONAL	
TINY TOTS		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD	\$39 (\$38)	\$49 (\$48)
SECOND CHILD	\$36 (\$35)	\$46 (\$45)
THREE TO GET READY		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD	\$35 (\$34)	\$45 (\$44)
SECOND CHILD	\$32 (\$31)	\$42 (\$41)
GYMNASTICS		
SUMMER 2 DAY	RESIDENT	NON-RESIDENT
PER CHILD	\$50 (\$46)	\$60 (\$56)
SECOND CHILD	\$45 (\$41)	\$55 (\$51)
SUMMER 1 DAY		
PER CHILD	\$30 (\$23)	\$40 (\$33)
SECOND CHILD	\$25 (\$18)	\$35 (\$28)

**MEETING NO. 35  
DECEMBER 29, 2003**

Item No. 5c cont'd.

<b>TINY TUMBLERS</b>			
SUMMER 3YR OLD 1 DAY	RESIDENT	NON-RESIDENT	
PER CHILD	\$34 (\$23)	\$44	(\$33)
SECOND CHILD	\$29 (\$18)	\$39	(\$28)
4YR. OLD 1 DAY			
PER CHILD	\$34 (\$23)	\$44	(\$33)
SECOND CHILD	\$29 (\$18)	\$39	(\$28)
<b>FRIDAY GYMNASTICS</b>			
SUMMER	RESIDENT	NON-RESIDENT	
PER CHILD	\$28 (\$23)	\$38	(\$33)
SECOND CHILD	\$23 (\$18)	\$33	(\$28)
<b>ADVANCED I &amp; II GYMNASTICS</b>			
SUMMER	RESIDENT	NON-RESIDENT	
PER CHILD	\$58 (\$51)	\$68	(\$61)
SECOND CHILD	\$53 (\$46)	\$63	(\$56)
<b>INTRO TO ADVANCED GYMNASTICS</b>			
PER CHILD	\$52 (\$37)	\$62	(\$47)
SECOND CHILD	\$47 (\$32)	\$57	(\$42)
<b>AEROBICS</b>			
YEAR ROUND	RESIDENT	NON-RESIDENT	
PER CLASS	\$2 (\$2)	\$3	(\$3)
<b>ADVANCED YOGA</b>			
PER 10 WEEK SESSION	RESIDENT	NON-RESIDENT	
	\$25	\$25	
<b>SWIMMING</b>			
SUMMER	RESIDENT	NON-RESIDENT	
YOUTH	\$30 (\$27)	\$40	(\$37)
SECOND CHILD	\$27 (\$24)	\$37	(\$33)
TODDLER	\$20 (\$17)	\$30	(\$27)
SECOND CHILD	\$17 (\$14)	\$27	(\$24)
WATER WALKING	\$22 (\$19)	\$32	(\$29)
ADULT	\$27 (\$24)	\$37	(\$34)
2 <sup>nd</sup> ADULT	\$24	\$34	
WATER SLIDE/ ANIMALS	\$ 1 (\$ 1)	\$ 1	(\$ 1)
DAILY USER FEE (Maryvale/ Dingens)	\$ 1 (\$ 1)	\$ 2	(\$ 2)
DAILY USER FEE (Town Pool)	\$ 2	\$ 4	
FALL/ WINTER			
YOUTH	\$30 (\$23)	\$40	(\$33)
SECOND CHILD	\$27 (\$19)	\$37	(\$29)
OPEN/ FAMILY (LESS DAYS)	\$30 (\$27)	\$40	(\$41)
ADULT	\$25 (\$16)	\$35	(\$26)
<b>INSTRUCTIONAL TENNIS</b>			
SUMMER	RESIDENT	NON-RESIDENT	
YOUTH	\$25 (\$23)	\$35	(\$33)
ADULT	\$25 (\$23)	\$35	(\$33)
<b>WEE THREE-TWICE THE FUN</b>			
FALL/ WINTER/SPRING	RESIDENT	NON-RESIDENT	
PER CHILD	\$198	\$218	
SECOND CHILD	\$178	\$198	
<b>TEA TIME FOR TWO</b>			
FALL WINTER	RESIDENT	NON-RESIDENT	

**MEETING NO. 35  
DECEMBER 29, 2003**

PER CHILD	\$57	(\$46)	\$67	(\$56)
SECOND CHILD	\$52	(\$41)	\$62	(\$51)

Item No. 5c cont'd.

PRE K				
2004-2005 SEPT-MAY				
THREE DAYS				
PAID IN FULL AT REGISTRATION				
	\$501	(\$473)	\$556	(\$528)
PER SESSION SEPT-FEB				
	\$260.50	(\$246.50)	\$288	(\$274)
PER MONTH (8 MONTHS)				
	\$ 65.13	(\$ 61.65)	\$ 72	(\$ 68.50)
TWO DAY 2 ½ HRS				
PAID IN FULL AT REGISTRATION				
	\$427	(\$399)	\$477	(\$449)
PER SESSION SEPT + FEB				
	\$223.50	(\$209.50)	\$248.50	(\$234.50)
PER MONTH (8 MONTHS)				
	\$ 55.88	(\$52.40)	\$ 62.13	(\$ 58.65)

TOTALLY TERRIFIC TODDLERS				
PER CHILD				
	\$48		\$58	

MUSIC MOVEMENT MOMMY/DADDY & ME				
FALL WINTER				
PER CHILD				
	\$34		\$39	

PUBLIC SKATE				
FALL/WINTER				
GENERAL ADMISSION				
	\$4	(\$3)		
W/ RESIDENT DISCOUNT CARD				
CHILDREN 3 AND UNDER				
	FREE	(FREE)		
CHILDREN 4 TO 15				
	\$2	(\$1)		
ADULTS 16 AND UP				
	\$3	(\$2)		
SENIOR CITIZENS				
	\$2	(\$1)		

LEARN TO SKATE				
FALL/ WINTER				
PER INDIVIDUAL				
	\$46	(\$43)	\$66	(\$63)

SKATE AND SHOOT				
FALL/ WINTER				
GENERAL ADMISSION				
	\$7	(\$7)		
ADMISSION W/ RESIDENT				
	5	(\$5)		
CARD				
FIRST 2 GOALIES				
	FREE	(FREE)		

ICE RENTALS				
FALL/ WINTER				
PER HOUR				
	PRIME TIME	\$124	(\$121)	5:00pm-11:00pm
				M-F
				All day Sat and Sun
	NON-PRIME	\$103	(\$100)	8:00am- 5:00pm
				M-F

SPORT COURT RENTALS				
PER HOUR				
	\$55	(\$50)		
PER HOUR AND HALF				
	\$75	(\$70)		
PER 2 HOURS				
	\$90	(\$85)		

YOUTH BASKETBALL				
FALL/ WINTER				
PER PARTICIPANT				
	\$31	(\$28)	\$41	(\$38)

ADULT BASKETBALL				
PER TEAM				
	\$75	(\$75)		

VOLLEYBALL(teams pay referee fees each week)				
INDOOR FALL/ WINTER SESSIONS				
	Referee Fees	\$16 per week - \$8 per team (2003 - \$14 per week - \$7 per team)		

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THURSDAY AND FRIDAY League Fee - \$189 (2003 - \$189) 12 weeks - September-December, January-April

Item No. 5c cont'd.

SATURDAY League \$243 (2003 - \$243) 18 weeks – September-May  
SUMMER (same referee fee applies)  
OUTDOOR LEAGUE \$84 + \$5 per non-resident \$25 maximum (2003 - \$75)

OPEN VOLLEYBALL  
\$3 per person (2003 - \$3)

DIAMOND PERMITS			
SUMMER (per 2 hour time block)	RESIDENT		NON-RESIDENT
NO LIGHTS	\$45 (\$45)		\$65 (\$65)
LIGHTS	\$75 (\$75)		\$90 (\$90)
13 WEEK SERIES			
NO LIGHTS	\$425 (\$425)		\$650 (\$650)
LIGHTS	\$725 (\$725)		\$900 (\$900)
Additional games added to 13-week series are charged at the regular 2-hour block rate			

SOCCKER / FOOTBALL FIELD RENTAL		
PER TWO HOUR TIME BLOCK	RESIDENT \$55 (\$55)	NON-RESIDENT \$70 (\$70)

VOLLEYBALL COURT RENTAL		
1 COURT PER TWO HOUR BLOCK	RESIDENT \$50 (\$50)	NON-RESIDENT \$65 (\$65)

ADULT SOFTBALL LEAGUES		
SUMMER	LEAGUE	FRANCHISE FEE
	COED	\$285 (\$260)
	WOMEN'S	\$285 (\$260)
	MEN'S LEISURE	\$285 (\$260)
	MEN'S OVER 40	\$310 (\$290)
	OPEN MEN'S	\$460 (\$435)
	MEN'S OVER 35	\$285 (\$260)
	BUSINESS TEAM	\$325 (\$305)

\*\*NON-RESIDENTS MUST PAY A NON-RESIDENT FEE OF \$20.00 PER PERSON. A PLAYER IN MORE THAN ONE LEAGUE ONLY PAYS THIS FEE ONCE FOR THE FIRST LEAGUE HE/SHE REGISTERS FOR.

\*\*BUSINESS TEAMS (BUSINESSES WITHIN THE TOWN), ALL PLAYERS MUST WORK FOR THAT BUSINESS, \$325. THIS INCLUDES THE FIRST 11 ON THE ROSTER. NON-RESIDENTS AFTER 11 MUST PAY \$20 EACH.

\*\*ALL TEAMS ARE RESPONSIBLE FOR PAYING THE UMPIRES EACH WEEK

\*\*EACH TEAM IS REQUIRED TO PAY A \$28 FORFEIT FEE IN CASH

\*\*\$100 NON-REFUNDABLE DEPOSIT REQUIRED TO REGISTER A TEAM

\*\*THE \$15 ASA FEE WILL BE INCLUDED WITH THE REGISTRATION FEE

INLINE HOCKEY		
SUMMER	RESIDENT	NON-RESIDENT
YOUTH PARTICIPANT	\$ 85 (\$83)	\$120 (\$116)
ADULT TEAM	\$810	EACH NON-RESIDENT \$15 ADDITIONAL

\*\* ADULT INLINE TEAMS ARE RESPONSIBLE FOR PAYMENT OF REFEREES PRIOR TO THE START OF EACH GAME\*\*

ICE HOCKEY				
FALL/ WINTER	RESIDENT		NON-RESIDENT	
	HOUSE	TRAVEL	HOUSE	TRAVEL
NOVICE	\$273 (\$263)	N/A	\$438 (\$428)	N/A
MITE	\$313 (\$303)	\$428 (\$418)	\$488 (\$478)	\$603 (\$593)
SQUIRT	\$363 (\$353)	\$478 (\$468)	\$538 (\$528)	\$653 (\$643)

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PEE WEE	\$413	(\$403)	\$528	(\$518)	\$588	(\$578)	\$703	(\$693)
BANTAM	\$463	(\$453)	\$578	(\$568)	\$638	(\$628)	\$753	(\$743)
MIDGET	\$533	(\$523)	\$433	(\$423)	\$708	(\$698)	\$608	(\$598)

Item No. 5c cont'd.

- ALL HEAD COACHES WILL RECEIVE A \$30.00 REDUCTION FOR ONE CHILD
- SECOND CHILD ENROLLED FROM A FAMILY \$30.00 REDUCTION
- THIRD CHILD ENROLLED FROM A FAMILY \$70.00 REDUCTION
- 2003 - 2004 TRAVEL TRY-OUT FEE \$7.00 EACH TRY OUT

SUMMER TEEN PROGRAM

WEEKLY	RESIDENTS	NON-RESIDENTS
ONE CHILD	\$95 (\$75)	\$109 (\$ 95)
SECOND CHILD	\$90 (\$70)	\$100 (\$ 90)
6 WEEKS	RESIDENTS	NON-RESIDENTS
ONE CHILD	\$570 (\$420)	\$630 (\$540)
SECOND CHILD	\$540 (\$385)	\$600 (\$500)

CULTURAL CENTER (BAND SHELL) LOCATED IN TOWN PARK

THE RENTAL FEE IS FOR FOUR HOURS ANY TIME PRIOR TO OR AFTER THE SPECIFIED RENTAL TIME THE RENTER IS RESPONSIBLE FOR THE COSTS OF KEEPING STAFF ON.

RESIDENTS

\$400 for a four hour period. Additional hours before or after the specified rental time will be billed at \$125 per hour.

NON-RESIDENTS

\$800 for a four hour period. Additional hours before or after the specified rental time will be billed at \$195 per hour.

Upon roll call ....

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

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

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

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

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

Upon roll call ....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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

WHEREAS, Certain Teed Corporation, a company which manufactures fencing and other building materials, currently rents space at 2525 Walden Avenue in the Town of Cheektowaga for its business, AND

WHEREAS, Certain Teed Corporation has been in its current location since 1971, and currently employs 160± people at the Cheektowaga facility, AND

WHEREAS, Certain Teed Corporation has stated that the current building space in Cheektowaga is inadequate to accommodate its present and future manufacturing growth needs, and has been unable to identify property in Cheektowaga to accommodate its future growth plans, AND

WHEREAS, Certain Teed Corporation is prepared to sign a lease for a larger facility in Buffalo's Empire Zone, an economic development zone created in the City of Buffalo, which will result in the retention of existing jobs in the Buffalo-Niagara region, AND

WHEREAS, Certain Teed Corporation wishes to avail itself of other tax breaks and incentives for operating within an economic development zone, AND

WHEREAS, Article 18-B and Section 959(a)(iii) of the General Municipal Law allow for the certification of a business enterprise that has shifted its operation from an area within the State into an economic development zone, AND

WHEREAS, a public hearing was held on December 15, 2003 at 6:45 P.M. in the Town of Cheektowaga Town Hall for the purpose of soliciting comments from the public concerning this shift of operations of Certain Teed Corporation, AND

WHEREAS, at such public hearing, representatives from Certain Teed Corporation stated that extraordinary circumstances exist to warrant the relocation of Certain Teed to the City of Buffalo Empire Zone, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, based on the testimony given at the public hearing and the extraordinary circumstances stated by Certain Teed, and in the spirit of regionalism, hereby consents to the relocation of Certain Teed from the Town of Cheektowaga to the City of Buffalo Empire Zone.

Upon roll call ....

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

Item No. 8a Motion by Councilmember Johnson, seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga owns and maintains street light standards and traffic signals in the rights-of-way of various New York State highways throughout the Town of Cheektowaga, AND

WHEREAS, the New York State Department of Transportation ("DOT") requires the Town of Cheektowaga to obtain and keep on file a Highway Work Permit for the Town's maintenance activities on State highways, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Highway Work Permit Application and any and all other documents necessary to perform Town maintenance activities on State highways in the Town.

Upon roll call ....

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

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Item No. 8b Motion by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, the New York State Department of Motor Vehicles Governor's Traffic Safety Committee, has made National Highway Safety Administration funds available through the County of Erie for the 2003-2004 year to fund a "STEP" grant to aid aggressive driving enforcement, AND

WHEREAS, the Town of Cheektowaga Police Department has applied for such funding, and has been notified that the Town has been awarded the sum of \$4,955.00 to conduct this program in the Town of Cheektowaga, NOW, THEREFORE BE IT

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

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

Upon roll call ....

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

Item No. 8c Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Parks, Recreation & Youth Services is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at each of Cheektowaga's four branch libraries, to provide special activities that encourage children to read and become more familiar with the library, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute an agreement between the Town of Cheektowaga and the Cheektowaga Public Library System to continue said program for a twelve (12) month period, January 1, 2004 through December 31, 2004 with a total cost not to exceed \$2,200.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

Upon roll call ....

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

Item No. 8d Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Parks, Recreation & Youth Services is desirous of continuing the operation of a joint program with Catholic Charities Metropolitan Services Department, 525 Washington Street, Buffalo, New York, 14203, whereby high risk youth within the Town will receive individual and family counseling through the School Intervention Service, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 2004 through December 31, 2004 with a total cost not to exceed the sum of \$166,715.00 and, BE IT FURTHER

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RESOLVED that Catholic Charities Metropolitan Services will reimburse the Town \$43,476.00 of the total budget for said program and the New York State Office of Children and Family services will reimburse the Town \$30,824.00 leaving the actual cost to the Town at \$92,415.00.

Item No. 8d cont'd.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

Upon roll call ....

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

Item No. 8e Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Parks, Recreation & Youth Services is desirous of continuing the operation of the Youth Engaged in Service (Y.E.S.) program with Catholic Charities Metropolitan Services, 525 Washington Street, Buffalo, New York, which prepares and provides teenagers with opportunities to assist their community in various projects that have a need for volunteers, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and the Catholic Charities Metropolitan Services to continue said program for a twelve month period, January 1, 2004 through December 21, 2004 with a total cost not to exceed the sum of \$63,125.00.

CONTRACT # (BUDGET LINE ITEM) 01- 7310-4685

Upon roll call ....

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

Item No. 8f Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS on December 30, 2003, the Town of Cheektowaga entered into an agreement with the Boys and Girls Club of Buffalo for operation of the Cleveland Hill Safe Places Program through June 30, 2003, AND

Whereas, the NYS Office of Children and Family Services has approved a Safe Places Grant Application submitted by Erie County on behalf of the Town and three other suburban municipalities for the period January 1, 2003 through December 31, 2003, AND

WHEREAS, the Town has received \$10,875.00 from Erie County to allow continuation of the Cleveland Hill Safe Places program through December 31, 2003, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute an addendum to the existing agreement with the Boys and Girls Clubs of Buffalo to provide said service for the period January 1, 2003 through December 31, 2003 for a sum not to exceed \$23,375.00.

Upon roll call ....

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

Item No. 8g Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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WHEREAS, the Cheektowaga Department of Parks, Recreation & Youth Services is desirous of continuing the operation of a joint program with Child and Family Services of Erie County, 330 Delaware Avenue, Buffalo, New York, 14202, for the purpose of providing group, individual and family counseling to police and court referred juveniles, youthful offenders, and runaway and homeless youth, AND

Item No. 8g cont'd.

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Child and Family Services to continue said program for a twelve month period, January 1, 2004 through December 31, 2004 with a total cost not to exceed \$136,250.00 and, BE IT FURTHER

RESOLVED that Child and Family Services will reimburse the Town for up to \$13,236.00 of the total budget for said program and the New York State Office of Children and Family Services will reimburse the Town for up to \$24,525.00 leaving the actual cost to the Town at \$98,489.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4687

Upon roll call ....

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

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

WHEREAS, the contract for Plumbing Work for the Additions and Alterations Project at the Cheektowaga Senior Center was awarded by Town Board resolution to C & L Plumbing, Inc. on July 10, 2003 in the amount of \$59,000.00, AND

WHEREAS, work to be performed under said contract includes the installation of a new 6" water main and connection to Erie County Water Authority (E.C.W.A.) facilities for a new fire service and sprinkler system, AND

WHEREAS, in accordance with the contract drawings and specifications and the interpretation of same by Kideney Architects, M/E Engineers, project architect and mechanical consulting engineer, the Town Engineering Department, and the Town Law Department, it is the responsibility of the plumbing contractor to obtain and pay for all necessary permits and fees associated with the new 6" water line and tap for connection to the E.C.W.A. facilities, which tap fee has been established by the E.C.W.A. in the amount of \$8,440.00, AND

WHEREAS, said plumbing contractor disagrees with the aforesaid interpretation of the contract drawings and specifications and, therefore, refuses to pay the E.C.W.A. the tap fee, AND

WHEREAS, in an effort to avoid further delay and to facilitate the timely completion of this contract and related subcontracts, the office of the Town Attorney, by letter dated December 18, 2003 to C & L Plumbing, Inc., has indicated that the Town will remit the payment of the tap fee to the E.C.W.A., with the Town reserving its rights under the terms of the contract and at law to recover all monies owing associated with payment of the tap fee, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the payment of the \$8,440.00 water tap fee to the E.C.W.A. by the Town, and hereby directs the Office of the Town Attorney to pursue recovery of said funds in accordance with the Town's contractual rights in this matter and, BE IT FURTHER

RESOLVED, that funding for said tap fee in the amount of \$8,440.00 shall be chargeable to Account #500-7620-2520-5122.

Upon roll call ....

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

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ABSENT: 0

Item No. 10a Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the Association of Towns of the State of New York Year 2004 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 15-18, 2004, AND

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

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

RESOLVED, that the following individuals be and hereby are authorized to attend the 2004 Training School and Annual Meeting of the Association of Towns:

Supervisor Dennis H. Gabryszak  
Town Highway Superintendent Christopher J. Kowal  
Town Engineer William Pugh  
Town Attorney Michael J. Stachowski  
Director of Administration and Finance Brian M. Krause  
Councilmember Patricia Jaworowicz  
Councilmember Alice Magierski  
Town Justice Ronald Kmiotek  
Town Justice Thomas Kolbert

and, BE IT FURTHER

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

RESOLVED, that the Town shall reimburse the above named individuals for reasonable and necessary expenses incurred in attending such meeting out of their appropriate departmental travel budget lines.

Upon roll call ....

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

Item No. 10b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, the New York State Government Finance Officer's Association (NYS-GFOA) is holding its Annual Conference on March 31st, April 1st, and 2nd , 2004 in Albany, New York, AND

WHEREAS, the conference shall cover such topics as the New Government Accounting Standards Board Initiatives and Updates, Internal Audit Controls - Curtailing the Risk of Fraud, Federal Legislative and Regulatory Overviews, Making the Bond Market Work For You, A Government Finance Officers Role in Labor Negotiations, Capital Planning and Multi-Year Budgeting, and Using the Internet and E-Mail, AND

WHEREAS, Supervisor Dennis H. Gabryszak and Director of Administration and Finance Brian M. Krause are requesting attendance at this conference, NOW, THEREFORE BE IT

RESOLVED, that Supervisor Gabryszak and Mr. Krause are hereby authorized to attend this conference, and all costs not to exceed \$1,700 are to be reimbursed from the following budget account numbers: 100-1315-4088 and 100-1220-4088.

Upon roll call ....

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



MOTION BY COUNCILMEMBER MAZUR, SECONDED BY COUNCILMEMBER MAGIERSKI TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 11, AND THE VOTING WAS AS FOLLOWS:

Upon roll call ....

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



Item No. 11 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

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

EFFECTIVE

POLICE DEPARTMENT – Traffic Maintenance Division – Laborer - \$7.10 per hour  
Brian Clifford Cheektowaga, NY 14225 1/02/04

POLICE DEPARTMENT – Detention Officer - \$14.00 per hour  
Joseph Butler Cheektowaga, NY 14225 2/19/03

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

EFFECTIVE

TAX OFFICE

Delphine Gembka 12/31/03  
Eleanor Kantowski 12/31/03  
Julie Miller 12/31/03  
Patricia Miller 12/31/03  
Nancy Paner 12/31/03

POLICE DEPARTMENT

Julie Bojarski 12/30/03  
Meagan Zack 11/17/03  
Brian Clifford 12/31/03  
Mark Drews 4/08/03  
Jennifer Murak 12/31/03  
Gary Peperone 12/16/03  
Bridget Trudell 9/03/03

SANITATION DEPARTMENT

Mark Schiersing 12/31/03

MAIN PUMP STATION

Ronald Strong 12/31/03  
Christopher Wszalek 12/31/03

PARKS, RECREATION, AND YOUTH SERVICES

Valerie Mrzyglad 12/31/03  
Glenn Au 12/31/03  
Matt Bean 12/31/03  
Lynne Butts 12/31/03

SEWER MAINTENANCE

Christopher Buczek	12/31/03
Jeremy Buczek	12/31/03
Brandon Hill	12/31/03

Item No. 11 cont'd.

SEWER MAINTENANCE cont'd.

Eric Kujawa	12/31/03
Michael O'Sullivan	12/31/03
Timothy Olewniczak	12/31/03
David Profic, Jr.	12/31/03
Sean Ross	12/31/03

Upon roll call ....

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

Item No. 12a Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, that the following employees in the Tax Office be and hereby are hired and transferred, effective as indicated:

Seasonal January 5, 2004  
Part-Time March 1, 2004

Nancy Paner  
Julie Miller  
Eleanor Kantowski

Part-Time January 5, 2004  
Seasonal September 7, 2004

Pat Miller  
Delphine Gembka

Part-Time January 5, 2004

Denise Myers

Upon roll call ....

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

Item No. 12b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, that the following employees in the Department of Parks, Recreation and Youth Services be and hereby are hired and transferred, effective as indicated:

Seasonal January 6, 2004  
Part-Time April 12, 2004

Glenn Au  
Matt Bean  
Lynne Butts

Upon roll call ....

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

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ABSENT: 0

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

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

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

WHEREAS, Greg McManus, currently employed as a Motor Equipment Operator - B in  
the Sanitation Department, bid on said vacancy and meets the necessary qualification, NOW,  
THEREFORE BE IT

RESOLVED, that Greg McManus of Cheektowaga, New York 14225 be and hereby is  
appointed to the position of Laborer in the Sanitation Department in accordance with the terms and  
conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees  
Association, effective December 31, 2003.

Upon roll call ....

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

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

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

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

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

RESOLVED, that Christopher Bukowski of Sloan, New York 14206, be and hereby is  
appointed to the position of Motor Equipment Operator in the Sanitation Department in accordance with  
the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga  
Employees Association effective December 30, 2003.

Upon roll call ....

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



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JOHNSON TO  
RESCIND THE VOTING ON THE ABOVE RESOLUTION, ITEM 13B, AND THE VOTING WAS AS  
FOLLOWS:

Upon roll call ....

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



**II. DEPARTMENTAL COMMUNICATIONS**

- Item No. 14 Supervisor's Statement of Funds – November 2003  
Received and Filed.
- Item No. 15 Final Report of 2003 Town and County Tax Collection and 2003-04 School Tax  
Collection  
Received and Filed.
- Item No. 16 Minutes of Cheektowaga Conservation Advisory Council – December 4, 2003  
Received and Filed.
- Item No. 17 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur to adjourn this  
meeting. This meeting was adjourned at 6:20 P.M.

Mary F. Holtz  
Town Clerk