

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of October, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Salvatore LaGreca, Chairman of Planning Board; Robert Kaczmarek, Supervising Accountant; Bruce Chamberlin, Chief of Police; Kenneth J. Kopacz, Director of Youth and Recreational Services and Ronald Marten, Building and Plumbing Inspector.

I. FROM THE TABLE

Item No. 2 Decision on Rezoning of Property Located at 50 Dewberry Lane
This item was withdrawn.

Item No. 3 Decision on Rezoning of Property Located at 50 Dewberry Lane
This item was withdrawn.

II. RESOLUTIONS

Item No. 4 Bond Resolution: Construction and Installation of Sidewalks Along
Union Road

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,
in the County of Erie, New York

October 3, 1994

* * *

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on October 3, 1994 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Dennis H. Gabryszak,
Supervisor; and

Councilmen: Patricia A. Jaworowicz
Richard B. Solecki
William P. Rogowski
Jacqueline A. Blachowski
Thomas M. Johnson, Jr.
William L. Wielinski

There were absent:

Also present: Richard Moleski, Town Clerk

* * *

Councilman Johnson offered the following
resolution and moved its adoption:

NY 81110.1 015646 RES

RECEIVED

NY 81110.1 015646 RES

RECEIVED

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED OCTOBER 3, 1994,
AUTHORIZING THE CONSTRUCTION AND INSTALLATION
OF SIDEWALKS ALONG UNION ROAD, IN THE TOWN,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$120,750, APPROPRIATING SAID AMOUNT THEREFOR,
AND AUTHORIZING THE ISSUANCE OF \$120,750
SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE
COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote
of not less than two-thirds of all the members of said Town
Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
construct and install sidewalks along Union Road, in the Town (on
the west side of Union Road from George Urban Boulevard to
McKesson Boulevard and on the east side of Union Road from
Orchard Place to South Creek Drive). The estimated maximum cost
thereof, including preliminary costs and costs incidental thereto
and to the financing thereof, is \$120,750 and said amount is
hereby appropriated therefor. The plan of financing includes the
issuance of \$120,750 serial bonds of the Town to finance said
appropriation, levy and collection of taxes on all taxable real
property in the Town to pay the principal of said bonds and the

interest thereon as the same shall become due and payable, and the levy and collection of special assessments from the several lots and parcels of land within the Town which the Town Board shall determine to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$120,750 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years; however, said bonds and any bond anticipation notes issued in anticipation of the sale thereof shall mature no later than five (5) years from the date of the original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of said bonds may be applied to reimburse the Town for expenditures

made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of

bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town

and hereby designated the official newspaper of said Town for such publication.

* * *

The adoption of the foregoing resolution was seconded
by Councilman Rogowski and duly put to a vote on roll call,
which resulted as follows:

AYES: 7

NOES: 0

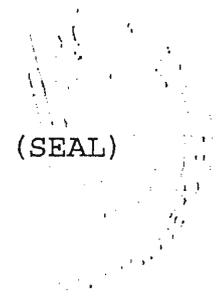
The resolution was declared adopted.

CERTIFICATE

I, RICHARD MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on October 3, 1994, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 4th day of October, 1994.

(SEAL)


Richard M. Moleski
Town Clerk

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

..... Paula D. Sticht, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
..... clerk of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... October 6, 1994 ;
last publication..... October 6, 1994 ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this^{6th}.....
day of October , 19⁹⁴.....

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/9⁵

LEGAL NOTICE

NOTICE

The resolution published herewith has been adopted on the 3rd day of October, 1994, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED OCTOBER 3, 1994, AUTHORIZING THE CONSTRUCTION AND INSTALLATION OF SIDEWALKS ALONG UNION ROAD, IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$120,750, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$120,750 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called "Town"), is hereby authorized to construct and install sidewalks along Union Road, in the Town (on the west side of Union Road from George Urban Boulevard to McKesson Boulevard and on the east side of Union Road from Orchard Place to South Creek Drive). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$120,750 and said amount is hereby appropriated therefor. The plan of fi-

ancing includes the issuance of \$120,750 serial bonds of the Town to finance said appropriation, levy and collection of taxes on all taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable, and the levy and collection of special assessments from the several lots and parcels of land within the Town which the Town Board shall determine to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$120,750 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the specific object or purpose for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years; however, said bonds and any bond anticipation notes issued in anticipation of the sale thereof shall mature no later than five (5) years from the date of the original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general

tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

PUBLISH: October 6, 1994

200
79.00

Item No. 5 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the Town's Amusement Arcade Ordinance (Chapter 5 of the Town Code) provides procedures and regulations for obtaining a license from the Town to operate an amusement arcade, and authorizes the Town Clerk to approve and deny such a license, and

WHEREAS, Gary and Barbara Boughton applied for an amusement arcade license for premises known as ImagiMAZE located in the Garden Village Plaza, and the Town Clerk denied such license based on his finding that the premises are within 500 feet of a R-District boundary, and

WHEREAS, pursuant to Section 5-12 of the Town Clerk, Gary and Barbara Boughton applied to this Town Board for a review/appeal of the Town Clerk's decision, NOW, THEREFORE, BE IT

RESOLVED, that a hearing on the aforementioned appeal under the Amusement Arcade Ordinance shall be held on the 17th day of October, 1994 at 7:00 P.M. in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Gary and Barbara Boughton.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 6 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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 Monday, October 31, 1994 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 8:30 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.

NOTICE

"HALLOWEEN NIGHT"

BE IT RESOLVED that Monday, October 31, 1994 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 8:30 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.

Item No. 6 continued

HAPPY HALLOWEEN TO ALL!

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

RICHARD M. MOLESKI

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department will be sponsoring the Haunted Forest at John C. Stiglmeier Park on October 18th, 19th, and 20th, 1994, and

WHEREAS, due to activities taking place in Stiglmeier Park prior to the Haunted Forest and the fact that valuable equipment will be placed in the park for such event, there is a need, for safety and security reasons, to provide for limited access to Stiglmeier Park after 1:00 P.M. on the days on which the Haunted Forest is being held, NOW, THEREFORE, BE IT

RESOLVED, that limited access only to Stiglmeier Park will be allowed after 1:00 P.M. on October 18th, 19th, and 20th, and BE IT FURTHER

RESOLVED, that Town Personnel shall monitor and control, utilizing their discretion, the degree of limited access allowed on these dates, and shall, to the extent practicable, provide reasonable notice to the public of this limited access to Stiglmeier.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the YMCA of Buffalo and Erie County, in conjunction with Sears and Gatorade, has requested to utilize the Airlanes Junior Football field in Stiglmeier Park on Saturday, October 15, 1994 from 9:00 a.m. to 12:00 noon to hold its annual Punt, Pass and Kick Competition, and

WHEREAS, the YMCA of Buffalo and Erie County has provided the Town with proof of adequate liability insurance coverage for this event and have agreed to indemnify and save harmless the Town from any liability resulting from such competition, and

WHEREAS, this Town Board feels that this competition is for a worthy cause and will not interfere with the use of the park by others, NOW, THEREFORE, BE IT

RESOLVED, that the YMCA of Buffalo and Erie County be and hereby is granted permission to use the Airlanes Junior Football Field and adjoining areas for its annual Punt, Pass and Kick Competition on Saturday, October 15, 1994 from 9:00 a.m. to 12:00 noon, and BE IT FURTHER

Item No. 8 continued

RESOLVED, that the organizers of this event be requested to contact the Directors of the Facilities and Youth and Recreational Services Departments to make arrangements for such competition, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Facilities and Youth and Recreational Services Department's directors.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Blachowski, Seconded by Councilman Rogowski
Councilman Johnson

WHEREAS, the Board of Fire Commissioners of South Line Fire District No. 10 have requested the installation of one (1) hydrant within Stiglmeier Park in said Fire District, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby requested and authorized to install one (1) new hydrant at the 16" water main along the park service road, which exact location is to be determined by James Matecki, Director of the Facilities Department, AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga is responsible for the payment of annual hydrant rental charges to the Erie County Water Authority for the subject hydrants, with said charges being recovered by Town billing to the respective Fire District.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, the Town's Main Pump Station No. 5 has a Perkin-Elmer Atomic Absorption Spectrophotometer (Model 2380) which is obsolete and surplus to its needs, and

WHEREAS, the Town Law states that the Town may dispose of surplus property, and

WHEREAS, the Superintendent of Main Pump Station No. 5 contacted several companies to solicit offers for this piece of surplus equipment, and

WHEREAS, Buffalo Testing Laboratories, Inc. offered the Town \$1,000.00 for the aforementioned spectrophotometer, and such offer was the only offer the Town received, and

WHEREAS, this Town Board feels such offer is reasonable and should be accepted, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the sale of the Perkin-Elmer Atomic Absorption Spectrophotometer at Main Pump Station #5 to Buffalo Testing Laboratories, Inc. for \$1,000.00.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at Cheektowaga, New York, SBL #101.52-2-6 and according to the Assessor's Office is owned by Kenneth J. Siejack and Wife, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga South Branch Library located at 2660 William Street, and

WHEREAS, such property abuts a private dwelling located at 14 Starlite Lane, and

WHEREAS, when the Cheektowaga South Branch Library building and parking lot were constructed, the Town erected curbing and a chain link fence in a portion of 14 Starlite Lane, and

WHEREAS, in 1993, the Town erected a new stockade fence in approximately the same location as the chain link fence, and

WHEREAS, the owner of 14 Starlite Lane has requested the Town to make modifications to such fence and to perform annual maintenance of same pursuant to the terms of the attached agreement, and

WHEREAS, the Director of the Cheektowaga Public Library has consented to the use of funds in her budget for this fence work and maintenance, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement, and BE IT FURTHER

RESOLVED, that money for such fence work shall be appropriated from budget line item number 0100-7410-4451 and maintenance costs shall be appropriated from the Library budget.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AGREEMENT

THIS AGREEMENT dated this _____ day of _____, 1994, by and between TOWN OF CHEEKTOWAGA, a municipal corporation having its place of business located at 3301 Broadway, Cheektowaga, New York 14227 (hereinafter "Town") and RAYMOND S. MOLENDAS and ALICE MOLENDAS, residing at 14 Starlite Avenue, Cheektowaga, New York 14227 (hereinafter "Molendas"),

WITNESSETH:

WHEREAS, Town is the owner of the Cheektowaga South Branch Library located at 2660 William Street, Cheektowaga, New York, and

WHEREAS, Molendas own property located at 14 Starlite Avenue, Cheektowaga, New York, which property is located adjacent to and north of the Cheektowaga South Branch Library, and

WHEREAS, when the Cheektowaga South Branch Library and parking lot were constructed, the Town installed concrete curbing and a chain link fence which encroached on Molendas' property, and

WHEREAS, in 1993, the Town removed the aforesaid chain link fence and erected a new stockade fence along the southerly and westerly sides of Molendas' property, in substantially the same location as the former fence, and

WHEREAS, Molendas have registered complaints about the installation of the fencing and have demanded that same be

corrected,

NOW, THEREFORE, in consideration of mutual premises and other good and valuable consideration, the parties hereto agree as follows:

1. The Town shall retain Creative Fence Company, Inc. to re-install the existing stockade fence at 14 Starlite Avenue, Cheektowaga, New York in accordance with the following:
 - a. The fence posts shall remain where they are - on the north and east sides of the fence boards. The fence boards shall be reversed so that the "good" sides of the fence are facing north and east.
 - b. The fence shall run level at the top, using as a reference point the southwest corner of the property. In order to accomplish this (since the property slopes), a trench will be dug along the bottom of the fence as such fence progresses northerly and easterly.
 - c. The tops of the posts will be cut so that they are level with the tops of the fence boards, and shall be angled to conform with the design of the tops of the fence boards.
 - d. The fence installer shall use reasonable efforts to not disturb any more of the grass area on Molendas' property as is necessary to re-install said fence. Any landscaping restoration work on Molendas' property shall be the responsibility of Molendas.
 - e. The fence shall otherwise be placed in the same location on 14 Starlite Avenue.

f. The Town or Creative Fence Company, Inc. will notify Molendas at least two (2) days in advance of the anticipated date when Creative Fence Company, Inc. will be re-installing said fence.

2. After the fence is re-installed, Molendas shall maintain the side of such fence facing their property only. The Town shall maintain the side of the fence facing the Town Library property, and the Town shall repair any damage done to the fence on this side. Maintenance of the fence is described as follows:

- a. The Town shall be responsible for any future damage done to the fence on the side maintained by the Town whether the damage is done by Town employees or other individuals.
- b. Damage would include wood damaged or eroded by snow left against the fence by Town plows and damage done by patrons of the library.
- c. If, after the fence is reversed, it appears that the job was not properly completed, for example the fence begins to list to one side or the posts begin to heave out of the ground during the winter, the expense of repair will be the responsibility of the Town.
- d. Creative Fence Company, Inc. has informed the Town and the Molendas that the fence so erected is a cedar fence and is maintenance-free. As such, no preservative should need to be applied to such fence by the Town.

3. Molendas hereby grant the Town permission to locate its fence and curbing on their property as same presently exist and as re-installed in accordance with this agreement.

4. The Town shall remove the No Parking sign presently located on Molendas' property and re-install it on Town property.

5. Said work must be done on or before October 31, 1994.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

TOWN OF CHEEKTOWAGA

By _____
Dennis H. Gabryszak, Supervisor

Raymond S. Molenda

Alice Molenda

Item No. 12b Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga is interested in utilizing natural areas within the Town to motivate the general public to become more environmentally conscious and promote stewardship of public lands; and

WHEREAS, the United States Environmental Protection Agency is offering grant monies to create partnerships and promote teamwork to improve environmental education and enhance environmental teaching skills; and

WHEREAS, the Town of Cheektowaga is in need of financial assistance to create such a program; NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the United States Environmental Protection Agency for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, the Town's share of required matching funds shall be in the form of in-kind services and materials, 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, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12c Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, consolidation of government services can streamline local government service delivery, reduce costs, and enhance productivity, and

WHEREAS, grant monies are available from the New York State Department of State to fund 50% of the costs associated with demonstration government consolidation projects, and

WHEREAS, the Town of Cheektowaga, Town of Lancaster, and Village of Depew propose to submit a joint grant application for the purpose of consolidating the Village of Depew's assessment functions with those of the Town of Cheektowaga and the Town of Lancaster, and

WHEREAS, the Town of Lancaster has agreed to serve as the lead agency for the purpose of this application, NOW, THEREFORE, BE IT

RESOLVED, that required in-kind matching funds, up to 50% of the total cost for the Town of Cheektowaga's portion of the grant, in an amount not to exceed \$5,000, are available from the following Assessment Department budget line item: 0100-3120-1351 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, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following SEASONAL and PART-TIME employees be and hereby are terminated as listed:

Item No. 13 continued

EFFECTIVE

RECYCLING DEPARTMENT

Patrick Gallagher	10/01/94
George Alder	10/01/94
Gary Czajka	9/22/94
Michael Edmonson	9/20/94

POLICE DEPARTMENT - Sign Maintenance Division

Thomas Nowak	9/26/94
Thomas Hudy	9/26/94
Thomas Bollman	9/26/94

FACILITIES DEPARTMENT

Harry Rogalski 8/19/94

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski

WHEREAS, three (3) vacancies exist in the position of Sergeant in the Police Department, AND

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

WHEREAS, the Chief of Police and his screening committee recommend that the following be promoted to said vacancies:

Gerald Jankowski
Kenneth Rusin
Mark Petruniak

NOW, THEREFORE, BE IT

RESOLVED, that said individuals be and hereby are promoted to the position of Sergeant in the Police Department, effective immediately.

MOTION BY COUNCILMAN WIELINSKI, SECONDED BY COUNCILMAN JAWOROWICZ TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AMENDED

RESOLVED, that three (3) positions with the title Police Sergeant be and hereby are now created in the Police Department, effective immediately, AND

WHEREAS, three (3) vacancies exist in the position of Sergeant in the Police Department, AND

Item No. 14 continued

WHEREAS, candidates from the existing Civil Service list were interviewed and their resumes and work performance were studied, NOW, THEREFORE, BE IT

RESOLVED, that the following named individuals be and hereby are promoted to the position of Sergeant in the Police Department, effective immediately.

Gerald Jankowski
Kenneth Rusin
Mark Petruniak

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, by resolution, this Town Board appointed Kerry Switalski to the position of Program Coordinator - Youth Board in the Youth and Recreational Services Department, pending the establishment of a valid competitive Civil Service list for said position, AND

WHEREAS, such competitive list has now been established by the Erie County Department of Personnel, AND

WHEREAS, Kerry Switalski appears on said list and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Kerry Switalski of 51 Montford Drive, Cheektowaga, New York 14225 be and hereby is permanently appointed to the position of Program Coordinator - Youth Board, effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski

WHEREAS, vacancies exist in the position of Public Safety Dispatcher in the Police Department, AND

WHEREAS, the Civil Service eligible list for such position has been canvassed and candidates were interviewed, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the position of Public Safety Dispatcher in accordance with the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Public Safety Dispatchers Association, effective October 4, 1994:

David Schmitt
Depew, New York 14043
Richard Renner
Cheektowaga, New York 14225
Carolanne Hackett
Depew, New York 14043

Item No. 16a continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 16b Motion by Councilman Wielinski, Seconded by Councilman Johnson

WHEREAS, a vacancy exists in the position of Light Motor Equipment Operator in the Recycling Department, AND

WHEREAS, Dennis O'Brien currently employed as a Laborer's Aide in the Recycling Department, meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Dennis O'Brien of Cheektowaga, New York 14206 be and hereby is appointed to the position of Light Motor Equipment Operator in the Recycling Department, in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective October 4, 1994.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski,
Johnson and Wielinski
NAYES: Councilman Solecki
ABSENT: 0

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN BLACHOWSKI TO DISPENSE WITH READING THE NAMES IN ITEM 17 AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be hired to work in the Youth and Recreation Department at the titles and salaries indicated (Part-Time):

Recreation Leader IV - Teen Center Initiative - 7310.1814 - \$6.00

Fawn Bova 14225

Recreation Attendant I - 7140.1630 - \$4.25

Kelly Puchala 14043

Recreation Attendant I - 7140.1611 - \$4.25

Jacques Desjardins 14043
Kevin Kasprzak 14225
Nick Logiudice 14211
Andy F. Pagano 14227

Recreation Attendant III - 7140.1611 - \$4.75

Greg Bean 14225

Item No. 17 continued

BE IT RESOLVED, that the following individual, presently employed as an Assistant Supervisor in the Gymnastics program, also be hired as a Recreation Attendant - \$5.25 - 7140.1614:

Amy Sieczkarek

BE IT RESOLVED, that the following individuals be changed from Recreation Attendant I to Recreation Attendant II - 7140.1611 - \$4.50

John A. Prybylski	14225
Mark Fleetwood	14043
Alan Ross	14211

BE IT RESOLVED, that the following individuals be changed from Recreation Attendant II to Recreation Attendant III - 7140.1611 - \$4.75

Thomas Goff	14225
Cheryl Stucke	14225
Thomas J. Wasielewski	14215
David C. Weber	14225
Ronn Whitehead	14225

BE IT RESOLVED, that a salary was incorrectly listed and that it be corrected as follows, retroactive to September 6, 1994:

Recreation Leader III - \$5.00 - 7140.1612

Kim Rafanowicz

BE IT FURTHER RESOLVED, that the following individuals be transferred as indicated:

From Arts and Crafts Rotation - 7140.1648 to Recreation Supervisor 7140.1613 \$5.00

Michelle Seifried
Linda Noonan

From Soccer - 7140.1636 to Administrative Interns - 7310.1804 - \$6.00

Ben Dennis

From Seasonal to Part-Time - From Sports Rotation - 7140.1645 to Basketball 7140.1654 - \$4.75

Peter M. Odrobina, Jr.

From Lifeguards - 7180.1903 to Rink Personnel - 7140.1611 - \$4.50

Timothy S. Isch 14225

From Lifeguards - 7180.1903 to Rink Personnel - 7140.1611 - \$4.75

Kimberly Kubiak 14206

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 18a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following individuals be and hereby are hired as PART-TIME EMPLOYEES, in the various 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, Inc.:

Item No. 18a continued

EFFECTIVE

SANITATION DEPARTMENT - \$5.00 per hour (Laborer)

Marc Stanley

10/04/94

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 18b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed 24 weeks 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, Inc.:

EFFECTIVE

RECYCLING DEPARTMENT - \$5.00 per hour

David Politowski

10/04/94

Ronald Strong

10/04/94

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 19a Motion by Councilman Solecki, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Assessor's Association is conducting a seminar on Assessment Administration in Kiamesha Lake, New York on October 9th thru October 12, 1994, and

WHEREAS, said seminar is administered by the New York State Division of Equalization and Assessment for Assessors to obtain continuing education credits, and

WHEREAS, expenses are not to exceed \$450.00 and reimbursement of part of the expenses will be made by the New York State Division of Equalization and Assessment, NOW, THEREFORE, BE IT

RESOLVED, that William R. Conway, Assessor, be and hereby is authorized to attend said seminar on October 9th thru October 12, 1994, and BE IT

FURTHER RESOLVED, that the registration fee and all other reasonable expenses, not to exceed \$450.00, incurred by William R. Conway be paid by the Town from budget line account #0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 19b Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Law Enforcement Training Directors Association of New York State will be holding their Fall Conference '94 in Glen Falls, New York from October 5-7, 1994, and

Item No. 19b continued

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Training Sergeant James Speyer to this conference. The conference will address such topics as: Legal Research for Police Officers, Use of Force and Decoy Work, Video Training and various other training issues. The Police Department will be responsible for lodging, meals and transportation amounting to approximately \$225.00. A police vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Bruce Chamberlin is authorized to send Sgt. James Speyer to this conference, and that the time he spends there be authorized as normal duty time. This expense will be charged to line 0100-3120-4085.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19c Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Police Academy will be hosting an accident reconstruction training program presented by the Institute of Police Technology and Management. "At Scene Accident Investigation" will be held at the Academy in Albany, New York from October 10-21, 1994.

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Traffic Unit Sergeant David Przepiora to this training. This specialized training will cover collection and documentation of evidence, interview techniques, photography, measurements, diagrams and case preparation. The Police Department will be responsible for registration, meals and transportation amounting to approximately \$750.00. Lodging will be provided free of charge at the State Police Academy. A Town of Cheektowaga vehicle will be used for transportation to and from this training. NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Sgt. David Przepiora to this training, and that the time he spends there be authorized as normal duty time. The expense will be charged to line 0100-3310-4093 and 0100-3120-4085.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19d Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, the Rhodes Real Estate Review is conducting a seminar for Zoning Board Members on Monday evening, October 24, 1994, at the Buffalo Marriott Hotel, NOW, THEREFORE, BE IT

RESOLVED, that Zoning Board Chairman, Andrew Kulyk, be and hereby is authorized to attend said seminar, AND, BE IT FURTHER

RESOLVED, that the cost of \$79.00 for the seminar be charged to the Part-Town Fund.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 20a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, there is a continuing need for obtaining erosion control specialist services that are not included in the scope of any current project, and such services are needed in resolving erosion control problems, AND

WHEREAS, the Town of Cheektowaga has an agreement with the New York State Department of Environmental Conservation in the maintenance of Scajaquada Creek and its tributaries, this maintenance also being necessary on all other creeks and tributaries located within the Town, AND

WHEREAS, all of said ditch/creek improvements will be using the successful bidder from the most recent Equipment & Operators for Public Works Projects Bid, NOW, THEREFORE, BE IT

RESOLVED, that the Town Engineer is hereby authorized to secure the services of Merriman Conservation Consultants, 504 Ridge Avenue, East Aurora, New York 14052 (652-8270) as needed at the rate of thirty (\$30.00) dollars per hour for said services, AND, BE IT FURTHER

RESOLVED, that payment for said services, in an amount not to exceed \$6,320.00, shall be made only where authorized by the Town Engineer in writing to said consultant and that services are chargeable to Account No. 4000-8140-4581 for work on various creeks & tributaries throughout the Town, AND, BE IT FURTHER

RESOLVED, that the Town Engineer is directed to prepare the annual erosion control and drainage improvements plan and to insure that all contemplated ditch/creek work is coordinated with the U.S. Army Corps of Engineers and in accordance with NYSDEC Protocols.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 20b Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, the Town's Department of Personnel and Labor Relations periodically has a need for outside labor consultations, NOW, THEREFORE, BE IT

RESOLVED, that Associated Labor Consultants be retained at the billable rate of \$65.00 per hour, as per the attached quote.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT



Associated Labor Consultants

Labor / Management Consultants

March 7, 1994

Mr. Gregory D. Joos
Coordinator of Employee Relations
Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227

R E C E I V E D
MAR 10 1994
TOWN OF CHEEKTOWAGA
PERSONNEL DEPT.

Dear Mr. Joos:

Pursuant to your request, we have compiled a background analysis of our firm describing the services that Associated Labor Consultants (ALC) provides to its clients.

ALC was formed over 25 years ago to assist management in the public and private business sectors in labor relations and employment law areas of concern, collective bargaining, labor arbitrations, and representation before the National Labor Relations Board or the appropriate public or state labor relations boards, in both unfair labor practices and representation proceedings.

ALC represents such clients as the City of Tonawanda, Town of Orchard Park, Town of Evans, Town of Wirt, Town of Clarence, Orleans County, The Carborundum Company, Your Host, Inc., Gowanda School System, and many others. ALC attracts many clients in the public sector because of their commitment to excellence in the representation of their clients' concerns at affordable rates. ALC performs the same labor and employment services as any large law firms downtown but at billable rates of \$65.00 per hour. There is rarely any charge for time spent on the telephone with a client.

The following is a brief profile of the backgrounds of our firm's representatives which mixes a unique blend of managerial labor relations and legal expertise.

Norman J. Stocker, a graduate of the University of Buffalo School of Business, has almost 30 years experience in the labor relations field working exclusively as the representative of management in both the public and private business sectors. His background includes contract negotiations with numerous unions who represent employees such as teachers, maintenance workers, nurses, water and sewer plant operators, police and fire workers, secretarial staff, and many other white and blue collar employees. His experience has also included the handling of grievances and arbitrations involving the interpretation of the aforesaid contracts. His experience is backed up by the fact that he is an Arbitrator in Labor-Management disputes. In

Tonawanda Office

N. J. Stocker, Labor Consultant / Arbitrator
40 Greendale Avenue • Tonawanda, New York 14150
Bus. & Fax: (716) 838-2737 • Res.: (716) 833-3992

Amherst Office

Kevin T. Stocker, Esq.
P. O. Box 147 • Amherst, New York 14226
Bus./Fax: (716) 838-2737

*Admitted in NY, MA and Wash., D.C.

Mr. Gregory D. Joos
March 7, 1994
Page 2

addition, he has developed personnel manuals for clients establishing employer rules, regulations, and policies all within state and federal guidelines.

Kevin T. Stocker, a graduate of the University of Buffalo School of Law with honors, concentrates his area of practice in the field of labor and employment law. His experience comes from a diversified background in negotiating contracts in establishing joint ventures in the automotive industry, entertainment industry, and the public labor and employment sector. In addition, he has been involved in the representation of management public sector employers in grievance and arbitration proceedings, Civil Service Law Section 75 disciplinary proceedings, and also proceedings in front of PERB involving improper practices under the Taylor Law. He is admitted to practice in the jurisdictions of the state and federal courts of New York, Massachusetts, and Washington, D.C.

Both of the above referenced individuals have considerable experience in the representation of their clients at PERB regarding employer/employee issues involving the Taylor Law. This experience has afforded them the opportunity to form relationships on a professional and personal level with many of the Arbitrators and Administrative Law Judges in New York State.

It is our belief that Associated Labor Consultants can represent your labor and employment needs in such a manner that will enable the Cheektowaga Board to provide their residents the most efficient and effective local government in the area.

Thank you for your interest pertaining to the services our firm can provide to the Town of Cheektowaga.

Respectfully,

ASSOCIATED LABOR CONSULTANTS



Norman J. Stocker

Item No. 20c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is committed to service excellence, and

WHEREAS, the department is desirous of increasing revenue and lowering expenses in the operation of the Cheektowaga Recreation Center (Ice Rink), and expenses in the operation of the Cheektowaga Recreation Center (Ice Rink), and

WHEREAS, the department is attempting to improve upon the span of control of its supervisory staff by reducing the number of part-time and seasonal employees through multiple job assignments to existing employees, contingent upon their skills, in order to comply with all agreements with the TCEA, and

WHEREAS, the department feels that in order to ensure quality service, it at times, may be desirous to contract for a professional service than to conduct a service directly, and

WHEREAS, the department has reviewed a proposal by Mitchell Skating Center, Inc. to conduct "Figure Skating" and "Learn to Skate" programs under contract, and has found it to be in the best interest of the department's operation, and

WHEREAS, this proposed agreement will not displace any full-time employees, BE IT

RESOLVED, that the Town of Cheektowaga, through the Department of Youth and Recreational Services, enter into an agreement with Mitchell's Skating Center to provide said service as outlined in the attached contract for the 1994-95 season.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

THIS AGREEMENT, made and entered into the 3rd of October, 1994, by and between the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at Broadway and Union Road, Cheektowaga, New York 14227, hereinafter referred to as the "TOWN" and MITCHELL SKATING, INC., a domestic corporation duly organized under the laws of the State of New York (a partnership) (an individual) (an unincorporated association), having its principal office for the transaction of business at 96 Halston Parkway, East Amherst, New York 14051.

WITNESSETH:

WHEREAS, the TOWN is the owner of the Cheektowaga Recreation Center located at 2600 Harlem Road in Cheektowaga Town Park, Cheektowaga, New York 14225, and

WHEREAS, the LICENSEE is desirous of renting the ice skating rink located in the Cheektowaga Recreation Center.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO:

1. PREMISES: The TOWN hereby grants a license to the LICENSEE to use the ice skating rink, located in the Cheektowaga Recreation Center, on an exclusive basis, for each date and time that this license is in effect.

In addition, this license shall include the non-exclusive use of the lobby, vestibule and other public facilities, including parking areas, as any or all of the foregoing are appropriate to the particular use of the said Recreation Center as herein permitted.

2. RENT: The LICENSEE agrees to pay to the TOWN a rental fee of \$85.00 per instructional hour which sum shall be paid thirty (30) days from the date of this contract (see addendum).

In addition, individuals enrolled in said programs living outside the Town of Cheektowaga are required to have a non-resident identification card. The cost of the card is \$15 for adults 16 years of age or older, \$10 for youth 7 to 15 years of age, and \$5 for those under 7 years of age. Non resident, participant identification cards can be purchased using the same procedure as the resident identification cards.

MITCHELL'S SKATING will substantiate all non-residents enrolled by providing the Department of Youth and Recreational Services with class rosters which will include the name, the address, the age, and, if applicable, the guardian of each registrant.

In the event that any of the above mentioned rental payments are not made at the time specified for such payment, the TOWN shall have the right to cancel this license without notice to the LICENSEE.

3. USE OF PREMISES:

- a) The License's use of the said Recreation Center is limited to figure and instructional skating only.
- b) The LICENSEE shall cause any spectators to sit in such areas as may be designated by the TOWN.
- c) The LICENSEE shall keep the areas used in good and clean condition, and shall not permit the accumulation of rubbish or debris on the PREMISES.
- d) The LICENSEE shall return to PREMISES, at the termination of this license, in the same condition as at the commencement of the term of this license, normal wear and tear expected; and shall be responsible for all damages which are caused by or through the acts or omissions of the LICENSEE, its agents, employees, and/or invitees.
- e) No alcoholic beverages will be allowed on the PREMISES.
- f) The LICENSEE shall comply with all laws, rules and regulations of any municipal authority, including police, fire, safety and health regulations and the reasonable requirements of the TOWN.
- g) The LICENSEE shall not assign, convey, transfer, sublet or otherwise dispose of this license to any other person, organization, firm or corporation without first obtaining the written consent of this TOWN and/or the Parks, Recreation and Youth Committee of the Town of Cheektowaga. In addition to the rent listed above, in the event the LICENSEE and/or its invitees do not vacate the PREMISES by 10:50 p.m. on the day of the rental, LICENSEE shall reimburse the TOWN for the following expenses within fourteen (14) days of demand thereof by the TOWN:

- a) Personnel costs (i.e. overtime or additional salaries paid) for TOWN employees who remained on the PREMISES.
 - b) Additional rent at the rental rate of \$100 per hour for the additional time LICENSEE and/or its invitees remained on the PREMISES.
4. UTILITIES AND ICE CLEANING SERVICES: The TOWN shall provide all water, heat, as oil and electrical current for the usage of the LICENSEE in the areas assigned herein. In addition, the TOWN shall provide for the cleaning of the ice facilities and the rink for snow removal in the parking areas; however, the TOWN shall not be liable for any interruption or delay in any of the above mentioned services.
- a) The LICENSEE shall be responsible for on-PREMISES crowd control while it is renting the PREMISES.
5. INSURANCE: The LICENSEE shall procure and pay for General Liability insurance in the amounts of \$500,000 each occurrence and \$1,000,000 aggregate for bodily injury and property damage combined with such insurance to cover participants for any activities performed on TOWN premises . The TOWN, its agents and employees shall be named as additional insureds under such policy or policies and such insurance shall be primary to any other insurance protecting the TOWN. The LICENSEE shall provide the Town with a Certificate of Insurance which states the TOWN shall be given at least thirty (30) days advance written notice of cancellation, non-renewal, or material change of the insurance required of the LICENSEE. In the event of cancellation, non-renewal, or material change of such insurance, the TOWN shall have the right to cancel this license.
6. NON-LIABILITY OF OWNER: This license is made upon the express condition that the TOWN shall be free from all liabilities in claims for damages and/or lawsuits for or by reason of any injury or injuries to any person or property of any kind whatsoever, from any cause or causes whatsoever while in or upon said premises during the term of this license or occasioned by any occupancy or use of said premises or any activity carried on by LICENSEE in connection herewith, and LICENSEE hereby covenants and agrees to indemnify and hold harmless the TOWN from all liabilities, charges, claims, expenses (including attorney fees) and costs on account of or by reason of such injuries, liabilities, claims, lawsuits or losses however occurring and damages arising from the same.

7. **FORCE MAJEURE:** In the event of total or partial destruction of the Recreation Center by fire or other peril, or by any act of nature, during the term of this license or subsequent to its execution, the TOWN shall have the option of terminating this license by giving the LICENSEE written notice to that effect or by repairing the premises with due diligence and continuing this license in effect. Should the TOWN decide to repair the damage with due diligence, the rent for the period required for such repair shall be equitably reduced in proportion to the reduction, if any, in usable space of the premises.

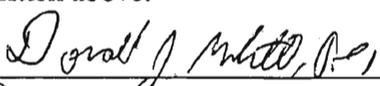
Other peril, as above mentioned, shall be interpreted to include power failure, compressor failure and Zamboni failure.

In addition, no claim shall be made by the LICENSEE against the TOWN based upon any shutdown of the Recreation Center caused by inclement weather, faulty construction of equipment, or for any other reason whatsoever other than the gross negligence of the TOWN.

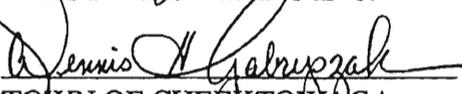
8. **MISCELLANEOUS PROVISIONS:** This license agreement contains the entire agreement between the parties hereto, and there are no understandings, agreements or representatives, expressed or implied, not specified herein respecting this license.

The rights of the parties hereto shall be deemed cumulative and not alternative. Waiver strict compliance or performance of any term or condition hereto shall not be deemed a waiver of any other provisions of this license and any waiver or any breach of any term or condition hereto shall not be deemed to extend to any other breach of any subsequent breach of the same or any other term, condition or provision.

IN WITNESS WHEREOF, the parties have hereunto executed this license agreement as of the day and year first written above.



MITCHELL SKATING INC.



TOWN OF CHEEKTOWAGA



EXECUTIVE DIRECTOR -
CHEEKTOWAGA YOUTH AND
RECREATION

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss
COUNTY OF ERIE)

On this 5th day of October 19 94 before me, the subscriber, personally appeared Dennis H. Gaborzak, Town Supervisor, to me personally known and known to me to be the same person described in and who executed the within instrument, and (he, she, they) acknowledged to me that (he, she, they) executed the same.

Valerie A. Meyers
Notary Public **VALERIE A. MEYERS**
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES APRIL 11, 19 96

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss
COUNTY OF ERIE)

On this 24th day of October 19 94 before me, the subscriber, personally appeared RENNET H. J. KOPACZ, to me personally known and known to me to be the same person described in and who executed the within instrument, and (he, she, ~~they~~) acknowledged to me that (he, ~~she, they~~) executed the same.

Salvatore La Greca
Notary Public

SALVATORE LA GRECA
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES DEC. 31, 95

ADDENDUM

CHEEKTOWAGA YOUTH AND RECREATIONAL SERVICES DEPARTMENT
ICE TIME REQUEST

NAME OF ORGANIZATION MITCHELL'S SKATING CENTER, INC.

NAME OF INDIVIDUAL TO CONTACT DON MITCHELL

ADDRESS OF ABOVE P.O. BOX 1235, WILLIAMSVILLE, NY 14231

HOME PHONE 636-7401 BUSINESS PHONE 636-7401

RENTAL REQUESTS

FROM: (DATE) OCTOBER 24, 1994 TO DECEMBER 18, 1994

DAY OR DAYS* MONDAY AND THURSDAY - 4:00 p.m. - 5:00 p.m.

TIME SUNDAY - 2:00 p.m. - 2:50 p.m. (see dates below)

TOTAL HOURS PER WEEK THREE (3) HOURS INSTRUCTIONAL

COMMENTS: NOTE: Ice resurfacing included in rental time.

Dates: 10/24, 10/27, 10/30, 10/31, 11/3, 11/6, 11/7, 11/10,
11/13, 11/14, 11/17, 11/20, 11/28, 12/1, 12/4, 12/5, 12/8,
12/11, 12/12, 12/15 and 12/18

1994/95 FALL-WINTER ICE SKATING CLASSES AT CHEEKTOWAGA RECREATION CENTER

Donald J. Mitchell, P.S.G.A., Director

Classes and Private Lessons Available
Ages 3-1/2 to Adult



Classes consist of 25 min. (Sun) or 1/2 hr. (Mon. & Thur.)
Classes taught by highly qualified instructors

SCHEDULE:

Session #1 - October 24th - December 18th (7 weeks)
(No skating 11/21, 11/24 and 11/27)

Monday or Thursday	(1)	3:45 - 4:00 p.m. practice 4:00 - 4:30 p.m. class
	(2)	4:15 - 4:30 p.m. practice 4:30 - 5:00 p.m. class
Sunday		2:00 - 2:15 p.m. practice 2:15 - 2:40 p.m. class

COST: 7 Weeks - \$35

PAYMENT DUE BY: October 21st

Please add \$5.00 to your payment to register with the U.S.F.S.A. This will be valid for a one year period and is mandatory. Please complete the enclosed registration form.

Beginner skaters must wear hat/helmet and gloves. There is no skate rental available at the arena.

No refund once each session starts and only one make up per session. Non-residents must obtain a non-resident identification card.

For more information, please call (716) 636-7401.

Please send the registration form and the application with check payable to:
MITCHELL'S SKATING CENTER, INC. P.O. Box 1235, Williamsville, NY 14231

1994/95 FALL - WINTER CLASS APPLICATION

SKATER'S NAME _____ TELEPHONE NO. _____
First MI. Last

ADDRESS _____ D.O.B. _____
Street Town Zip

LEVEL: BEG. _____ INT. _____ ADV. _____ SEX M or F

SESSION #1 (circle day) Mon¹ Mon² Thur¹ Thur² Sun

Do you wish to obtain information concerning semi-private or private lessons? _____

It is understood that the Town of Cheektowaga, Mitchell's Skating Center, Inc., the Professional Staff or any assistants shall not be responsible for any accidents or loss of personal property on or off the ice and the right of recovery is hereby waived.

SIGNATURE _____ DATE _____
(Parent or Guardian if applicant is a minor)

CERTIFICATE OF INSURANCE

147070

4/11/94

PRODUCER
 K & K Insurance Agency, Inc.
 1712 Magnavox Way
 P.O. Box 2336
 Fort Wayne, In 46801

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

INSURED
 PROFESSIONAL SKATERS GUILD OF AMERICA
 P.O. BOX 5904
 ROCHESTER, MN 55903

COMPANY LETTER **A** TRANSAMERICA INSURANCE
 COMPANY LETTER **B**
 COMPANY LETTER **C**

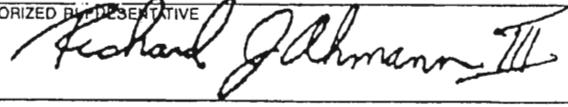
COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO. LTR.	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS (in thousands)	
A	General Liability <input checked="" type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims Made <input checked="" type="checkbox"/> Occur. <input type="checkbox"/> Owner's & Contractors Prot. <input type="checkbox"/> _____	SSP36210322	12:01AM 4/30/94	12:01AM 4/30/95	General Aggregate	\$ NONE
					Products-Comp/Ops Aggregate	\$ 1000
					Personal & Advertising Injury	\$ 1000
					Each Occurrence	\$ 1000
					Fire Damage (Any one fire)	\$ 50
					Medical Expense (Any one person)	\$ 5
					Participant Legal Liability	\$ 1000
	Automobile Liability <input type="checkbox"/> Any auto <input type="checkbox"/> All owned autos <input type="checkbox"/> Scheduled autos <input type="checkbox"/> Hired autos <input type="checkbox"/> Non-owned autos <input type="checkbox"/> Garage Liability <input type="checkbox"/> _____				Combined Single Limit	\$
					Bodily Injury (per person)	\$
					Bodily Injury (per accident)	\$
					Property Damage	\$
	Excess Liability <input type="checkbox"/> Other than Umbrella form				Each Occurrence	Aggregate
					\$	\$
	Workers' Compensation and Employers' Liability				Statutory	
					\$	Each Accident
					\$	Disease-Policy Limit
	Participant Accident				\$	Disease-Each Employee
					AD&D	\$
					Primary Medical	\$
					Excess Medical	\$
					Weekly Indemnity	\$ X

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS
 LOCATIONS: SABRELAND
 INSTRUCTOR EFF. DATE: 5/5/94
 INSURED. (SEE ATTACHED CERTIFICATE ADDENDUM FOR ADDITIONAL INSURED LISTINGS)
 CERTIFICATE HOLDER: DONALD J. MITCHELL
 CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

DONALD J. MITCHELL
 96 HALSTON PARKWAY
 EAST AMHERST, NY 14051

AUTHORIZED REPRESENTATIVE


CERTIFICATE ADDENDUM
PROFESSIONAL SKATERS GUILD OF AMERICA

POLICY #SSP-36099066

ADDITIONAL NAMED INSURED: DONALD J. MITCHELL

EFF. DATE: 10-20-94

WITH RESPECT TO ENDORSEMENT CG2011, ADDITIONAL INSUREDS-MANAGERS OR LESSORS OF PREMISES, IT IS UNDERSTOOD AND AGREED THAT THE FOLLOWING ARE/IS ADDED TO THE POLICY AS AN ADDITIONAL INSURED BUT ONLY WITH RESPECT TO THE OPERATIONS OF THE NAMED INSURED:

SABRELAND PARTNERSHIP
WHEATFIELD, NY

TOWN OF CHEEKTOWAGHA
CHEEKTOWAGHA, NY

MEETING NO. 20
October 1, 1994

MOTION BY COUNCILMAN ROGOWSKI, SECONDED BY COUNCILMAN WIELINSKI TO DISPENSE WITH READING THE FIGURES IN ITEM 21 AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
 NAYES: 0
 ABSENT: 0

Item No. 21 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

From:	0100-1220-1370	Systems Analyst	\$ 3,400.00
	0100-1910-4101	Unallocated Insurance	2,000.00
	0100-1220-1351	Senior Clerk	7,995.00
	0100-1220-1374	Clerk Typist	8,605.00
	0100-7310-1801	Camp JI-IK-TO-WAH-GAH Salary	2,400.00
	0100-7310-1802	Dev. Disabled Day Camp-Salary	500.00
	0100-7310-1802	Dev. Disabled Day Camp-Salary	500.00
	0100-7310-4689	Youth Conservation Corps-Expense	750.00
	0100-7310-4698	Overnight Camp-Expense	1,500.00
	0100-7310-4698	Overnight Camp-Expense	500.00
	0100-7140-1612	Rec. Attendants-Salary	5,000.00
	0100-7140-1615	Rec. Instructor-Aid to Youth-Salary	3,000.00
	0100-7140-4501	LaCrosse-Expense	107.50
	0100-7140-4503	Concerts-Expense	21.35
	0100-7140-4527	Soccer-Expense	60.25
	0100-7140-4611	Transportation-Expense	500.00
To:	0100-1355-1391	Part-Time Clerical	3,400.00
	0100-1910-4083	Private Vehicle Reimbursement	2,000.00
	0100-1220-1355	Payroll Clerk	16,600.00
	0100-7310-1804	Administrative Interns Salary	2,400.00
	0100-7310-1804	Administrative Interns Salary	500.00
	0100-7310-1810	Alexander Day Camp-Salary	500.00
	0100-7310-4683	Publication, Printing Expense	750.00
	0100-7310-4683	Publication, Printing Expense	1,500.00
	0100-7310-4693	Adapted Rec. Supplies Expense	500.00
	0100-7140-1664	Pre-K Salary	5,000.00
	0100-7140-1664	Pre-K Salary	3,000.00
	0100-7140-4521	Hockey-Expense	107.50
	0100-7140-4521	Hockey-Expense	21.35
	0100-7140-4521	Hockey-Expense	60.25
	0100-7140-4521	Hockey-Expense	500.00

HIGHWAY FUND

From:	0300-1910-2799	Appropriated Fund Balance	276,000.00
To:	0300-5130-2407	Miscellaneous Highway Equipment	276,000.00

CAPITAL FUND

From:	5314-1910-9399	Administration	5,200.00
To:	5314-5141-9345	Union Road Sidewalk Cost	5,200.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
 NAYES: 0
 ABSENT: 0

Item No. 22 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers & Warrants that were submitted to the Town of Cheektowaga prior to September 30th, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$238,091.23
HIGHWAY FUND	98,050.03
TRUST & AGENCY FUND	13,711.90
CDBG HUD FUND	43,015.98
PART TOWN FUND	3,675.07
RISK RETENTION FUND	29,937.14
NYS HOME PROGRAM FUND	41,674.00
SPECIAL DISTRICTS FUND	225,509.33
CAPITAL FUND	<u>242,410.24</u>
	\$936,074.92

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Building Permits
Received and Filed.

Item No. 24 Supervisor's Statement of Funds - August, 1994
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 25 Notice of Petition: Hertel Restaurant Ltd. vs the Board of
Assessment Review, the Assessor, and the Town of Cheektowaga, New
York
Received and Filed.

Item No. 26a Notice of Claim: Terry Dale Livergood vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 26b Notice of Claim: Dale Galley vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Sanitation Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 26c Notice of Claim: Jay C. Vanderlip vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Sewer Maintenance Dept. and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 26d Notice of Claim: Liberty Mutual for Maria L. Rejent, and Maria
Rejent, Individually vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Sewer Maintenance Dept. and Allied Claims Insurance
Carrier.
Received and Filed.

MOTION BY COUNCILMAN ROGOWSKI, SECONDED BY COUNCILMAN SOLECKI
TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S)
AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

V. SUSPENSION OF RULES

Item No. 27 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, Gerald Papiernik, Jr. caused a notice of claim to be served upon the Town of Cheektowaga due to personal injuries sustained by his infant daughter, Jennifer L. Papiernik, on June 3, 1989, when she fell down from a certain set of monkey bars in the Town Park, and

WHEREAS, on or about February 16, 1990, a summons and complaint was served upon the Town, and

WHEREAS, the aforesaid lawsuit has been defended by attorneys for the Town under its self-insured liability claims program, and

WHEREAS, a pre-trial conference has been held on such lawsuit before the Hon. Norman E. Joslin, Justice of the Supreme Court; and, based upon all the facts and circumstances of the case, the attorneys for the Town, as well as the Town's liability claims administrator, have recommended that this lawsuit be settled and compromised by the payment of the sum of \$12,000.00

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$12,000.00 be paid by the Town from its self-insured liability claims fund, in full and final settlement of the aforesaid lawsuit, subject to the approval, if required, of the court wherein such lawsuit is pending, and BE IT FURTHER

RESOLVED, that the attorneys from the law firm of Grosse, Chelus, Herdzik & Speyer, P.C. (Mark G. Giangreco, Esq. of counsel) be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, representatives from John F. Kennedy High School have requested permission to use a portion of Stiglmeier Park (area around baseball diamonds near the entrance, some trails and the perimeter of the cut grass in the back side of the park) for a cross-country track meet on Tuesday, October 11, 1994 from approximately 4:00 P.M. until 6:00 P.M., and

WHEREAS, permission has been requested in the past for such track meets, and they have been conducted without interference to others using the park,
NOW, THEREFORE, BE IT

RESOLVED, that the John F. Kennedy Cross-Country teams be and hereby are granted permission to hold their October 11, 1994 track meet in Stiglmeier Park, and BE IT FURTHER

Item No. 28 continued

RESOLVED, that the coach of such teams be requested to contact the Director of the Facilities and Youth and Recreational Services Departments to make arrangements for such track meet, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Directors of the Facilities and Youth and Recreational Services Departments.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilman Wielinski, Seconded by Councilman Johnson

BE IT RESOLVED, that, as per Section 11.01 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit, Robert Sprada be and hereby is granted a one (1) year leave of absence from his position of Working Foreman in the Highway Department as to allow him to serve as Deputy Highway Superintendent.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Board of Fire Commissioners of Bellevue Fire District have approved the installation of one (1) hydrant on Union Road in proximity to the Father Justin Knights of Columbus Catholic Club of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby requested and authorized to install one (1) new hydrant on Union Road in front of the Father Justin Knights of Columbus, AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga is responsible to insure the payment of annual hydrant rental charges to the Erie County Water Authority for the subject hydrant, which charges are recovered by Town billing to the respective Fire District.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz to adjourn this meeting.

Richard M. Moleski
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 17th day of October, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; John Schaller, Assistant Chief of Police; Kenneth J. Kopacz, Director of Youth and Recreational Services and Ronald Marten, Building and Plumbing Inspector.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, this Town Board held a public hearing on August 15, 1994 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

* * * * *

ARTICLE XV

Truck Route System

Section 76-150. Trucks permitted, shall be repealed and shall be amended to read as follows:

- A. A truck route system, upon which all trucks, tractors and tractor-trailer combinations, excluding tandems, having a total gross weight in excess of five (5) tons are permitted to travel and operate, shall consist of the following highways:
 1. AERO DRIVE, from the Town of Amherst line to Transit Road
 2. CAYUGA ROAD, from Genesee Street to the Town of Amherst line
 3. DELAVAN Avenue, from the Buffalo City line to Pine Ridge Road

Item No. 2 cont'd

4. DICK ROAD, from Broadway to Genesee Street
 5. DINGENS STREET, from the Buffalo City line to Harlem Road
 6. EGGERT ROAD, from Sugar Road to the westbound Kensington Expressway Ramps (State Route 33)
 7. FRENCH ROAD, from Union Road to Transit Road
 8. GALLERIA DRIVE, from Walden Avenue to Union Road
 9. HOLTZ DRIVE, from Genesee Street to Aero Drive
 10. KENSINGTON AVENUE, from Buffalo City line to Amherst Town Line
 11. MARYVALE DRIVE, from Pine Ridge Road to the Kensington Expressway on-ramp about 1,900 feet east of Harlem Road
 12. PINE RIDGE ROAD, from Genesee Street to Maryvale Drive
 13. RICHARD DRIVE, from the Buffalo City line to William Street
 14. SUGAR ROAD, from Eggert Road to Pine Ridge Road
 15. WILLIAM STREET, from the Buffalo City line to Harlem Road
 16. WILLIAM STREET, from the NYS Thruway (I-90) westbound ramps to Union Road
 17. YOUNGS ROAD, from Aero Drive to the Town of Amherst line
- B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five (5) tons shall be prohibited from traveling and operating on all highways which are not on the truck route system, as specified in Section 76-150.A. of this Chapter.

ARTICLE XIII

Truck Exclusions

Section 76-130. All trucks excluded, shall be repealed.

Section 76-131. Trucks over five tons excluded, shall be repealed.

* * * * *

Section 2. Time to take effect.

(a) 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.

(b) 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.

Item No. 2 cont'd

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and 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, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... October 20, 1994..... ;
last publication..... October 20, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 20th
October 94
day of, 19.....

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of October, 1994 at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Johnson seconded by Councilman Rogowski

WHEREAS, this Town Board held a public hearing on August 15, 1994 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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:

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ARTICLE XV

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A. A truck route system, upon which all trucks, tractors and tractor-trailer combinations, excluding tandems, having a total gross weight in excess of five (5) tons are permitted to travel and operate, shall consist of the following highways:

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3. DELAVAN AVENUE, from the Buffalo City line to Pine Ridge Road
4. DICK ROAD, from Broadway to Genesee Street
5. DINGENS STREET, from the Buffalo City line to Harlem Road
6. EGGERT ROAD, from Sugar Road to the westbound Kensington Expressway Ramps (State Route-33)
7. FRENCH ROAD, from Union Road to Transit Road
8. GALLERIA DRIVE, from Walden Avenue to Union Road
9. HOLTZ DRIVE, from Genesee Street to Aero Drive
10. KENSINGTON AVENUE, from the Buffalo City line to the Amherst Town line
11. MARYVALE DRIVE, from Pine Ridge Road to the Kensington Expressway on-ramp about 1,900 feet east of Harlem Road
12. PINE RIDGE ROAD, from Genesee Street to Maryvale Drive
13. RICHARD DRIVE, from the Buffalo City line to William Street
14. SUGAR ROAD, from Eggert Road, to Pine Ridge Road
15. WILLIAM STREET, from the Buffalo City line to Harlem Road
16. WILLIAM STREET, from the NYS Thruway (I-90) westbound ramps to Union Road
17. YOUNGS ROAD, from Aero Drive to the Town of Amherst line.

B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five (5) tons shall be prohibited from traveling and operating on all highways which are not on the truck route system, as specified in Section 76-150.A. of this Chapter.

ARTICLE XIII

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Section 76-131. Trucks over five tons excluded, shall be repealed.

Section 2. Time to take effect.

(a) 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.

(b) 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 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the *CHEEKTOWAGA TIMES* a newspaper published in this Town and 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....

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7

NAYES: 0

ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on October 17, 1994, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 2, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 18th day of October, 1994.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: October 20, 1994

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... October 20, 1994..... ;
last publication..... October 20, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 20th
October 94
day of, 19.....

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 17th day of October, 1994 at 7:00 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Johnson seconded by Councilman Rogowski

WHEREAS, this Town Board held a public hearing on August 15, 1994 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE XV

Truck Route System

Section 76-150. Trucks permitted, shall be repealed and shall be amended to read as follows:

A. A truck route system, upon which all trucks, tractors and tractor-trailer combinations, excluding tandems, having a total gross weight in excess of five (5) tons are permitted to travel and operate, shall consist of the following highways:

1. AERO DRIVE, from the Town of Amherst line to Transit Road
2. CAYUGA ROAD, from Genesee Street to the Town of Amherst line
3. DELAVAN AVENUE, from the Buffalo City line to Pine Ridge Road
4. DICK ROAD, from Broadway to Genesee Street
5. DINGENS STREET, from the Buffalo City line to Harlem Road
6. EGGERT ROAD, from Sugar Road to the westbound Kensington Expressway Ramps (State Route-33)
7. FRENCH ROAD, from Union Road to Transit Road
8. GALLERIA DRIVE, from Walden Avenue to Union Road
9. HOLTZ DRIVE, from Genesee Street to Aero Drive
10. KENSINGTON AVENUE, from the Buffalo City line to the Amherst Town line
11. MARYVALE DRIVE, from Pine Ridge Road to the Kensington Expressway on-ramp about 1,900 feet east of Harlem Road
12. PINE RIDGE ROAD, from Genesee Street to Maryvale Drive
13. RICHARD DRIVE, from the Buffalo City line to William Street
14. SUGAR ROAD, from Eggert Road, to Pine Ridge Road
15. WILLIAM STREET, from the Buffalo City line to Harlem Road
16. WILLIAM STREET, from the NYS Thruway (I-90) westbound ramps to Union Road
17. YOUNGS ROAD, from Aero Drive to the Town of Amherst line.

B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five (5) tons shall be prohibited from traveling and operating on all highways which are not on the truck route system, as specified in Section 76-150.A. of this Chapter.

ARTICLE XIII

Truck Exclusions

Section 76-130. All trucks excluded, shall be repealed.

Section 76-131. Trucks over five tons excluded, shall be repealed.

Section 2. Time to take effect.

(a) 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.

(b) 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 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and 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....

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on October 17, 1994, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 2, inclusive, of said book.
2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.
3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.
IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 18th day of October, 1994.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: October 20, 1994

Item No. 3 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Modifications to the Harlem Road Pumping Station Project, Contract "C", Heating, Ventilating and Air Conditioning Re-Bid, which bids were publicly opened on October 7, 1994, and

WHEREAS, said bids were referred to the Town Engineer and to Nussbaumer & Clarke, Inc., project consulting engineers, for analysis, tabulation and report, which tabulation and report is hereto attached and contained in a memo from the Engineering Department dated October 12, 1994, and

WHEREAS, said report recommends that Contract "C" for Heating, Ventilating and Air Conditioning Work at the Harlem Road Pump Station be awarded to D.V. Brown & Associates, Inc. for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that Contract "C" for Heating, Ventilating and Air Conditioning Work be and hereby is awarded to D.V. Brown and Associates, Inc., 567 Vicker Street, Tonawanda, New York 141250 for the bid price of \$46,842.00, said bid being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreement with D.V. Brown & Associates, Inc. for Contract "C", and BE IT FURTHER

RESOLVED, that funding for said project be chargeable to Account No. 5823-8125-1102, Harlem Road Pump Station Rehabilitation.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.
Town Engineer



MEMO

TO: Supervisor Dennis Gabryszak
Honorable Town Board Members

FROM: William R. Pugh, P.E.
Assistant Town Engineer

DATE: October 12, 1994

RE: Modifications to the Harlem Road
Pump Station, Award of Bid
Contract "C"

Sealed bids were publicly opened and read aloud on October 7, 1994 for the Re-Bid of Contract "C", Heating, Ventilating and Air Conditioning for the above referenced project. Five (5) bids were received as follows:

D.V. Brown & Associates, Inc.	\$46,842.00
Kellner Mechanical Contractors	\$48,800.00
John W. Danforth Company	\$48,897.00
Buffalo Sheet Metals, Inc.	\$54,240.00
B.H. Refrigeration, Inc.	\$59,595.00

As you will recall, Contract "C" was originally bid on August 24, 1994 at which time only one (1) bid was received in the amount of \$61,089.00. Pursuant to the recommendation of this office, the sole bid submission for Contract "C", HVAC was rejected by resolution of the Town Board at its September 6, 1994 meeting. The re-bidding of Contract "C", HVAC has produced very favorable results, translating into a savings in excess of \$14,000 when comparing the current low bid against the previously rejected sole bid. While we expect to incur additional administrative expenses associated with having to re-bid this contract, a significant savings is evident.

It is the recommendation of this office and that of Nussbaumer & Clarke, Inc., the project consultant, that Contract "C", Heating, Ventilating and Air Conditioning be awarded to D.V. Brown & Associates, Inc. for their bid submission in the amount of \$46,842.00 being the lowest meeting the requirements of the specifications.

WRP:dms

Item No. 4a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

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, 1995, 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 Districts 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 19, 1994, AND, BE IT FURTHER

RESOLVED that this Town Board shall meet at 6:00 o'clock P.M., Eastern Daylight Savings Time on the 25th day of October, 1994, 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 20, 1994, and post same on the signboard maintained by the Town Clerk.

* * * * *

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, 1995 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 19, 1994.

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 Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:00 o'clock P.M., Eastern Daylight Savings Time on the 25th day of October, 1994, 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 or items therein contained.

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

SUPERVISOR	\$59,465.00
TOWN CLERK	\$48,256.00
HIGHWAY SUPERINTENDENT	\$55,768.00
COUNCILMEN	\$18,551.00

Item No. 4a cont'd

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

RICHARD M. MOLESKI
Town Clerk

DATED: October 17, 1994

PUBLISHED: October 20, 1994

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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, 1995 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 19, 1994.

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 Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:00 o'clock P.M., Eastern Daylight Savings Time on the 25th day of October, 1994, 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 or items therein contained.

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TOWN CLERK.....	\$48,256.00
HIGHWAY SUPERINTENDENT.....	\$55,768.00
COUNCILMEN.....	\$18,551.00

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

RICHARD M. MOLESKI
 Town Clerk

DATED: October 17, 1994

PUBLISH: October 20, 1994

Paula D. Sticht....., of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk..... of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for¹..... weeks:
 first publication..... October 20, 1994..... ;
 last publication..... October 20, 1994..... ;
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this20th.....

day ofOctober....., 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

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

Paula D. Sticht
, of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
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 said paper once a week for¹ weeks:
 first publication..... October 20, 1994 ;
 last publication..... October 20, 1994 ;
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this^{20th}.....

day of October, 19⁹⁴..

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/9 5

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, 1995 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 19, 1994.

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 Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:00 o'clock P.M., Eastern Daylight Savings Time on the 25th day of October, 1994, 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 or items therein contained.

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

SUPERVISOR.....\$59,465.00
 TOWN CLERK.....\$48,256.00
 HIGHWAY SUPERINTEN-
 DENT.....\$55,768.00
 COUNCILMEN.....\$18,551.00

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

RICHARD M. MOLESKI
 Town Clerk

DATED: October 17, 1994

PUBLISH: October 20, 1994

64
 \$25.28

Item No. 4b Motion by, Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 1994 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

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

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

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

RESOLVED that this Town Board shall meet at 6:00 o'clock P.M., Eastern Daylight Savings Time on the 25th day of October, 1994 for the purpose of holding a Public Hearing upon such estimates and assessment rolls, AND, BE IT FURTHER

RESOLVED that the Town Clerk give notice of such Public Hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the CHEEKTOWAGA TIMES the official Town newspaper on October 20, 1994.

* * * * *

P U B L I C N O T I C E

NOTICE IS HEREBY GIVEN that the Town Board of Cheektowaga, New York has completed its Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE is also given that a public hearing on such Estimates and Assessment Rolls will be held on October 25, 1994 at 6:00 o'clock P.M., Eastern Daylight Savings Time at the Town Hall, corner of Union and Broadway, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

RICHARD M. MOLESKI
Town Clerk

DATED: October 17, 1994

PUBLISHED: October 20, 1994

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

...Paula D. Sticht....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
...Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... October 20, 1994..... ;
last publication..... October 20, 1994..... ;
and that no more than six days intervned be-
tween publications.

Paula D. Sticht

Sworn to before me this^{20th}.....

day of October....., 19...⁹⁴..

Margaret J. Bourdette

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

LEGAL NOTICE
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of Cheektowaga, New York has completed its Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE is also given that a public hearing on such Estimates and Assessment Rolls will be held on October 25, 1994 at 6:00 o'clock P.M., Eastern Daylight Savings Time at the Town Hall, corner of Union and Broadway, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

RICHARD M. MOLESKI
Town Clerk

DATED: October 17, 1994

PUBLISH: October 20, 1994

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
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first publication..... October 20, 1994..... ;
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and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this^{20th}.....

day of^{October}....., 19⁹⁴.....

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of Cheektowaga, New York has completed its Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE is also given that a public hearing on such Estimates and Assessment Rolls will be held on October 25, 1994 at 6:00 o'clock P.M., Eastern Daylight Savings Time at the Town Hall, corner of Union and Broadway, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

RICHARD M. MOLESKI
Town Clerk

DATED: October 17, 1994

PUBLISH: October 20, 1994

October 20, 1994 CF

3/13/95

Item No. 5 Motion by Councilman Johnson, Seconded by Councilman Rogowski

RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on November 7, 1994 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 20th day of October, 1994, 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, corner of Broadway and Union Road, in said Town of Cheektowaga on November 7, 1994 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking hereto corner

ZOERB AVENUE south side from the east curbline of Union Road
112 feet easterly to a point

F. Miscellaneous parking signs

(6) No standing anytime

SONWIL DRIVE - east and west sides; from the south curbline of
Genesee Street to its terminus.

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

DATED: October 17, 1994

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for¹... weeks; first publication October 20, 1994; last publication October 20, 1994; and that no more than six days intervened between publications.

Paula D. Sticht

Sworn to before me this 20th

day of October, 19..94..

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on November 7, 1994 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

ZOERB AVENUE: South side: from the east curbline of Union Road 112 feet easterly to a point.

F. Miscellaneous parking signs
(6) No standing anytime

SONWIL DRIVE - east and west sides; from the south curbline of Genesee Street to its terminus.

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

Dated: October 17, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: October 20, 1994

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

Paula D. Sticht , of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for1..... weeks:
 first publication....October 20, 1994..... ;
 last publication....October 20, 1994..... ;
 and that no more than six days intervned be-
 tween publications.

Paula D. Sticht

Sworn to before me this 20th

day of October, 19⁹⁴

Margaret J. Bourdette

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

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

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

Dated: October 17, 1994

RICHARD M. MOLESKI
 Town Clerk

PUBLISH: October 20, 1994

49
 #19.36

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

M. J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

Item No. 6 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of ONE (1) NEW AND UNUSED, 1995 MODEL, 1/2 TON, 4 X 4 PICK-UP TRUCK WITH SNOW PLOW for use by the Cheektowaga Highway Department.

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 AM and 3:30 PM Monday through Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforementioned item at 11:00 AM on November 2, 1994 in the Council Chambers of the Cheektowaga Town Hall.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga will receive proposals for the purchase of ONE (1) NEW AND UNUSED, 1995 MODEL, 1/2 TON 4 X 4 PICK-UP TRUCK WITH SNOW PLOW for use by the Cheektowaga Highway Department at a public bid opening November 2, 1994 at 11:00 A.M., to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE 1995 MODEL 1/2 TON 4 X 4 PICK-UP TRUCK WITH SNOW PLOW."

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

RICHARD M. MOLESKI
Town Clerk

DATED: October 17, 1994

PUBLISHED: October 20, 1994

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....October 20, 1994..... ;
last publication.....October 20, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this20th.....

day ofOctober....., 19⁹⁴.....

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT

LEGAL NOTICE
TO BIDDERS

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

RICHARD M. MOLESKI
TOWN CLERK

Dated: October 17, 1994

PUBLISH: October 20, 1994

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

Paula D. Sticht....., of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk..... of the Cheek-

towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for¹ weeks:

first publication..... October 20, 1994..... ;

last publication..... October 20, 1994..... ;

and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this 20th

day of October....., 19...94..

Margaret J. Bourdette

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

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE
TO BIDDERS

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

RICHARD M. MOLESKI
 TOWN CLERK

Dated: October 17, 1994
PUBLISH: October 20, 1994

43
 #1679

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

Item No. 7a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews applications for building permits, 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 the recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Handler Grosso Durfee Bridges, Architects to construct an eight bedroom community residence, to be operated by the Child and Family Services ("C & FS") of Erie County, and

WHEREAS, following notification by C & FS of their intention to construct an eight bedroom community residence on their property, no valid objection, as allowed by the New York State Mental Hygiene Law, could be found by the Town, and

WHEREAS, the C & FS, in an effort to construct a community residence which would not impact the area to the detriment of the neighborhood, has submitted the site plan to the Town for review and comment, and

WHEREAS, several meetings were held between the C & FS and the residents, taxpayers association and Town officials, and

WHEREAS, as a result of these meetings a new site plan was submitted labelled "Scheme A" which showed the residence located close to the school, and

WHEREAS, C & FS has agreed to construct a solid fence along the east property line where the residence will be located, locate the driveway and parking lot close to the school, install landscaping to screen the residence, ensure the adequate supervision of the child residents and students, maintain the athletic field as a permanent buffer and form a citizens advisory board with neighborhood residents, and

WHEREAS, C & FS has also committed to limiting the number of children to be housed in the subject residence to not more than eight, and to restrict their ages to not less than five years and not more than twelve years old, and

WHEREAS, the Advisory Committee, at its meeting held on September 7, 1994 rendered the determination shown on the attached memo dated September 9, 1994, and

WHEREAS, this Town Board has reviewed the application submitted and the recommendation made by the Environmental Advisory Committee, 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.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - September 7, 1994
September 9, 1994
Page: 2

The house will also be set back further than other homes in the area and will have screening in the form of landscaping along the north line and part of the front.

In addition to the construction changes the applicant indicated that there will be increased control/supervision of the children because of the neighbors the fear of vandalism and lack of security. They have indicated that there has been a number of incidents in which the children attending the school have verbally assaulted neighborhood residents. The residents themselves have at times witnessed problems that the staff have had with the children in controlling them. In addition to the increased supervision, a citizen advisory board for the community residents will be created and this board may eventually expand its scope to include school operations.

The applicant indicated that some of the problems that may have occurred may be with some of the older individuals that attend the school. The children attending the school range in age from 5 to 17 years. Whereas the house residents would be from 5 to 12 years and therefore would present less of a problem for all involved.

The committee understands that there is reaction when vacant land is developed in anyway and the reaction in this case resulted in a number of petitions received by the Town Board in opposition to the school. It must be understood that the applicant does have the legal right to construct this community residence even though there may be neighborhood opposition. They have been, as previously mentioned, willing to work with the neighborhood to make both the school and the community residence a better neighbor.

The committee is therefore recommending that the Town Board issue a Negative Declaration for this project. The applicant has indicated he will put the commitments in writing with regard to fencing along Claude Drive, placing the community residence close to the school, placing parking and the driveway as close to the school as possible, providing landscape screening, maintain the athletic field as a buffer area, provide increased supervision of the children, and to create or form a citizens advisory board with neighborhood residents.

The committee in making this recommendation was 4 to 1 in the vote with Mr. LaGreca voting in the opposition because of several commitments that were asked for from the applicant.



9/15/94

Cheektowaga Town Board
3301 Broadway
Cheektowaga, New York 14227

Attention: Mr. Thomas Adamczak, Building Inspector

330 Delaware Avenue
Buffalo, New York 14202
(716) 842-2750
Fax (716) 842-0668

EUGENE MEEKS
President
CHERYL S. FISHER
Chair, Board of Directors

Re: Proposed Community Residence
Rossler Street

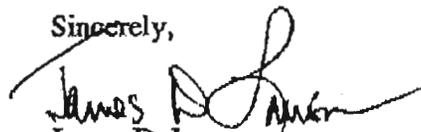
Dear Members of the Cheektowaga Town Board:

We are responding to the minutes of the 9/7/94 meeting of the Town Environmental Advisory Committee per Mr. Adamczak's request. At that meeting, we agreed in principle with the actions noted in the minutes, and we assure the Town of Cheektowaga that we will endeavor to fully comply with the following items with regard to the establishment of the Proposed Community Residence:

1. We will proceed with the final location known as "Scheme A" (attached preliminary sketch) which places the community residence close to the school building, and sets it back from other residences;
2. We will place parking and driveway areas as close to the school as possible;
3. We will install fencing along the eastern property line which separates the property from Claude Drive residences;
4. We will provide appropriate landscape screening;
5. We will maintain the athletic field as a buffer area;
6. We will provide adequate and appropriate supervision of the maximum of 8 children between the ages of 5 and 12 years living in the community residence at any one time in order to insure their safety and that they do not pose a threat to the neighborhood; and,
7. We will create a citizens advisory group with neighborhood residents.

Thank you for your consideration.

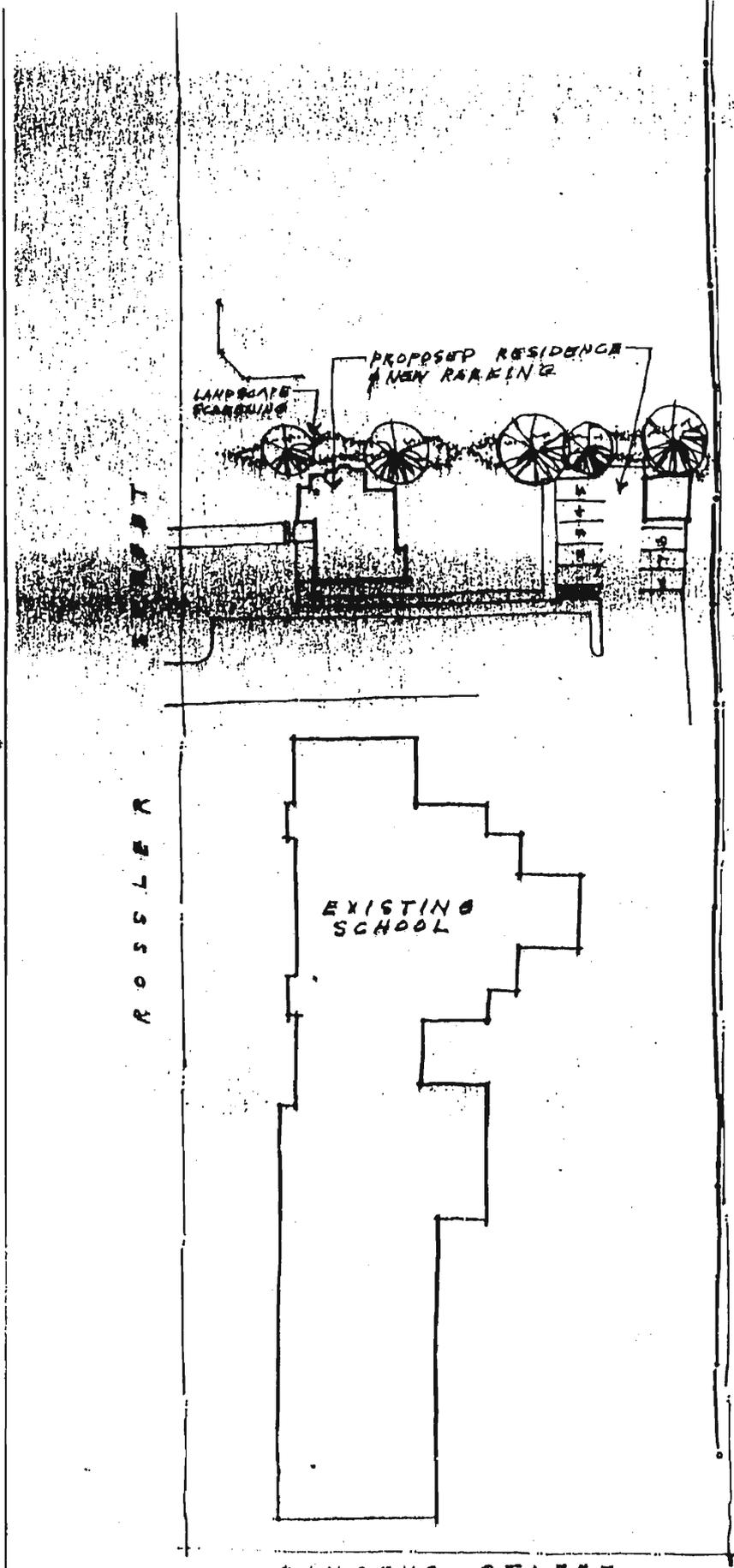
Sincerely,


James D. Lawson
Vice President

cc: Eugene Meeks, Child and Family Services



Accredited by the Council on Accreditation of Services to Families and Children, Inc.



SITE PLAN

SCHEME 'A'

October 9, 1994

Cheektowaga Town Board
3301 Broadway
Cheektowaga, NY 14227

BUILDING & PLUMBING DEPT.

OCT 11 1994

Attention: Mr. Thomas Adamczak, Building Inspector

RECEIVED

Re: Proposed Community Residence
Rossler Street

Dear Members of the Cheektowaga Town Board:

We are responding to the actions that Child and Family Services have agreed to comply with in regards to the establishment of the Proposed Community Residence.

1. In regards to the fencing along the eastern property line which separates the property from Claude Drive residences. We do object to fencing running along the whole eastern property line, but we have no objections to fencing for the one home that will be directly behind the community residence.

2. In regards to the location known as "Scheme A". We have no objections to the Town approving this location as a permanent site as long as it is the original "Scheme A" that was presented at the 9/7/94 meeting.

3. In regards to the citizens advisory group, we have no objections. We would also like to see a representative from the Cheektowaga police force to be part of this group. Also we would like to submit the following names to be a part of this group.

1. Al Burke
2. Sheila Dulak
3. Daniel Nash
4. Richard Shull
5. Arleen Toporczyk

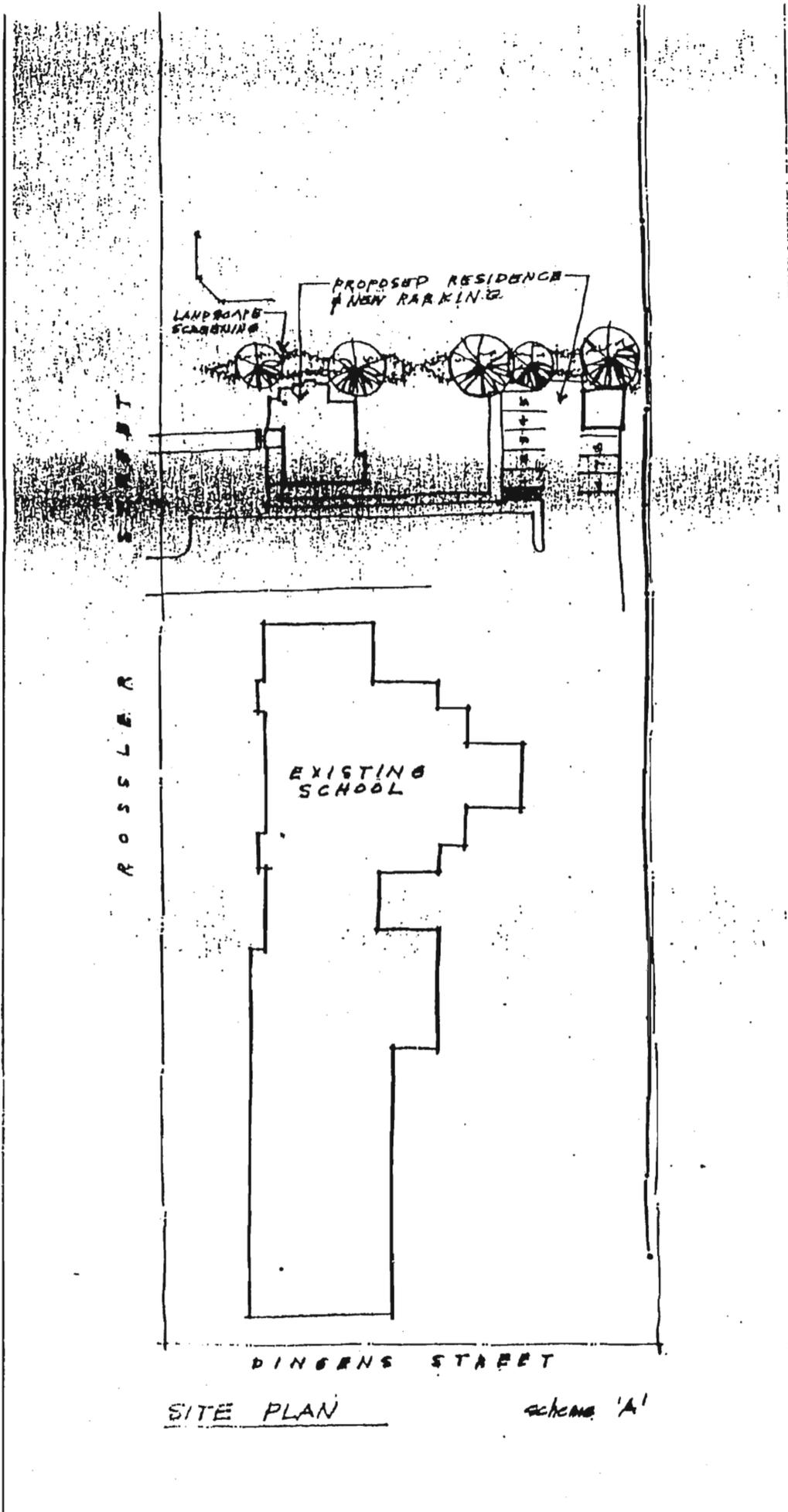
We hope that with these commitments in writing and the efforts by the applicant along with the neighborhood residents, and the school that this project will have a positive impact to our neighborhood.

Best regards,



Sheila M. Dulak
76 Claude Dr.
Cheektowaga, NY 14206

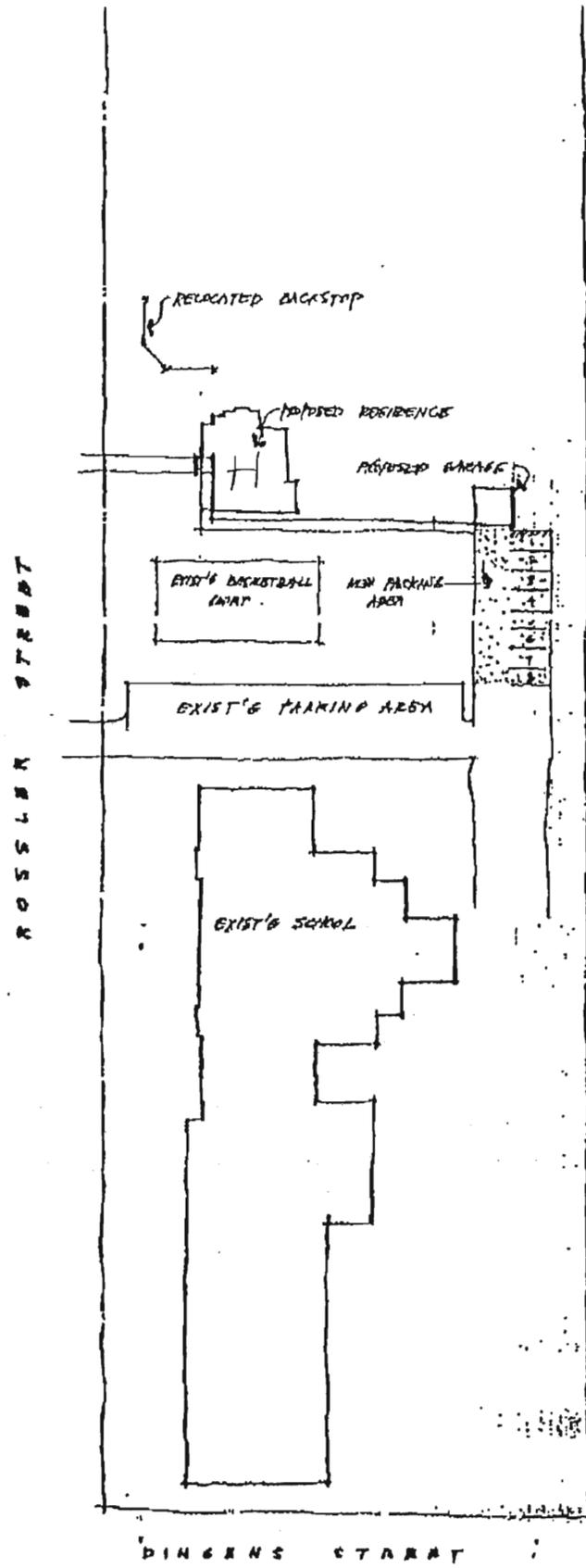
cc: T. Johnson, Councilman



SITE PLAN

scheme 'A'

X ORIGINAL



NOT ORIGINAL

Item No. 7b Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews applications for building permits, 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 the recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Benderson Development Company, Incorporated ETAL to construct a 27,200 square foot retail store at the southeast corner of Walden Avenue and Duke Road, and

WHEREAS, the only trees on the site will be preserved, and

WHEREAS, driveway locations were reviewed by the New York State Department of Transportation and the Town of Cheektowaga Traffic Safety Commission, and

WHEREAS, both reviewing agencies have found no problem with the proposal, and

WHEREAS, the Planning Board has approved the landscaping plan for the site, and

WHEREAS, the Advisory Committee, at its meeting held on October 5, 1994 rendered the determination shown on the attached memo dated October 6, 1994, and

WHEREAS, this Town Board has reviewed the application submitted and the recommendation made by the Environmental Advisory Committee, 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 S.E.Q.R.A.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - October 5, 1994
October 6, 1994
Page: 2

ITEM II 2015 Walden Avenue - Proposed Borders Book Store

Applicant: Benderson Development Incorporated

This item had been sitting on the table for several months awaiting the final drainage plan and an architectural rendering of the building. The applicant has submitted the documents and the committee is recommending that the Town Board issue a Negative Declaration for this project.

The project is consistent with development in the area (i.e., retail business), has been reviewed by the Traffic Safety Commission and the New York State DOT who have found no problem with the proposed layout, and will have no significant impact upon the area.

ITEM III 2525 Walden Avenue - Proposed Addition To Buff Tech
Offices

Applicant: Benderson Development

The applicant is proposing to construct a 14,700 square foot addition at the southern end of the existing manufacturing facility operated by Buff Tech. This addition would be used primarily for shipping/receiving and storage and will be of masonry and steel construction. This item had been reviewed before and a letter had been sent to the Forks Fire Chief seeking his comments with regards to the addition's impact to firefighting operations. No comment was received, however, it was suggested to the applicant that a yard hydrant be installed approximately 450 feet from Walden Avenue to provide a readily available source of water for firefighting purposes. The applicant's representative, Tim Morgan, indicated that he would research the locations of existing fire protection lines and explore the possibility of extending these to include a yard hydrant.

The Town Engineer had requested that drainage information be submitted and the applicant was again informed that a study had been conducted a number of years ago by Lauer Manguso Architects and that a copy of that study should be submitted to the Engineering Department.

This item will remain tabled while the information is gathered and submitted to the Town.

Miscellaneous:

A supplemental traffic study was submitted for the Walden Place (Sun TV) Plaza at 2150-2190 Walden Avenue. The study, conducted by EMS Consultants, indicated no adverse impacts on traffic as a result of the development.

Attachment

RE: EAC - June 1, 1994
June 3, 1994
Page: 3

ITEM V 500 Como Park Boulevard - Proposed Construction of a 100 Foot
Cellular Tower and Support Building
Applicant: NYNEX

The proposal is to erect a 100 foot tower for use by cellular telephone customers and also to construct a small support building at the base of the tower. The site is on property owned by Buffalo Crushed Stone and is approximately 400 feet northwest of the Hilltop Day Care Center. The tower would be located or "nestled" in a lower wooded end of the hill and would not be readily visible from most traffic or residences.

The representative's explained that only two licensees are permitted in any geographic area and NYNEX and Rochester Telephone are combining to form one of the two licensees. The second licensee is Buffalo Telephone which has a 199 foot tower located on Union near French.

The tower will have at the top 4' x 1' panels that will act as antennae for the phones. There will be three groups of three panels each, facing in three different directions.

The applicant was requested to provide additional data on the radio frequency outputs and comparative information for same.

The applicant was also informed that the plan should also show homes in proximity of the tower to obtain a better idea of its location.

Other groups have yet to review the proposal and their comments will be awaited; public comment is open until June 13, 1994.

The applicant did indicate that they do allow municipalities to use the tower for their own antennae so long as it will not interfere with the cellular phone operation.

This item will remain tabled for the additional information and comments.

ITEM VI 2015 Walden Avenue - Proposed 27,000 Sq. Ft. Bookstore
Applicant: Benderson Development

The site is the location of the former Chemfab Building at the southeast corner of Walden and Duke Road.

The building will have only one occupant, Borders Incorporated, and the site will have no other businesses located on it. Parking required for this site is 91 vehicles and spaces are provided for 129.

RE: EAC - June 1, 1994
June 3, 1994
Page: 4

This item will be referred to the NYSDOT for their comment due to the location on a State highway and in an area that has heavy traffic. Traffic Safety must also review for access to Duke Road, a Town highway.

The applicant will be notified to show additional data on the plan (TW Trucking building/parking /drainage details), as well as architectural details of the proposed building.

This item will remain tabled for comment and the additional information.

Attachments

**THE NEXT MEETING OF THE ENVIRONMENTAL
ADVISORY COMMITTEE WILL BE HELD
ON FRIDAY JUNE 17, 1994 AT 9:30 A.M. IN THE
TOWN HALL COUNCIL CHAMBERS.**

Item No. 8 Memorialize Erie County Legislature to name Fire Training Academy Tower in honor of Daniel E. Weber
This item was withdrawn.

Item No. 9 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, applications for building permits for two lots on the west side of Wedgewood Drive (extended portion) have been made, and

WHEREAS, the Town Engineering Department has requested a drainage easement from the owners of these properties, Jiggs Lewin Company, Inc. and Wymar Builders, Inc., and

WHEREAS, an easement in form acceptable to the Town Attorney and Town Engineer has been submitted by the owners of these properties, and such owners have filed same in the Erie County Clerk's Office, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned drainage easements for lots on the west side of Wedgewood Drive (extended portion).

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, representatives from Villa Maria Academy have requested permission to use a portion of Stiglmeier Park for a cross-country track meet to be held on Tuesday, November 1, 1994 from approximately 3:30 P.M. to 5:30 P.M., and

WHEREAS, permission has been requested in the past for such track meets and they have been held without interference to others using the park, NOW, THEREFORE, BE IT

RESOLVED, that the Villa Maria Academy cross-country track teams be and hereby are granted permission to hold their November 1, 1994 track meet in Stiglmeier Park, and BE IT FURTHER

RESOLVED, that the coach of such teams be requested to contact the Directors of the Facilities and Youth and Recreational Services Departments to make arrangements for such track meet, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to Villa Maria Academy and to the Directors of the Town Facilities and Youth and Recreational Services Departments.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski

BE IT RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign the attached Memorandum of Agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club, Inc.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEMORANDUM OF AGREEMENT
between
CHEEKTOWAGA POLICE CLUB, INC.
and the
TOWN OF CHEEKTOWAGA

October , 1994

The following reflects changes due to the civilianization of certain positions and the assigning of sergeants to headquarters. The following changes, unless otherwise stated, will take effect immediately.

SECTION 3.03 - NON-COMPETITIVE JOB CLASSIFICATIONS

(a) A non-competitive job classification is defined as: the assignment to duties not ordinarily performed by patrol officers or headquarters sergeants, within the Department, on a regular or routine basis.

(b) When a vacancy exists in a non-competitive job classification or a temporary assignment as Detective, Juvenile Detective, VGN Detective, SIU Detective, K-9 Officer, Field Training Officer, Range Officer, Arson Investigator, SWAT Officer, Traffic Unit Officer, CPS Records Officer, CPS Records Sergeant, Traffic Unit Sergeant, Juvenile Sergeant, or Training Sergeant, notice of the existence of such vacancy shall be conspicuously posted on a bulletin board in the police station for a period of twenty (20) days and police officers of qualified rank may affix their name thereto, indicating their desire to be considered for the filling of such vacancies.

SECTION 6.01 - SALARIES (Effective 10/3/94)

Each police officer shall be paid pursuant to the following salary schedule:

Sergeant	OCT. 3, 1994	JAN. 1 1995
	44,333.732	46,328.749

(delete)

Sergeants assigned to the Detective Bureau shall be paid the additional sum of \$200.00 per year, added to their weekly salary.

SECTION 6.07 - CALL-IN

2. In the event police officers are called to duty because of manpower shortages, call-in, on each shift, shall be accomplished in the following manner:

Patrol Division:

1. On a seniority basis of assigned patrol officers.
2. On a seniority basis of the assigned traffic officers.
3. On a seniority basis, using a general call-in, of patrol officers.

(delete)

Communications Unit, when a Sergeant is working:

1. On a seniority basis of assigned communications officers.
2. On a seniority basis, using a general call-in, of communications officers.
3. On a seniority basis of communication sergeants.

Communications Unit, when a Sergeant is not working:

1. Assigned sergeant (if on regular day off).
2. On a seniority basis of communication sergeants.
3. On a seniority basis of assigned communications officers.
4. On a seniority basis, using a general call-in, of communications officers.

Sergeants:

(delete)

After each sergeant, assigned to the Communications Unit, has had the opportunity to work overtime, during a month, then when a sergeant so assigned is absent, the vacancy can be filled by an officer of lower rank who will be assigned as acting sergeant for that shift.

(new)

When a vacancy exists in the Headquarters Sergeant position due to the absence, (authorized time off), of the assigned sergeant, the Chief of Police or his designee, may at his discretion, fill the position with another so assigned sergeant or assign an acting sergeant in accordance with Section 6.05.

(delete)

In the event no sergeant desires to fill the vacancy it will be filled in accordance with the provisions of Section 6.05, above.

SECTION 7.01 - WORK DAY AND WORK WEEK

Officers assigned to patrol and traffic shall be assigned and work 4 days followed by 2 consecutive days off, followed by 4 days work and 2 consecutive days off, followed by 5 days work and 2 consecutive days off and the cycle shall then be repeated, continually, to provide rotating days-off to officers so assigned. This schedule shall be referred to as the 4-2/5-2 work schedule.

Officers assigned as detective, CPS records officer, CPS records sergeant, training sergeant and headquarters sergeant shall be assigned and work 5 days, followed by 2 consecutive days off. This shall be referred to as the 5-2 work schedule. Officers assigned to the 5-2 work schedule will be assigned the same number of days-off as officers who work the 4-2/5-2 work schedule. The granting of any such additional days-off will be made in such a manner as to avoid the necessity to work officers overtime.

(delete) and renumber remaining sections

SECTION 8.03 - CROSSING GUARD OFFICER

An officer assigned in charge of the crossing guards shall be paid the same rate of salary as a detective, first year.

The Town may eliminate the Crossing Guard Officer classification upon the retirement of its current incumbent. The duties of the position shall be assigned to a non-bargaining civilian employee at the discretion of the Town.



Dennis Gabryszak
Supervisor
Town of Cheektowaga



Lee O. Ruth
President
Cheektowaga Police Club, Inc.

Item No. 11b Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign the attached Memorandum of Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

THE TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION, INC.

RE: Paul Marchewka

In regards to the above-named employee, in reaction to the charge of insubordination and failure to follow directives by his supervisor, the parties agree to the following:

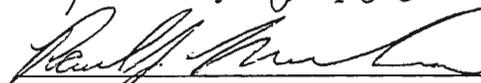
THAT, the above employee shall suffer a 20-day unpaid suspension, commencing on September 12, 1994 and returning to work on October 11, 1994.

FURTHER, the parties agree to an additional 90-day probationary period, beyond the 90 days allowed by the collective bargaining agreement. During which the employee agrees to submit to random drug screening. Testing is to be done at a facility named by the Town and the cost of such testing will be borne by the employee.

IT IS AGREED, that this case may be unique and the signing of this Memorandum of Agreement is without precedential value in future disciplinary actions.



Dennis H. Gabryszak, Supervisor



Paul Marchewka



Kevin Glascott, President
Town of Cheektowaga Employees Association, Inc.

Dated: 10/17/94
jk

⊕

Item No. 11c Motion by Councilman Johnson, Seconded by Councilman Wielinski

WHEREAS, six homeowners on Pine Ridge Road, just north of Scajaquada Creek, have been served by privately owned septic systems from the time of their home construction, and

WHEREAS, one of the homeowners has experienced a failure in the privately operated system and has submitted a petition from all homeowners not having access to a public sewer requesting that a sanitary sewer be extended to serve their properties with the understanding that there will be costs chargeable to all benefiting properties, and

WHEREAS, this Town Board realizes the need for providing public sewer facilities to all of the homeowners, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, as submitted to the Town Engineer and dated October 10, 1994, to perform topographic survey and design hereby is approved, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting engineering agreement for said Pine Ridge sanitary sewer on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that the funding for professional services associated with the design and construction of the Pine Ridge sanitary sewer in the amount of \$8,940.00 shall be chargeable to Sewer District #5, Account #2500-8125-4581.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 11d Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, a Sewer System Evaluation Survey (S.S.E.S.) was prepared in 1979 for Town Sanitary Sewer District No. 3 by the engineering consulting firm of Nussbaumer & Clarke, Inc., which report recommended a detailed cost effective rehabilitation strategy to eliminate infiltration/inflow from the sanitary sewer system, and

WHEREAS, the conclusions and recommendations set forth in the Sewer System Evaluation Survey (S.S.E.S.) served as the basis for the award of Federal and State grants under the Clean Water Act, which combined with local funding enabled the construction of the Clinton Street Interceptor Sewer, Flow Control and Monitoring Facilities at Plant No. 3 and district wide sewer rehabilitation completed in 1989 at a cost cost of approximately 1.5 million dollars, and

WHEREAS, following the completion of the aforesaid sewer system rehabilitation, the S.S.E.S. recommends the construction of an overflow retention facility to address wet weather overflows from Sewer District No. 3 to the Buffalo River, and

WHEREAS, there is a need to initiate a review of the feasibility of establishing an overflow retention facility at the Plant No. 3 site, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. as submitted to the Town Engineer dated September 15, 1994 for the preparation of a Feasibility Report to provide for data collection and interpretation, site review and analysis of environmental concerns, preliminary basin sizing and preparation of preliminary cost estimates be and hereby is approved and accepted, and BE IT FURTHER

RESOLVED, that the cost for said professional services in the amount of \$38,730.00 shall be chargeable to Account No. 2300-8123-4581, and BE IT FURTHER

RESOLVED, that the Supervisor of this Town Board is directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc., Consulting Engineers.

Item No. 11d cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 230 Bright Street (vacant Structure), Cheektowaga, New York, SBL # 113.63-2-6 and according to the Assessor's Office is owned by James B. Trykowski and Paul Trykowski, 230 Bright Street, Buffalo, New York 14206-2659, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12b Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located north of 530 Cayuga Road (front portion) known as 550 Cayuga Road, Cheektowaga, New York, SBL #81.17-2-27.11 and according to the Assessor's Office is owned by 580 Cayuga Incorporated, 3409 Broadway Street, Cheektowaga, New York 14227-1128, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has received notification of an unsafe abandoned accessory structure at 120 Hoerner Avenue, Cheektowaga, New York SBL #101.52-2-6, that is unsecured, open to unauthorized entry and a danger to the safety of others, and according to the Assessors' Office is owned by Kenneth J. Siejak and Wife, Buffalo, New York 14211-2708, and

Item No. 13 cont'd

WHEREAS, these conditions require that the Town of Cheektowaga Building Inspectors Department take immediate steps to board over and secure all openings in this structure to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that all openings in this structure be boarded over and secured and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, by resolution dated January 4, 1994, this Town Board established salaries for certain Town officials and employees who are not covered by any bargaining unit, and

WHEREAS, such resolution was amended by deleting therefrom the attorneys' positions in the Town Attorney's Office so that this Board could discuss other matters unrelated to salaries in such office, and

WHEREAS, this Board feels that the attorneys in the Town Attorney's Office should receive the same percentage of raises for 1994 as other employees received in the January 4, 1994 resolution, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid January 4, 1994 resolution is amended to include the establishment of the following salaries for the following respective Town officials and employees, under the same terms as the January 4, 1994 resolution:

Town Attorney	\$47,091.39
Deputy Town Attorney	\$32,050.10
Prosecuting Attorney	\$26,719.43

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the New York State Commission on Cable Television will be holding a Regional Seminar on October 26, 1994 in Rochester, New York concerning the Federal Cable Act, renewals of cable franchises and other topics relating to the administration and operation of cable television, and

WHEREAS, the Town of Cheektowaga is in the process of negotiating a cable television franchise renewal with Adelphia Cable Communications and has established a Cable Television Committee to conduct preliminary negotiations, and

WHEREAS, Supervising Building & Plumbing Inspector Ronald Marten and Deputy Town Attorney Kevin G. Schenk are members of this Cable Television Committee, and have expressed an interest in attending this seminar, NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to Ronald Marten and Kevin G. Schenk to attend the aforementioned seminar, and to utilize a Town vehicle to travel to and from such seminar, and BE IT FURTHER

RESOLVED, that the registration fee of \$25.00 per person shall be paid from Town budget line item number 0100-1910-4082.

Item No. 15a cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the New York State Police Academy will be hosting an accident reconstruction training program presented by the Institute of Police Technology and Management. "Advanced Traffic Accident Investigation" will be held at the Academy in Albany, NY from October 31 - November 11, 1994. Also "Traffic Accident Reconstruction" will be held at the Academy in Albany, NY from November 28 - December 9, 1994, and

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Traffic Unit Sergeant David Przepiora to these training sessions. This specialized training will cover lamp and tire analysis, advanced measurement techniques and vehicle dynamics formulas. The reconstruction course will cover derivation of formulas, impact speeds using conservation of momentum, behavior of vehicles in a collision, Newton's Laws of Motion, weight shift formulas and the effects of ABS brakes in stopping situations. The Police Department will be responsible for registration, meals and transportation amounting to approximately \$1,500 for both training sessions. Lodging will be provided free of charge at the State Police Academy. A Town of Cheektowaga vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Sgt. David Przepiora to this training, and that the time he spends there be authorized as normal duty time. The expense will be charged to line 0100-3310-4093 and 0100-3120-4085.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15c Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, the New York State Office of Fire Prevention and Control will be conducting a "Fire Marshals and Inspectors Seminar" in Montour Falls, New York on October 18 - 20, 1994, and

WHEREAS, Matthew D. Kawczynski, Fire Inspector for the Town of Cheektowaga has requested permission to attend such seminar, and

WHEREAS, such seminar will provide the Town's Fire Inspector with up-to-date information and legislation on fire prevention and control and satisfies a State of New York requirement for "in service" training, NOW, THEREFORE, BE IT

RESOLVED, that Matthew D. Kawczynski be and hereby is authorized to attend the "Fire Marshals and Inspectors Seminar" on October 18 - 20, 1994, and BE IT FURTHER

RESOLVED, that the Town pay Mr. Kawczynski's registration fee of \$20.00; lodging costs of \$70.00 and travel costs not to exceed \$90.00 for attending such seminar, and such expenses be charged to account number 0800-3620-4088.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15d Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Eleventh Annual Law Enforcement Forum will be held in New York from October 11-12, 1994, and

WHEREAS, the Chief of Police requested permission to attend this forum, and was informally given approval to do so, and

WHEREAS, the Association of Chiefs of Police covered the Town's costs for the Chief for the hotel room and meals, and

WHEREAS, the Chief of Police expended moneys for travel and transportation and requests to be reimbursed for such expenses paid, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board formally sanctions and approves the attendance of the Chief of Police at the aforementioned crime forum, and BE IT FURTHER

RESOLVED, that the Chief of Police shall be reimbursed for travel and transportation expenses associated with attending this forum in an amount not to exceed \$250.00 from budget line item number 0100-3120-4085.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 16a Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that Mitchel Marciszewski be and hereby is terminated from his employment as a Laborer's Aide in the Recycling Department, effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 16b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the following SEASONAL and PART-TIME employees be and hereby are terminated as listed:

	<u>EFFECTIVE</u>
<u>FACILITIES DEPARTMENT</u>	
Eric Gerlach	10/02/94
Mike Papero	10/08/94
<u>POLICE DEPARTMENT</u>	
Dana Isbell	09/07/94
Kolleen Kolbert	10/17/94
<u>RECYCLING DEPARTMENT</u>	
Lawrence Zielinski	10/04/94
Jeritt Wilson	10/04/94

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 17a Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated July 2, 1990, this Town Board enacted a Local Law to create the Cheektowaga Conservation Advisory Council, and

WHEREAS, pursuant to such local law, this Town Board appoints the members and chairman of the Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, the term of members of the CCAC expired on October 15, 1994, and

WHEREAS, this Board wishes to reappoint members to the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the CCAC for a term beginning on October 16, 1994 and terminating on October 15, 1996:

John Marriott (Chairman)	Cheektowaga, NY
Daniel Pyanowski	Cheektowaga, NY
Gordon Allen	Cheektowaga, NY
John Mallory	Cheektowaga, NY
Michael Papero	Cheektowaga, NY
Michael Dusing	Cheektowaga, NY
Daniel Quartironi	Cheektowaga, NY

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 17b Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski

BE IT RESOLVED that the resolution dated October 3, 1994 appointing three Public Safety Dispatchers be and hereby is amended to read as follows:

RESOLVED that the following individuals be and hereby are appointed to the position of Public Safety Dispatcher in accordance with the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Public Safety Dispatchers Association, effective October 11, 1994:

David Schmitt
Richard Renner
Carolanne Hackett

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be hired as part-time employees in the following Youth and Recreation programs:

Rink Personnel - 7140.1611-Recreation Leader II - \$5.50

Wendy Sala 14043

Recreation Instructor Aid to Youth-7140.1615-Recreation Supervisor-\$6.00

Christopher Mahalic 14206

Item No. 18 cont'd

Volleyball - 7140.1627-Recreation Supervisor I-\$5.50

Cindy Pietz 14227

Hockey - 7140.1639 - Recreation Leader IV - \$6.00

Matthew Bean 14225

and BE IT FURTHER

RESOLVED, that the following individuals be hired as indicated:

Pools - Head Lifeguard - 7180.1902 - \$7.00

Denise Tasca 14206

Rink Personnel - Recreation Attendant III - 7140.1611 - \$4.75

Trevor Stowell 14225

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 19 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed 24 weeks 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, Inc.:

EFFECTIVE

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer)

Mike Krzykowski 10/05/94

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 20 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

SPECIAL DISTRICTS

FROM: 2300-8123-4353	Erie County Sewer District #4	\$37,212.30
2300-8123-4087	Training & Seminars	734.00
2300-8123-4071	Clothing Replacement	530.00
2300-8123-4438	Plant Instrumentation	259.00
2300-8123-4087	Training & Seminars	50.00
2500-8125-4087	Training & Seminars	700.00
2500-8135-4356	Buffalo Sewer Authority	32,000.00
2500-8125-2302	Flusher Vactor	20,000.00

Item No. 20 cont'd

TO:	2300-8123-4581 Consulting Engineers	\$38,735.30
	2300-8123-4475 Root Control Sewer District #3	50.00
	2500-8125-4475 Root Control Sewer District #5	700.00
	2500-8125-4543 Contracted Sewer Repairs	20,000.00
	2500-8125-4581 Consulting Engineers	12,000.00
	2500-8125-4543 Contracted Sewer Repairs	20,000.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to October 14th, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$1,988,038.97
HIGHWAY FUND	973,603.32
TRUST & AGENCY FUND	42,884.06
CDBG HUD FUND	16,271.50
PART TOWN FUND	42,175.87
RISK RETENTION FUND	95,074.52
MYS HOME PROGRAM FUND	69,683.00
DEBT SERVICE FUND	4,512.50
HUD HOUSING REHABILITATION FUND	20,577.00
SPECIAL DISTRICTS FUND	1,152,361.80
CAPITAL FUND	799,150.09
	<u>\$5,204,332.63</u>

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 22a Minutes of Cheektowaga Planning Board - September 8, 1994
Received and Filed.

Item No. 22b Minutes of Cheektowaga Traffic Safety Commission - September 20, 1994
Received and Filed.

Item No. 23 Office of Disaster Preparedness - Quarterly report for July to
September, 1994
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 24a Notice of Claim - Janice & Edward Kuczmariski vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; James Matecki, Facilities Director; N. Rutkowski,
Facilities Foreman, ALLIED CLAIMS, Insurance Company.
Received and Filed.

Item No. 24b Notice of Claim - Amy Roska vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; James Matecki, Facilities Director; N. Rutkowski, Facilities Foreman, ALLIED CLAIMS, Insurance Company.
Received and Filed.

Item No. 24c Notice of Claim - Latricia Linton-Agee vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Chief of Police; ALLIED CLAIMS, Insurance Company.
Received and Filed.

Item No. 24d Notice of Claim - Joseph Shields vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Department; ALLIED CLAIMS, Insurance Company.
Received and Filed.

Item No. 25 Consolidated Rail Corp. vs State Board of Equalization and Assessment, County of Erie, etc. (Various legal notices and Certifications)
Copies were sent to: Assessor's Office.
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Councilman Johnson, Seconded by Councilman Solecki to suspend the rules to include the following item.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, the New York State Energy Office and the New York Power Authority will be sponsoring the Third Annual Governor's Awards for Energy Excellence Awards Ceremony in Albany, New York on October 21, 1994, and

WHEREAS, the Town will be receiving an award for energy excellence at this ceremony and it has been requested that a representative of the Town attend such ceremony, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to attend the aforementioned awards ceremony, and to utilize his Town vehicle to travel to such ceremony, and BE IT FURTHER

RESOLVED, that the reasonable and necessary travel and hotel expenses of the Supervisor be paid out of budget line item number 0100-1910-4082.

Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 26 cont'd

Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, the New York State Energy Office and the New York Power Authority will be sponsoring the Third Annual Governor's Awards for Energy Excellence Awards Ceremony in Albany, New York on October 21, 1994, and

WHEREAS, the Town will be receiving an award for energy excellence at this ceremony and it has been requested that a representative of the Town attend such ceremony, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to attend the aforementioned awards ceremony, and to utilize his Town vehicle to travel to such ceremony, and BE IT FURTHER

RESOLVED, that the reasonable and necessary travel and hotel expenses of the Supervisor, not to exceed \$200.00, be paid out of budget line item number 0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

SPECIAL MEETING NO. 22
October 25, 1994

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 25th day of October, 1994 at 5:45 o'clock P.M., Eastern Daylight Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Robert Kaczmarek, Supervising Accountant; John Malloy.

I. RESOLUTIONS

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

WHEREAS, the Cheektowaga Town Board duly published an Advertisement for Bidders for furnishing all labor, tools, equipment, materials and incidentals for the construction of the Julia Boyer Reinstein Library, and

WHEREAS, bid proposals for such public project were duly opened on October 14, 1994, and

WHEREAS, Foit-Albert Associates, Architecture, Engineering and Surveying, P.C. reviewed all bid proposals received for this project and have recommended that the bidders named below be awarded the respective contracts for this project, NOW, THEREFORE, BE IT

RESOLVED, that the following contracts for the construction of the Julia Boyer Reinstein Library be and hereby are awarded to the firms listed below, said firms being the lowest responsible bidders for each portion of the project, said awards being contingent upon approval of such bidders by the New York State Education Department and any other Federal/State agency:

<u>Contract</u>	<u>Firm</u>	<u>Bid Amount</u>
Contract A (General)	Nichter Construction Co., Inc. 344 Vulcan Street Buffalo, N.Y. 14207	\$1,663,000.
Contract B (Plumbing)	Matthew Kandefer, Inc. 2215 Broadway Buffalo, N.Y. 14212	\$ 34,760
Contract C (HVAC)	Kellner Mechanical (HVAC) Box 122 Elma, N.Y. 14059	\$ 172,900
Contract D (Electrical)	CIR Electrical Co. 1067 Harlem Road Buffalo, N.Y. 14227	\$ 256,300

and BE IT FURTHER

Item No. 2 cont'd

RESOLVED, that the moneys for such contract shall be appropriated from budget line number 5403-1220-9409, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute contracts with such firms and any other documents necessary to effectuate completion of this project.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 3 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, by resolution dated September 21, 1992, this Town Board issued a Negative Declaration under SEQRA for the application of Norfolk Southern Corporation to develop the former Bison Yard property for an intramodal and bulk auto facility, and

WHEREAS, such Negative Declaration was issued based on certain commitments made by the Applicant, and

WHEREAS, commitments made by the Applicant include the following:

1. Applicant would install 340 linear feet of 66" diameter pipe for a future storm drain which the Town plans to install near Kennedy Road
2. Applicant would install 20 feet of 24" diameter pipe connecting its storm sewer system to an existing ditch.

and

WHEREAS, due to various reasons, Applicant is unable to complete the above referenced items as promised but, in lieu of such work, Applicant has offered to remit the sum of \$50,000 to the Town to cover the cost of having the Town do the work in the future, and

WHEREAS, the Town Engineer has recommended that the Town accept this payment in lieu of the aforementioned commitments by Applicant, and

WHEREAS, the acceptance of these moneys does not relieve the Applicant from following through with its other commitments, including the commitment to provide easements to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the sum of \$50,000 from Norfolk Southern Corporation in lieu of the aforementioned conditions relating to storm sewer piping, and BE IT FURTHER

RESOLVED, that the Town shall deposit said moneys into a Trust and Agency Account for the Southwest Drainage Project, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute the attached letter of understanding with Norfolk Southern Corporation.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT



Norfolk Southern Corporation
99 Spring Street, S.W.
Atlanta, Georgia 30303
404 529-1463

G. E. Drake
Chief Engineer
Design & Construction

October 11, 1994

In reply, please
refer to Files:
181-354, 181-367,
244-104 GED/sbj

Mr. Chester Bryan, P.E.
Town Engineer
Town of Cheektowaga
275 Alexander Avenue
Cheektowaga, NY 14211

Dear Mr. Bryan:

Norfolk Southern, as a condition of permitting for our automobile and intermodal terminal construction in the Town of Cheektowaga, agreed to install 340 linear feet of 66" diameter pipe for a portion of a future storm drain which the town plans to install adjacent to our property near Kennedy Street. This installation is to occur on a 30-foot wide strip of property deeded to the town by Norfolk Southern, as shown on Drawing Nos. RA93-0019 and TD-91-0046 R3, Sheet 5.

Additionally, Norfolk Southern is obligated to install 20 feet of 24 inch diameter overflow pipe connecting our storm sewer system to existing ditch in Lot "C" as shown on Drawing No. TD-91-0046 R3, Sheet 20, but cannot complete construction at this location due to contamination in the ditch which results from the actions of others.

Inasmuch as the town is not prepared to install its entire storm drain line in the foreseeable future, Norfolk Southern proposes to pay to the Town of Cheektowaga a sum of \$50,000, which is in lieu of our obligations to install both of the pipes referenced above. When and if the town performs these installations in the future, Norfolk Southern will be exempt of additional payment or assessments for this work.

RECEIVED

OCT 17 1994

ENGINEERING
DEPT.

Mr. Chester Bryan, P.E.
October 11, 1994
Page Two

If you agree with the conditions of this proposal, please sign below on behalf of the town and return original of this letter to me.

Yours very truly,



G. E. Drake



Signature

October 25, 1994

Date

Method of Calculations in Determining Pipe Cost

Norfolk Southern normally installs coated corrugated metal pipe.

Our estimate program includes \$90/ft. for 60" CM pipe, but we have limited experience with 66" diameter installations.

Town of Cheektowaga originally used \$200/ft. for concrete pipe in January 1993 for estimate in determining permit cost. Total price for 340 ft. @ \$200/ft. = \$68000.

From Means Heavy Construction Data

60" corrugated metal pipe	\$102/ft.
60" concrete pipe	\$138/ft.
72" corrugated metal pipe	\$154/ft.
72" concrete pipe	\$178/ft.

*Prorated from Means for 66" corrugated metal pipe - \$130/ft. = \$44200

*Prorated from Means for 66" concrete pipe - \$160/ft. = \$54400

*Means has no price for 66" pipe.

Average cost from above for 66" pipe	\$49300
20 ft. - 24" CM pipe @ \$34.70 (actual at Buffalo) \$694, say	<u>\$ 700</u>
	\$50000

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

WHEREAS, on or about July 28, 1994, a town police car (plate number Police 13) was damaged when struck by an automobile owned and operated by Charles R. Schaefer, and

WHEREAS, Captain John A. Howlett, the head of the Administrative Section of the Town's Police Department, has investigated the aforesaid matter; and, based upon such investigation, he recommends that the Town accept \$9,500.00 as payment in full of the property damages to police car number 13, NOW, THEREFORE BE IT

RESOLVED, that the Town's claim for property damage sustained by reason of the negligence of Charles R. Schaefer be and the same is hereby settled and compromised upon receipt by the Town of the sum of \$9,500.00 and BE IT FURTHER

RESOLVED, that the Supervisor or Town Attorney be and he hereby is authorized to sign any and all papers necessary to effectuate such settlement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, various municipalities and public and private institutions in Western New York are proposing a form a Clean Cities Steering Committee in the interest of becoming a designated Clean Community via the United States Department of Energy Clean Cities opportunity, and

WHEREAS, such entities would work together to reduce our local dependence on petroleum-based and imported fuels in various ways, and

WHEREAS, the Town of Cheektowaga desires to join these municipalities and institutions as a way to save moneys and ensure a cleaner environment for our and future generations, and

WHEREAS, it is also hoped that this Clean Cities Steering Committee will enable the Town to acquire state, Federal and private grants to save fuel and money, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby expresses its intent to join with various municipalities and public and private institutions in Western New York to form a Clean Cities Steering Committee, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Memorandum of Understanding with said entities to accomplish this purpose.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 6 Motion by Councilman Johnson, Seconded by Councilman Wielinski to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

SPECIAL MEETING NO. 23
October 25, 1994

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 25th day of October, 1994 at 6:00 o'clock P.M., Eastern Daylight Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Robert Kaczmarek, Supervising Accountant; John Malloy.

I. PUBLIC HEARINGS

Item No. 2 The Supervisor advised the Town Board that this was the time and place advertised for a Public Hearing to consider the adoption of the Preliminary Benefit Basis Budget of the Town of Cheektowaga. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such Notice has been duly published and posted and upon the order of the Supervisor, such proof was duly filed.

* The 1995 Preliminary Benefit Basis Budget is on file in the Town Clerk's Office.

The Supervisor then asked if anyone wished to speak either in favor or against the proposed Budget. Comments were heard. Decision was reserved. The hearing was closed.

Item No. 3 This being the time and place advertised for a Public Hearing on the estimates and revenues and expenditures for the year 1995 for the General Fund, Consolidated Garbage District and General Lighting Districts, the Town Clerk presented proof that the Notice of Hearing has been duly published and posted as required by law. The Clerk then proceeded to read aloud the estimates of revenues and expenditures for the year 1995 for the General Fund, Consolidated Garbage District and General Lighting Districts.

* The 1995 Ad Valorem Budget is on file in the Town Clerk's Office.

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.

RICHARD M. MOLESKI
Town Clerk

Item No. 3a continued

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, 1995, and a public hearing was conducted thereon on October 25, 1994, 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, 1995, and the same shall be entered in the minutes of the Town Board.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 3b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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
1995
Final Benefit Basis Budget

and,

WHEREAS, a Public Hearing was duly held on the 25th day of October, 1994 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 1995.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 4 Motion by Councilman Blachowski, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga is eligible to receive funding under formula grant programs, including the Community Development Block Grant Program and the HOME Investment Partnerships Program, for the 1994-95 Program Year, and

WHEREAS, the Town of Cheektowaga is required to prepare a Consolidated Plan for submission to the Department of Housing and Urban Development, and

WHEREAS, the Consolidated Plan serves as a planning document for the Town and an application for funding under formula grant programs, and

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

Item No. 4 continued

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 federal fiscal year 1994, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on November 21, 1994 at 6:30 p.m. at Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York 14227, for the above stated purpose, and BE IT

FURTHER RESOLVED, that a legal notice of such public hearing be published in the Cheektowaga Times on Thursday, November 10, 1994.

* * * * *

PUBLIC HEARINGS

CONSOLIDATED PLAN

TOWNS OF AMHERST, CHEEKTOWAGA AND TONAWANDA

Public hearings will be held on November 21, 1994 for the Consolidated Plan covering Federal Fiscal Years 1995-99 for the Towns of Amherst, Cheektowaga and Tonawanda. The purpose of the hearings is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the three towns, and to review program performance of the three towns during Federal Fiscal Year 1994.

The Consolidated Plan to be assembled will describe housing and community development needs in the three towns, set goals for addressing those needs and delineate federal programs for meeting those goals. Federal Community Development Block Grant (CDBG), HOME (3 Town Consortium) and Emergency Shelter Grants (ESG) that the towns apply for will be covered by the Plan.

Anticipated funding levels for these programs for Federal FY 1995 are:

Amherst CDBG:	\$ 791,000
Cheektowaga CDBG:	802,000
Tonawanda CDBG:	2,216,000
HOME Consortium:	828,000
ESG (Tonawanda only):	58,000

Those wishing to offer comments at the public hearings are encouraged to submit a written text, as well. Those not choosing to appear at the public hearing may submit comments in writing to the Amherst Planning Department, 5583 Main Street, Williamsville, New York 14221; the Cheektowaga Community Development Office, 275 Alexander Avenue, Cheektowaga, New York 14211; and the Tonawanda Office of Community Development, Parkside Village Community Building, 169 Sheridan Parkside Drive, Tonawanda, New York 14150.

Public hearings will be held at the following times and locations on Monday, November 21, 1994:

Town of Amherst Municipal Building
5583 Main Street
Williamsville, New York 14221 at 7:30 p.m.

Town of Cheektowaga Town Hall
Broadway and Union Roads
Cheektowaga, New York 14227 at 6:30 p.m.

Town of Tonawanda Office of Community Development
Parkside Village Community Building, Room 113
169 Sheridan Parkside Drive
Tonawanda, New York 14150 at 7:00 p.m.

Item No. 4 continued

Interpreters will be available upon request at the meetings to sign for the hearing impaired. If you are in need of such special arrangements, please contact the Cheektowaga Community Development Office at 896-1700, the Tonawanda Community Development Office at 871-8850 or the Amherst Planning Department at 631-7082 seven (7) business days in advance of the hearing. All hearing locations are accessible to the physically handicapped.

Carl Calabrese
Town Supervisor
Town of Tonawanda

Thomas J. Ahern
Town Supervisor
Town of Amherst

Dennis H. Gabryszak
Town Supervisor
Town of Cheektowaga

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

**PUBLIC HEARINGS
CONSOLIDATED PLAN
TOWNS OF AMHERST,
CHEEKTOWAGA AND
TONAWANDA**

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Carl J. Calabrese
Town Supervisor
Town of Tonawanda

Thomas J. Ahern
Town Supervisor
Town of Amherst

Dennis H. Gabryszak
Town Supervisor
Town of Cheektowaga

PUBLISH: November 10, 1994

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

Paula D. Sticht

....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹ weeks:
first publication..... November 10, 1994 ;
last publication..... November 10, 1994 ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

10th

Sworn to before me this

day of November 19⁹⁴

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

PUBLIC HEARINGS
CONSOLIDATED PLAN
TOWNS OF AMHERST,
CHEEKTOWAGA AND
TONAWANDA

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Carl J. Calabrese
Town Supervisor
Town of Tonawanda

Thomas J. Ahern
Town Supervisor
Town of Amherst

Dennis H. Gabryszak
Town Supervisor
Town of Cheektowaga

PUBLISH: November 10, 1994

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... November 10, 1994..... ;
last publication..... November 10, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 10th

day of November , 19...⁹⁴..

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95 5

Item No. 5 Motion by Councilman Johnson, Seconded by Councilman Wielinski

WHEREAS, bids were received and opened on August 3, 1994 for the construction of sidewalks along Union Road, for which the Town has a NYSDOT Permit, AND

WHEREAS, the Town Engineer and C & S Engineers, Inc. have reviewed the bids and recommend that the contract be awarded to M.P.J. Contracting, Inc. for their submission of the lowest bid, AND

WHEREAS, the low bidder agreed to accept a delay in construction until Spring 1995 in order for the Town to bond the project and secure easements, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the construction of sidewalks along Union Road, a State highway, be and hereby is awarded to:

M.P.J. Contracting, Inc.
68 Churchill Street
Buffalo, New York 14207

for the total bid price of \$141,887.26 which was the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to sign any and all agreements for said Union Road sidewalks on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for said sidewalks shall be chargeable to Account No. 5314-5141-9345, which account includes necessary drainage related costs of \$42,270 which costs shall not be assessed to owners of properties along Union Road as a sidewalk installation expense.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 6 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, by resolution dated October 17, 1994, this Town Board directed that a Notice to Bidders be published for the purchase of One (1) New and Unused 1995 Model, 4x4 Pick-Up Truck with Snow Plow, and

WHEREAS, the information for bidders and specifications for this purchase required bidders to accept a Town Truck as a trade-in towards the purchase price, and

WHEREAS, only one bid was submitted and opened on November 2, 1994, and such bid did not include credit for any trade-in, and

WHEREAS, it is in the best interest of the Town to reject this bid and readvertise for bids, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rejects the bid of Northtown Dodge, 2020 Niagara Falls Boulevard, Tonawanda, New York 14150, for the purchase of one (1) New and Unused, 1995 Model, 4x4 Pick-up Truck with Snow Plow.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 7a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of ONE (1) NEW AND UNUSED, 1995 MODEL, 1/2 TON, 4X4 PICK/UP TRUCK WITH SNOW PLOW for use by the Cheektowaga Highway Department.

Information to bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday and BE IT FURTHER

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for One (1) NEW AND UNUSED, 1995 MODEL, 1/2 TON, 4X4 PICK/UP TRUCK WITH SNOW PLOW, said notice to be published in the CHEEKTOWAGA TIMES and the BUFFALO NEWS, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 16th day of November, 1994 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

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga will receive proposals for the purchase of ONE (1) NEW AND UNUSED, 1995 MODEL, 1/2 TON, 4X4 PICK/UP TRUCK WITH SNOW PLOW for use by the Cheektowaga Highway Department at a public bid opening November 16, 1994 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE 1995 MODEL 1/2 TON 4X4 PICK/UP TRUCK WITH SNOW PLOW".

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

Richard M. Moleski
Town Clerk

Dated: November 7, 1994

Published: November 10, 1994

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT

LEGAL NOTICE
TO BIDDERS

NOTICE IS HEREBY GIVEN, in accordance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga will receive proposals for the purchase of ONE (1) **NEW AND UNUSED, 1995 MODEL, 1/2 TON, 4X4 PICK/UP TRUCK WITH SNOW PLOW** for use by the Cheektowaga Highway Department at a public bid opening November 16, 1994 at 11:00 AM to be held in the Council Chambers at the Cheektowaga Town Hall.

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

RICHARD M. MOLESKI
TOWN CLERK

Dated: November 7, 1994
PUBLISH: November 10, 1994

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA

Paula D. Sticht

of Cheektowaga, in said County
 duly sworn, deposes and says
 Clerk

towaga Times, a public newspaper
 weekly in said town; that the
 the annexed printed slip, taken
 paper is a copy, was inserted in
 said paper once a week for
 first publication.....November.....
 last publication.....November.....
 and that no more than six (6)
 tween publications.

Paula D. Sticht

Sworn to before me this

day ofNovember.....

Margaret J. BC

Notary public in and for Erie County

MARGARET J. BC
 NOTARY PUBLIC STATE
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹ weeks:
first publication..... November 10, 1994 ;
last publication..... November 10, 1994 ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 10th

day of November 19 94
Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT

LEGAL NOTICE
TO BIDDERS

NOTICE IS HEREBY GIVEN, in
acompliance with Section 103 of the
General Municipal Finance Law, that
the Town of Cheektowaga will receive
proposals for the purchase of ONE (1)
NEW AND UNUSED, 1995
MODEL, 1/2 TON, 4X4 PICK/UP
TRUCK WITH SNOW PLOW for use
by the Cheektowaga Highway Depart-
ment at a public bid opening Novem-
ber 16, 1994 at 11:00 AM to be held in
the Council Chambers at the Cheek-
towaga Town Hall.

Information for bidders and specifi-
cations may be obtained from the of-
fice of Christopher J. Kowal, Superin-
tendent of Highways, at his office
located at 3145 Union Road, Cheek-
towaga, NY. Proposals must be en-
closed and sealed in an opaque enve-
lope plainly marked "BID FOR ONE
1995 MODEL 1/2 TON 4X4 PICK/
UP TRUCK WITH SNOW PLOW".

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

RICHARD M. MOLESKI
TOWN CLERK

Dated: November 7, 1994

PUBLISH: November 10, 1994

42
16.20

LISA STEPHAN-KOZLOWSKI

TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN,
in compliance with Section 103
of the General Municipal
Finance Law, that the Town of
Cheektowaga will receive pro-
posals for the purchase of ONE
(1) NEW AND UNUSED,
1995 MODEL 1/2 TON, 4X4
PICK UP TRUCK WITH SNOW
PLOW for use by the Cheektowaga Highway Department of
a public bid opening Novem-
ber 16, 1994 at 11:00 AM
to be held in the Council
Chambers at the Cheektowaga Town Hall.
INFORMATION FOR BID-
DERS and specifications may
be obtained from the office of
Christopher J. Kewal,
Superintendent of High-
ways, at his office located at
3145 Union Road, Cheektowaga, NY. Proposals must be
enclosed and sealed in an
opaque envelope plainly
marked "BID FOR ONE 1995
MODEL 1/2 TON 4X4 PICK UP
TRUCK WITH SNOW PLOW".
Non-collusion forms must be
signed and submitted with
each bid. The Superintendent
of Highways may reject any or
all bids submitted.
RICHARD M. MOLESKI
TOWN CLERK

of the City of Buffalo, New York,
being duly sworn, deposes and says
that she/he is Principal Clerk of THE
BUFFALO NEWS, DIV. OF BERKSHIRE HATHAWAY
INC., Publisher of THE BUFFALO NEWS, a
newspaper published in said city,
that the notice of which the annexed
printed slip taken from said newspaper
is a copy, was inserted and published
therein 1 time, the insertion
being on the 10th day of November 1994

Lisa Stephan-Kozlowski

Dates Ad Ran :

Sworn to before me this 11TH day

of NOVEMBER 19 94

Barbara Anne Juzwiak
Notary Public, Erie County, New York
Niagara

BARBARA ANNE JUZWIAK
Notary Public, State of New York
Appointed in Niagara County
My Commission Expires 07/01/96

LISA STEPHAN-KOZLOWSKI

**TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN,**
in compliance with Section 103
of the General Municipal
Finance Law, that the Town of
Cheektowaga will receive proposals for the purchase of **ONE
(1) NEW AND UNUSED,
1995 MODEL 1/2 TON, 4X4
PICK/UP TRUCK WITH SNOW
PLOW** for use by the Cheektowaga Highway Department at a public bid opening November 16, 1994 at 11:00 AM to be held in the Council Chambers at the Cheektowaga Town Hall.
INFORMATION FOR BIDDERS and specifications may be obtained from the office of Christopher J. Kewel, Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BID FOR ONE 1995 MODEL 1/2 TON 4X4 PICK/UP TRUCK WITH SNOW PLOW". Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.
**RICHARD M. MOLESKI
TOWN CLERK**

of the City of Buffalo, New York, being duly sworn, deposes and says that she/he is Principal Clerk of THE BUFFALO NEWS, DIV. OF BERKSHIRE HATHAWAY INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein 1 time, the insertion being on the 10th day of November 1994

Lisa Stephan-Kozlowski

Dates Ad Ran :

Sworn to before me this 11TH day

of NOVEMBER 19 94

Barbara Anne Juzwiak
Notary Public, Erie County, New York

BARBARA ANNE JUZWIAK

Notary Public, State of New York

Appointed in Niagara County

My Commission Expires 10/20/96

Item No. 7b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Contracting of Snow Removal if a Snow Emergency should occur.

Information to bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforementioned item at 11:00 A.M. on November 16, 1994 in the Council Chambers of the Cheektowaga Town Hall.

NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the Town in the event of a snow emergency during the 94-95 winter season.

Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga, New York between the hours of 8:00 A.M. and 3:30 P.M, Monday thru Friday.

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, November 16th, 1994 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 "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL IN 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.

Richard M. Moleski
Town Clerk

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht
, of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for¹ weeks:
 first publication..... November 10, 1994
 last publication..... November 10, 1994
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this 10th
 day of November, 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE
NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for the removal of snow from highways situated in the Town in the event of a snow emergency during the 94-95 winter season. Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga, NY between the hours of 8:00 AM and 3:30 PM, Monday thru Friday.

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 16th, 1994 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 "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL IN 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.

Richard M. Moleski,
 Town Clerk

PUBLISH: November 10, 1994

42
 16.59

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

Paula D. Sticht
, of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
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Paula D. Sticht

Sworn to before me this 10th
 November 94
 day of, 19.....

Margaret J. Bourdette

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

LEGAL NOTICE
NOTICE TO BIDDERS

The Town of Cheektowaga hereby requires sealed bids for the removal of snow from highways situated in the Town in the event of a snow emergency during the 94-95 winter season. Specifications and information are available at the office of the Town Superintendent of Highways, 3145 Union Road, Cheektowaga, NY between the hours of 8:00 AM and 3:30 PM, Monday thru Friday.

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 16th, 1994 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 "BID FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL IN 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.

Richard M. Moleski,
 Town Clerk

PUBLISH: November 10, 1994

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

Item No. 7c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division requires Athletic White Stripe for the purpose of lining athletic fields, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase of Athletic White Stripe, AND BE IT FURTHER

RESOLVED, that specifications for said Athletic White Stripe may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 30th day of November, 1994 at 11:00 A.M. Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on November 30, 1994 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads, for the supplying of Athletic White Stripe for the year, 1995.

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

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

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

Richard M. Moleski
Town Clerk

Dated: November 7, 1994

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht
, of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for¹..... weeks:
 first publication..... November 10, 1994..... ;
 last publication..... November 10, 1994..... ;
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this 10th

day of November 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/9 5

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on November 30, 1994 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the supplying of Athletic White Stripe for the year, 1995.

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

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

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

Richard M. Maleski
 Town Clerk

Date: November 7, 1994
 PUBLISH: November 10, 1994

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

Paula D. Sticht....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk.....of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....November 10, 1994..... ;
last publication.....November 10, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this10th.....

day ofNovember....., 19..94

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS
Sealed proposals will be received by the Town Clerk on November 30, 1994 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the supplying of Athletic White Stripe for the year, 1995.
Information for bidders and specifications can be obtained from the Town Clerk at his office in said Town Hall.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.
By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.
Richard M. Moleski
Town Clerk
Date: November 7, 1994
PUBLISH: November 10, 1994

220
13.20

Item No. 7d Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for the year, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Pool Maintenance Chemicals, AND, BE IT FURTHER

RESOLVED, that specifications for said Pool Maintenance Chemicals may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 30th day of November at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town of Cheektowaga on November 30, 1994 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of Pool Maintenance Chemicals for the year, 1995.

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

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

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

Richard M. Moleski
Town Clerk

Dated: November 7, 1994

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht
, of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
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 said paper once a week for¹ weeks:
 first publication..... November 10, 1994 ;
 last publication..... November 10, 1994 ;
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this^{10th}.....

day of November , 19⁹⁴.....

Margaret J. Bourdette

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

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS
 Sealed proposals will be received and considered by the Town of Cheektowaga on November 30, 1994 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the furnishing of Pool Maintenance Chemicals for the year, 1995.
 Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town Hall.
 The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.
 By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.
 Richard M. Moleski
 Town Clerk
 Date: November 7, 1994
 PUBLISH: November 10, 1994

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

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

....Paula D. Sticht....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
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Paula D. Sticht
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Sworn to before me this10th.....

day ofNovember....., 19..94...

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/9 5

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town of Cheektowaga on November 30, 1994 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for the furnishing of Pool Maintenance Chemicals for the year, 1995.

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

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

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

Richard M. Moleski
Town Clerk

Date: November 7, 1994

PUBLISH: November 10, 1994

37
4162

Item No. 7e Motion by Councilman Rogowski, Seconded by Councilman Wielinski

WHEREAS, the Cheektowaga Facilities Department, Parks Division requires Softball and Hardball Diamond Supplies, AND

WHEREAS, said supplies are required for the various Town sponsored Youth and Adult Programs, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Softball and Hardball Diamond Supplies, AND BE IT FURTHER

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

RESOLVED, that sealed bids will be received on the 30th day of November, 1994 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on November 30, 1994 at 11:00 A.M., Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for Softball and Hardball Diamond Supplies for the year, 1995.

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

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

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

Richard M. Moleski
Town Clerk

Dated: November 7, 1994

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk..... of the Cheek-
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weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
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first publication..... November 10, 1994..... ;
last publication..... November 10, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 10th

day of November, 19..94..

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS
Sealed proposals will be received by the Town Clerk on November 30, 1994 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for Softball and Hardball Diamond Supplies for the year, 1995.
Information for bidders and specifications can be obtained from the Town Clerk at his office in said Town Hall.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.
By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.
Richard M. Moleski
Town Clerk
Date: November 7, 1994
PUBLISH: November 10, 1994

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
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first publication..... November 10, 1994..... ;
last publication..... November 10, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 10th
day of November 19 94

Margaret J. Bourdette
.....

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

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS
Sealed proposals will be received by the Town Clerk on November 30, 1994 at 11:00 am Eastern Standard Time at the Town Hall, corner of Broadway and Union Roads for Softball and Hardball Diamond Supplies for the year, 1995.
Information for bidders and specifications can be obtained from the Town Clerk at his office in said Town Hall.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.
By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.
Richard M. Moleski
Town Clerk
Date: November 7, 1994
PUBLISH: November 10, 1994

3500
13

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/9 5

Item No. 8 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, Tom Greenauer Development, Inc. has submitted Certificate of Substantial Completion for Site Work at the Alexander Community Center, AND

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed the project for compliance with the terms set forth in the plans and specifications for Site Work, Reconstruction of the Alexander Community Center, AND

WHEREAS, the date of Substantial Completion for Site Work at the Alexander Community Center has been determined as September 12, 1994 and establishes the date of commencement of applicable warranties required by the Contract Documents, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves the Certificate of Substantial Completion as submitted by Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14150 for Site Work at the Alexander Community Center.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Rogowski, Seconded by Councilman Wielinski

WHEREAS, All-Weather Contractors, Inc. has submitted a requisition for Final Payment for Roof Reconstruction at the Alexander Community Center, AND

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed and approved the Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Underwriter's Certificate, Asbestos Statement, All-Weather Guarantee, Celotex 20 year Warranty, Consent of Surety Company to Final Payment and Record Drawings, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Final Payment in the amount of \$6,663.50 for Roof Reconstruction at the Alexander Community Center to All-Weather Contractors, Inc., 510 Ellicott Road, Cheektowaga, New York 14227, AND, BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5301-1625-9313.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Frank C. Kellner Co., Inc. has submitted a requisition for Final Payment for Heat, Vent and Air Conditioning and Energy Management System Expansion at Various Town Buildings, AND

WHEREAS, Babinsky.Klein, Engineering, P.C. and the Facilities Department Director have reviewed and approved the Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Certificate of Substantial Completion establishing October 12, 1994 as the Commencement date of applicable warranties, and Consent of Surety to Final Payment, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Final Payment in the amount of \$8,136.00 for Heat, Vent, Air Conditioning and Energy Monitoring System Expansion at Various Town Buildings to Frank C. Kellner Co., Inc., 7000 Seneca Street, P.O. Box 122, Elma, New York 14059, AND, BE IT FURTHER

Item No. 10 continued

RESOLVED, that funds for said action are available from Capital Improvement Account #5301-1625-9307.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, American Paving & Excavating, Inc. has submitted Change Order No. 1 for Tennis & Basketball Court Reconstruction, Phase II, AND

WHEREAS, Change Order No. 1 amends the contract with American Paving & Excavating, Inc. as follows:

Add: Provide and install six (6) net posts and hardware as required at U-Crest Tennis Courts	-	\$+1,150.00
Add: Provide and install four (4) net posts and hardware as required at Cedargrove Tennis Courts	-	+ <u>875.00</u>
		\$+2,025.00

AND, WHEREAS, Darryl L. Jones, RLA and the Facilities Department Director have reviewed and approved Change Order No. 1 as submitted by American Paving & Excavating, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order No. 1 in the amount of \$2,025.00, addition to the contract with American Paving & Excavating, Inc., 5880 Thompson Road, Clarence Center, New York 14032-9724 for Tennis and Basketball Court Reconstruction, Phase II, AND BE IT FURTHER

RESOLVED, that funds are available from Capital Improvement Account #5402-7110-9405.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, American Paving & Excavating, Inc. has submitted Change Order No. 3 for Cheektowaga Town Park Site Improvements, AND

WHEREAS, Change Order No. 3 amends the contract with American Paving & Excavating, Inc. as follows:

Deduct: Not removing Shelter No. 1 and related site work	-	\$-750.00
Deduct: Not installing drain inlet near basketball court	-	-150.00
Deduct: Not installing 6" P.V.C. sleeve near Town Park Recreation Center Parking Lot	-	-100.00
Add: Furnish and Installation of five (5) fence posts at tennis courts	-	+ <u>300.00</u>
Net Deduct for Change Order No. 3	-	\$-700.00

WHEREAS, Darryl L. Jones, RLA and the Facilities Department Director have reviewed and approved Change Order No. 3 as submitted by American Paving & Excavating, Inc., NOW, THEREFORE, BE IT

Item No. 11b continued

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order No. 3 in the amount of \$700.00 deduction to the contract with American Paving & Excavating, Inc., 5880 Thompson Road, Clarence Center, New York 14032-9724.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, on or about November 8, 1989, John Stypa caused a notice of claim to be served upon the Town of Cheektowaga by reason of injuries sustained due to negligence, and/or assault, false arrest, malicious prosecution or violation of constitutional and civil rights, and

WHEREAS, on or about August 27, 1990, a summons and complaint was served upon the Town, its Police Department and Police Officers, and

WHEREAS, the aforesaid lawsuit has been thoroughly investigated and defended by attorneys for the Town under its self-insured liability claims program, and

WHEREAS, pre-trial conferences have been held before the legal staff of the Hon. James C. Gorski, Justice of the Supreme Court, who have stated that the payment of the sum of \$8,000.00 by the Town would finally settle the matter, and

WHEREAS, the said attorneys for the Town, after consulting with the Town Attorney, Chief of Police and Assistant Chief of Police, have requested authority to settle the aforesaid action,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$8,000.00 be paid by the Town from its self-insured liability claims fund, in full and final settlement of the aforesaid lawsuit, subject to the approval, if required, of the court wherein such lawsuit is pending, and BE IT FURTHER

RESOLVED, that the attorneys from the lawfirm of Grosse, Chelus, Herdzik & Speyer, P.C. (Michael F. Chelus, Esq., of counsel) be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Johnson, Seconded by Councilman Wielinski

BE IT RESOLVED, that the New York State Electric & Gas Corporation (NYSEG) be and hereby is authorized to furnish and install four (4) 45,000 lumen high pressure sodium luminaires on Genesee Street in the Town of Cheektowaga at an annual increase to the General Lighting District of \$1,624.43 in accordance with the attached NYSEG Street Lighting Proposal dated October 28, 1994.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT



October 28, 1994

**STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA
STREET LIGHT DISTRICT 31011**

Genesee Street

Install 1 - 45,000 Lumen (400 Watt) HPS Hi Way Liter
@ \$363.13/each = \$ 363.13

Pole 257, Line 267

Genesee Street

Install 1 - 45,000 Lumen (400 Watt) HPS Hi Way Liter
@ \$363.13/each = \$ 363.13

Pole 259, Line 267

Genesee Street

Install 1 - 45,000 Lumen (400 Watt HPS) Cobra Head
@ \$299.38/each = \$ 299.38

Pole P 261-6, Line 267

Genesee Street

Install 1 - 45,000 Lumen (400 Watt HPS) Cobra Head
@ \$299.38/each = \$ 299.38

Pole P 256, Line 267

TOTAL ANNUAL INCREASE = \$1,624.43

This proposal is made contingent upon the terms and conditions covered in NYSEG's Street Lighting filed Tariff Agreement with the Town of Cheektowaga.

PROPOSAL.WP

An Equal Opportunity Employer

New York State Electric & Gas Corporation 150 Erie Street, Lancaster, New York 14086-9987 (716) 681-5030

Item No. 14 Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located East of 17 Chapel Avenue, Cheektowaga, New York, SBL #91.20-2-4.1 and according to the Assessor's Office is owned by Fred C. Korhummel and One, c/o Morey Sales and Service, 2343 Union Road, Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Blachowski, Seconded by Councilman Wielinski

WHEREAS, Benderson Development Corporation has offered to donate to the Town of Cheektowaga, at no cost to the Town, fourteen (14) ornamental refuse containers for use by the Town in any manner it sees fit, AND

WHEREAS, the Director of the Town Facilities Department has expressed a desire to accept these containers for use in the Town Parks and around Town-owned buildings, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned gift from Benderson Development Corporation, and BE IT FURTHER

RESOLVED, that the Director of the Facilities Department be and hereby is authorized to utilize such containers in a manner he deems to be in the best interest of the Town.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign the attached collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Captains and Lieutenants Association for the years 1993-95.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AGREEMENT

between

THE TOWN OF CHEEKTOWAGA

and

THE TOWN OF CHEEKTOWAGA POLICE
CAPTAINS AND LIEUTENANTS ASSOCIATION INC.

1993 - 1995

JAMES P. MORATH, President
WILLIAM KUCZKOWSKI, Vice President
EUGENE F. LEAHY, Secretary
M. JAMES STARR, Treasurer
SANFORD M. SILVERBERG Attorney & Counselor at Law

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This Agreement, entered into the 7th day of November 1994, by and between THE TOWN OF CHEEKTOWAGA, NEW YORK hereinafter referred to as the "Town" and TOWN OF CHEEKTOWAGA POLICE CAPTAINS AND LIEUTENANTS ASSOCIATION INC., hereinafter referred to as the "Association"

ARTICLE I

SECTION 1.01 - PURPOSE OF AGREEMENT

The parties hereto desire to provide, through this Agreement: methods for orderly collective bargaining between the Town and the Association; to secure prompt and equitable disposition of grievances that may arise; to establish fair wages, fringe benefits and working conditions for police personnel in the negotiating unit; and to promote, to the highest degree, efficiency in providing service to the public. In consideration of the mutual covenants and agreements, herein contained, the Town and the Association, through their authorized representatives, agree as follows:

SECTION 1.02 - APPLICABLE LAW

This Agreement has been negotiated pursuant to the provisions of the Public Employees Fair Employment Act and is governed by the provisions of New York State Law and any non-conflicting local laws of the Town.

SECTION 1.03 - LEGISLATIVE REQUIREMENTS

IT IS AGREED BY AND BETWEEN THE PARTIES THAT ANY PROVISION OF THIS AGREEMENT REQUIRING LEGISLATIVE ACTION TO PERMIT ITS IMPLEMENTATION BY AMENDMENT OF LAW OR BY PROVIDING THE ADDITIONAL FUNDS THEREFORE; SHALL NOT BECOME EFFECTIVE UNTIL THE APPROPRIATE LEGISLATIVE BODY HAS GIVEN APPROVAL.

ARTICLE II

SECTION 2.01 - RECOGNITION

a. The Town recognizes the Association as the sole and exclusive bargaining representative for all police officers of the rank of Captain or Lieutenant who are hereinafter referred to, individually as "Captain or Lieutenant" and collectively as "Captains and Lieutenants".

b. This recognition shall extend for the maximum period of time allowed by law and until the expiration of this Agreement, according to its terms. The Town shall not negotiate during this Agreement with any organization on behalf of the police officers defined herein, other than the Association.

**ARTICLE III
SECTION 3.01 - DUES CHECKOFF**

- a. Upon written authorization from a Captain or Lieutenant, on a form provided by the Association, the Town will deduct weekly from such person membership dues in an amount certified to the Town by the Association. The Town will transmit said amounts to the Association monthly within five (5) business days from the end of each month.
- b. The Town agrees to deduct from the salary of a Captain or Lieutenant who is not a member of the Association an amount equal to the amount of Association dues which shall be known as an agency fee. Such sum shall be transmitted to the Association in the same manner as dues.
- c. The Association hereby affirms that it has established and will maintain a procedure providing for the refund to any non-member Captain or Lieutenant who shall make request of a part of such agency fee deduction which represents a pro-rata share of expenditures by the Association in aid of activities or causes of a political or ideological nature, only incidentally related to the terms and conditions of employment.
- d. The Association agrees to indemnify and hold harmless the Town for any and all deductions made pursuant to this Section.

SECTION 3.02 - NEW JOB CLASSIFICATIONS

The Town agrees that, in the event it establishes any new civil service classifications within the bargaining unit, the Town will furnish the Association with the new job description and will confer and negotiate with the Association the basic annual salary for each position.

**ARTICLE IV
SECTION 4.01 - UNIFORM ALLOWANCE**

- a. Each bargaining unit member shall be paid the sum of \$925.00 for the year 1993, for the purchase, maintenance and cleaning of police clothing, uniforms and equipment. This sum shall be \$975.00 for the year 1994 and \$1025.00 for the year 1995. Uniform allowance shall be paid by January 30th of each year.
- b. Members assigned to one or more of the following: motorcycle, honor guard, mounted division, tactical unit and K-9 shall receive an additional sum of \$50.00 per year, provided the assignment requires the purchase or maintenance of additional items of police clothing, uniforms or equipment.
- c. Bullet-proof vest covers that become worn and unserviceable will be replaced by the Town at no expense to the officer.
- d. Uniforms and equipment unintentionally damaged by an officer in the performance of duty will be replaced by the Town at no expense to the officer. Officers will be required to complete paperwork deemed necessary by the Police Department to obtain such replacement and will forward a copy of the items damaged and the replacement cost to the appropriate court for inclusion in the defendants file.
- e. Each officer shall be responsible for maintenance of uniforms and equipment. Failure to reasonably maintain such may subject the officer to disciplinary action.
- f. The Town will negotiate with the Association regarding the impact of changes in clothing or equipment.

ARTICLE V

SECTION 5.01 - SENIORITY WITHIN RANK AND SHIFT PREFERENCE

a. Seniority within rank shall be determined according to the date of promotion in rank, and in the event promotion in rank is on the same day, then seniority shall be determined by badge number with the lower badge number constituting the senior officer for the purposes of seniority within this Agreement.

b. Captains and Lieutenants shall have the right to select their shift according to seniority on a particular platoon provided their choice is made within the scope of their job assignment and rank (i.e.: Patrol Captains & Lieutenants within patrol; and, Detective Lieutenants within the Detective Bureau (General Unit)). Shift changes must be requested in writing to the Office of the Chief of Police no later than three (3) weeks prior to the annual schedule change. Each officer shall remain on an assigned shift until the next annual schedule change. The annual schedule change meeting shall be held on or about the third Monday of each December.

c. Although officers in patrol job assignments are precluded from utilizing their seniority alone to move to nonpatrol job assignments due to the procedure of Section 5.03 below, officers in non-patrol job assignments may elect to use their seniority to move into patrol job assignments only when a patrol vacancy exists.

SECTION 5.02 - TRANSFERS AND FILLING OF VACANCIES

The transferring and assignments of Captains and Lieutenants will be the responsibility of the Chief of Police, in accordance with Section 5.01 and 5.03 of this Agreement.

SECTION 5.03 - VACANCIES

a. When a vacancy exists in a patrol assignment, the Chief of Police shall notify, in writing, officers of qualified rank offering them an opportunity to indicate their desire to exercise their seniority pursuant to Section 5.01 to fill such vacancy.

b. When a vacancy exists in a non-patrol job assignment (i.e.: Administration and Detective Division), the Chief of Police shall notify, in writing, officers of qualified rank, offering them the opportunity to indicate their desire and interest to fill the vacancy. Selection shall be based on seniority, qualifications and experience, provided that the selection process is equitable and the decision is not arbitrary or capricious.

c. If the Town declares a vacancy, the same must be filled within thirty (30) days after the vacancy exists.

d. For the purpose of insuring the best command and administration of the department, the Chief of Police may temporarily assign or re-assign any Captain for a period not to exceed 30 days in reaction to any vacancy or exigent circumstances providing the re-assignment is not arbitrary or capricious.

**ARTICLE VI
SECTION 6.01 - SALARIES**

a. Bargaining unit members shall be paid pursuant to the following salary schedule:

<u>Rank</u>	<u>January 1, 1993</u>	<u>January 1, 1994</u>	<u>January 1, 1995</u>
Lieutenant	\$46,960.36	\$46,960.36	\$49,073.58
Captain	\$51,887.82	\$51,887.82	\$54,222.77

b. Captains and Lieutenants regularly assigned to the third platoon will be paid the additional sum of \$0.30 per hour. Captains and Lieutenants regularly assigned to the first platoon will be paid the additional sum of \$0.40 per hour. Effective 1/1/95, Captains and Lieutenants regularly assigned to the third platoon will be paid the additional sum of \$0.55 per hour and Captains and Lieutenants regularly assigned to the first platoon will be paid the additional sum of \$0.65 per hour. This differential will not apply to court pay, training time or to those not regularly assigned to these platoons. In the event a Captain or Lieutenant is temporarily assigned to a shift other than his normally assigned shift for one or more weeks, such Captain or Lieutenant shall receive the shift differential set forth herein during such temporary assignment. In such event, the replaced Captain or Lieutenant shall not receive a shift differential for his non-working period in excess of one (1) week or more. It is agreed that the provisions set forth herein shall not be used to replace those situations set forth in Section 6.06 infra.

SECTION 6.02 - OUT OF RANK PAY - PATROL

The Chief of Police or his designee may require a Captain on an patrol assignment when a Captain is not present as a result of authorized leave. The senior available Lieutenant assigned to patrol, who so desires may be assigned to such assignment and will serve as "Acting Captain". The Lieutenant so assigned shall be compensated on an out-of-rank basis as "Acting Captain" for each hour of work.

SECTION 6.03 - OUT OF RANK PAY - NONPATROL

The Chief of Police or his designee may require a Captain on an non-patrol assignment when a Captain is not present as a result of authorized leave. The senior available and/or appropriate Lieutenant, who so desires may be assigned to such assignment and will serve as "Acting Captain". The Lieutenant so assigned shall be compensated on an out-of-rank basis as "Acting Captain" for each hour of work.

SECTION 6.04 - RATE OF PAY

The hourly rate of pay shall be obtained by dividing the annual salary by 2080.

SECTION 6.05 - OVERTIME PAY

Overtime shall be all work beyond a normally scheduled eight (8) hour tour of duty and any work beyond a normally scheduled forty (40) hour work week. All overtime work shall be paid at the rate of time and one-half.

SECTION 6.06 - CALL IN PAY

a. If a Captain or Lieutenant is requested to report to the police station for duty or ordered to report for duty, during other than regularly scheduled hours (except for reasons of his own neglect) and more than two (2) hours prior to his regularly scheduled work shift, he shall be paid a minimum of three (3) hours pay at the rate of time and one-half. Court appearances and training schedules will not be considered call-in, and this section will not apply in those instances.

b. In the event Captains or Lieutenants are called to duty because of personnel shortage, call-in will be accomplished on a seniority basis for each shift, and in the event of a general call to duty, on a seniority basis, based upon the seniority within the department.

c. Call-in, on each shift, shall be accomplished in the following manner, when supervision manpower shortages exist:

Call-in will be;

(1) by seniority within the shift, by rank and seniority, and the supervisory position, if required, will be within the division and the position will be filled by the shift in the division;

(2) by seniority in the division;

(3) by seniority outside the division.

d. Shifts may be split among members of the Association.

SECTION 6.07 - LONGEVITY PAY

a. Each bargaining unit member shall be paid the following cumulative longevity increments each year:

After 5 years of service	\$450.00
After 10 years of service	\$375.00
After 15 years of service	\$550.00

b. Effective 1/1/94 each bargaining unit member shall be paid the following cumulative longevity increments each year:

After 5 years of service	\$475.00
After 10 years of service	\$400.00
After 15 years of service	\$575.00
After 20 years of service	\$300.00

c. Longevity pay will be paid within thirty (30) days after a Captain's or Lieutenant's anniversary date and will be included in salary for all purposes, including retirement.

d. Upon termination of service, prior to an anniversary date, any accrued longevity pay shall be paid to the Captain or Lieutenant, or, in the event of death, to his estate on a pro-rata basis.

e. In addition to the foregoing, any bargaining unit member who has more than twenty-five (25) years of service shall be paid an additional \$1,000.00 annually.

SECTION 6.08 - REDEMPTION OF ACCUMULATED TIME

The Town may redeem all or part of the compensatory time, in excess of 120 hours credited to a Captain or Lieutenant, upon payment for the value of such time, or the granting of time-off in lieu thereof. The option must be exercised between November 15th and December 15th of each year. Effective in 1994, this option may be exercised between October 15th and December 15th of each year.

SECTION 6.09 - EDUCATION INCENTIVE PAY

Each Captain and Lieutenant who has obtained a degree in a relevant field from a state accredited college or university shall receive, as an educational incentive, annually:

1. \$200.00 each year to a member who has an Associate Art and Science Degree (two-year program) and who was appointed to the Department before January 1, 1987.
2. \$500.00 each year to a member who has a Bachelor of Science or Bachelor of Arts Degree.
3. \$600.00 each year to a member who has a Masters Degree or better.
4. The Chief of Police will be the sole determinate of fields of study relevant to the Police Department and the Town of Cheektowaga. "Relevant Fields" of study will include, but not necessarily limited to, Police Science, Sociology, Psychology, Computer Science, Management, Business Administration and Criminal Justice.
5. Once a relevant field of study has been identified by the Chief of Police, all members with degrees in that area of study will be awarded the appropriate educational incentive pay.

SECTION 6.10 - ADDITIONAL SALARIES

1. Captains and Lieutenants shall be paid pursuant to and consistent with the salary schedule set forth in Section 6.01. For the additional responsibility of administrative procedures outside of regularly scheduled work hours, such officers shall receive an additional amount of salary based on the following formula: For 1993 and 1994, Lieutenants will be paid \$71.23 plus the Lieutenant 1992 Additional Salary Rate. For 1995, Lieutenants will be paid \$166.01 plus the Lieutenant 1992 Additional Salary Rate. For 1993 and 1994, Captains will be paid \$69.96 plus the Captain 1992 Additional Salary Rate. For 1995, Captains will be paid \$162.79 plus the Captain 1992 Additional Salary Rate.

2. Additional salaries shall be added to salary for establishing the hourly rate of pay. The sum will be divided equally and paid in the regular weekly pay. For all purposes herein, annual salary shall mean salary plus additional salaries.

SECTION 6.11- OFF-DUTY AUTHORITY

All Captains and Lieutenants are presumed to be subject to duty twenty-four (24) hours per day. Any action taken by a member of the police force on his time off which would have been properly taken by the officer while on active duty, shall be considered police action, and the employee shall have all the rights and benefits concerning such action as if he were then on active duty, provided that the action taken by the Captain or Lieutenant is within the scope of the Captain or Lieutenant's Town employment and authority.

SECTION 6.12 - SENIOR PATROL LIEUTENANT

The most senior Lieutenant working on any particular patrol shift shall have his/her hourly rate increased by half (1/2) the difference between the regular hourly rate for the rank of Lieutenant and the regular hourly rate for the rank of Captain. This premium is to be paid to the most senior Lieutenant actually working, for only those hours actually worked.

ARTICLE VII

SECTION 7.01 - WORK DAY AND WORK WEEK

a. The standard work day shall be eight (8) hours and the standard work week shall be forty (40) hours. The work day and work week shall be pursuant to existing New York State Law. Whenever practicable two (2) consecutive days off shall be provided within a seven (7) day calendar period. Each officer shall be entitled to a thirty (30) minute lunch period in each eight (8) hour tour of duty. When practicable, each police officer shall work a three (3) platoon system.

b. Each Captain or Lieutenant shall sign-in at the start of his tour of duty and sign-out at the end of his tour of duty in order to be compensated. A daily record shall be kept by the Chief of Police or his designee, which record shall be collected, daily, and be made part of the officer's personnel record. Each officer shall observe the scheduled work hours that are posted in all reports of duty, according to the posted time and date.

c. Captains and Lieutenants in the patrol division shall be assigned and work four (4) days followed by two (2) consecutive days off; followed by four (4) days work and two (2) consecutive days off; followed by five (5) days work and two (2) consecutive days off and the cycle shall then be repeated, continually, to provide rotating days off. This schedule shall be referred to as the 4-2/5-2 work schedule.

d. Captains and Lieutenants shall not be arbitrarily removed from their selected and assigned work schedules, and those members assigned to the 5-2 work schedule shall receive the same number of days off as those working a 4-2/5-2 work schedule. The granting of any such additional days off will be made in such a manner as to avoid the necessity to work overtime.

SECTION 7.02 - INTERRUPTED LUNCH

In the event a Captain or Lieutenant is precluded from eating his meal by headquarters or as a result of an offense being committed in the Captain's or Lieutenant's presence which requires the Captain's or Lieutenant's continuous commitment throughout the shift, said Captain or Lieutenant shall be compensated at the rate of time and one-half for the unused part of the Captain's or Lieutenant's thirty (30) minute lunch period.

**ARTICLE VIII
SECTION 8.01 - COURT PAY**

a. If a member is required to make a court appearance within the Town of Cheektowaga, at any time other than his regularly scheduled work hours, he shall be paid a minimum of three (3) hours salary at his regular hourly rate. If an officer is required to appear outside of the Town of Cheektowaga, he shall be paid a minimum of four (4) hours salary at his regular hourly rate. If the appearance exceeds the minimum hours set forth, the officer shall be entitled to payment for all actual time spent at his regular hourly rate.

b. An officer scheduled to appear in court will be paid the minimum appearance times set forth above in the event of an adjournment, unless he is given notice of the adjournment at least ten (10) hours prior to the scheduled appearance.

c. The Town will provide verification court appearance forms, to be signed by the presiding judge, justice, administrative officer, court clerk, or other appropriate personnel. The Town will make reasonable effort to pay court pay in the pay period immediately following the time during which it was earned.

**ARTICLE IX
SECTION 9.01 - HOLIDAYS**

a. Each Captain or Lieutenant shall be given compensatory time-off or be paid the value of the following holidays, whether he works the holiday or not:

New Years Day	Labor Day	January 2nd	Columbus Day
Lincoln's Birthday	Election Day	Washington's Birthday	Veterans Day
Good Friday	Thanksgiving Day	Memorial Day	December 24th
Independence Day	Christmas Day		

b. Each Captain or Lieutenant shall notify the Chief of Police, or his designee by December 1st as to the holidays he elects to be paid for and the holidays he elects for compensatory time off during the following year. If requested, holiday pay will be paid in a lump sum no later than the third pay period of October.

c. In addition to the above holidays, each Captain or Lieutenant shall be given compensatory time-off for any holiday granted to other employees of the Town of Cheektowaga, by resolution of the Town Board or declaration of the Town's Supervisor outside of their respective collective bargaining agreements. A Captain or Lieutenant who elects to be paid for such holiday may be granted the day off which shall be charged against the Captain's or Lieutenant's accumulated compensatory time-off, without loss of the holiday pay.

ARTICLE X
SECTION 10.01 - VACATIONS

a. Each Captain or Lieutenant shall be entitled to an annual vacation, with pay, during each calendar year as follows:

After 1 year	12 working days
After 5 years	19 working days
After 10 years	23 working days
After 15 years	27 working days
After 20 years	30 working days

b. Request for vacation by Lieutenants shall be submitted in writing and approved by their immediate Supervisor. Captains shall submit their requests to the Chief of Police. The lower badge number and rank shall determine seniority and vacation approval shall be based upon the seniority of the Captain and Lieutenant of each shift.

c. Vacation periods will be divided into the following:

Winter	December through February
Spring	March through May
Summer	June through September
Fall	October through November

d. Captains and Lieutenants shall not be entitled to more than ten (10) or thirteen (13) consecutive days of vacation as described below, during any of the above vacation periods, unless in the opinion of the commanding officer, additional vacation days, during any such period will not interfere with the smooth operation of the department. The commanding officer shall have the sole right to designate the number of Captains and Lieutenants who will be on vacation at any time.

SECTION 10.02 - UNUSED BENEFITS

a. Each member of the unit shall be paid at the time of retirement the monetary value of any unused vacation time and overtime to his credit on the date of retirement. In the event of the death, in service, of a Captain or Lieutenant, the value of such time to his credit on the date of death shall be paid to his estate or heirs at law.

b. Captains and Lieutenants intending to retire may notify the Town two (2) years in advance and will be permitted to accumulate time off and vacations for one and one-half (1 1/2) years, the value of which will be paid in the form of salary during the final year of employment.

c. Upon termination of employment, an officer will be paid the value of all accumulated vacation or other time-off except as otherwise set forth in this Agreement.

d. A Captain or Lieutenant with at least seventeen (17) years of service may elect to be paid the value of up to ten (20) days of accumulated vacation each year in lieu of such leave. Payment for such shall be made in the first pay period of February.

SECTION 10.03 - VACATION PAY ADVANCE

Upon written request, at least two (2) weeks prior to vacation, a Captain or Lieutenant will be paid the estimated amount due him for his vacation period, no later than the Friday before he begins his vacation.

SECTION 10.04 - REDEMPTION OF TIME UPON RETIREMENT OR SEPARATION FROM EMPLOYMENT

At the time of retirement or upon termination of employment, for any reason, a Captain or Lieutenant will be paid the value of all accumulated time. However, in the event termination is as a result of discharge or dismissal, there would be no payment for accumulated sick leave.

A retiring Captain or Lieutenant may have the option of choosing one of the following for redemption of moneys owed as per this section:

a. If the Captain or Lieutenant notifies the Town 15 months prior to his/her date of retirement, that Captain or Lieutenant may opt to receive one lump-sum payment of all moneys at the time the Captain or Lieutenant retires.

b. The Town will make two (2) equal payments. The first payment will be made at the time the Captain or Lieutenant retires. The second payment will be made in February of the next year following retirement.

c. The Town will make three (3) equal payments. The first payment will be made at the time the Captain or Lieutenant retires. The second and third payments will be made in February of the next two (2) years following retirement.

d. The Town will make five (5) equal payments. The first payment will be made at the time the Captain or Lieutenant retires. The second, third, fourth and fifth payments will be made in February of the next four (4) years following retirement.

In the event of a Captain's or Lieutenant's death, prior to full payment, a lump-sum payment of all moneys still owed will be made to the Captain's or Lieutenant's estate.

ARTICLE XI

SECTION 11.01 - BEREAVEMENT LEAVE

a. Upon request of a Captain or Lieutenant, a leave of absence shall be granted because of death in his/her immediate family. Such leave shall be taken without loss of pay or other benefits and shall begin on the date of death.

b. Such leave shall consist of four (4) working days if the officer is assigned to a four (4) day work week and of five (5) working days if the officer is assigned to a five (5) day work week.

c. Immediate family, for the purpose of this section, shall mean mother, father, spouse, child, grandchild, grandparent, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law.

d. In the event of death of a relative, not included in the immediate family, the officer, upon request, shall be granted time off, without loss of pay or other benefits, for the day of the funeral, which time shall be charged against accumulated time off or sick leave, at the officer's choice.

ARTICLE XII
SECTION 12.01 - PERSONAL LEAVE

a. Each officer shall be entitled to five (5) non-cumulative personal leave days which shall be credited in January of each year. Personal leave shall be used at the Captain's or Lieutenant's discretion. In order to enable the department to maintain necessary manpower requirements, personal leave must be requested at least twenty-four (24) hours in advance of the requested time-off. This will not preclude the granting of personal leave on less than twenty-four (24) hours notice, in the event of an emergency, upon approval of the commanding officer. Personal leave will not be granted if the granting of such leave will seriously hamper or impede the operation of the police department.

b. Personal leave will not be used in less than one-half (1/2) day increments.

c. Personal leave will be granted upon the priority of the emergency and if no emergency exists, upon the chronological order requested.

d. Except in case of emergency, request for personal leave on a Saturday, Sunday or holiday will be denied, if such leave will reduce manpower below the minimum manpower standards as set by the Chief of Police.

e. Each Captain or Lieutenant, shall at the end of each year, or upon retirement elect to credit unused personal leave days to vacation or accumulated sick leave, at the member's option.

SECTION 12.02 - AUTHORIZED LEAVE

a. Authorized leave means personal leave, accumulated compensatory time off, vacation time and all other authorized time off.

b. Request for authorized leave shall not be unreasonably denied.

ARTICLE XIII
SECTION 13.01 - SICK LEAVE

a. Each Captain or Lieutenant, except as otherwise provided, shall be entitled to accumulate one and one-half (1 1/2) sick days per month to a maximum accumulation of three hundred and thirty-six (336) days.

b. A female Captain or Lieutenant who is incapable of performing her duties because of maternity disability may utilize accumulated sick leave credits and continue all other benefits under this agreement during such absence.

c. Maternity leave shall be considered to commence on the date that the officer is no longer capable of performing her duties and shall end on the date that the officer can resume the performance of her regular duties. The officer will be required to produce a doctor's note to verify the date when she is not capable of performing her duties and when she is capable of returning to work. In addition, she may be required to submit to a physical examination by a doctor of the Town's choice to verify the starting and ending date of such maternity leave.

d. Each bargaining unit member shall have the option of selling any accumulated sick leave days in excess of 336 back to the Town at the officer's regular rate of pay. Determination of the number of sick leave days shall be made annually at the end of each year and payment for such (shall be made in the following January).

SECTION 13.02 - PROCEDURES FOR TAKING SICK LEAVE

a. Members shall report on sick leave only when suffering from illness or injury that would prevent them from properly performing their duty or illness in member's immediate family requiring the care and attention of said member. The immediate family shall include parents, spouse, children and step-children.

b. Members reporting on sick leave shall notify headquarters at least one (1) hour before their scheduled starting time stating the reasons for such sick leave, and the desk officer will record the information in the sick leave notification book.

c. Members, when on sick leave, shall not leave their place of residence except to receive medical attention. If it is necessary to leave their place of residence for reasons other than to receive medical attention, headquarters must be notified and authorization must be given by a ranking officer. This requirement may be waived by the Chief of Police or his designee upon application based upon the nature of the illness or injury and the waiver will not be unreasonably withheld.

d. Members will not engage in any outside employment while on sick leave unless permission is granted by the Chief or his designee.

e. Members who become sick must report same to his immediate superior before reporting off duty. Notation of such will be recorded on the member's attendance record.

f. In the event three (3) working days of sick leave is not sufficient to recover from illness, the member will be required to submit medical documentation attesting to the member's illness, including diagnosis, prognosis and the expected duration. The documentation will be submitted to the Chief of Police.

g. A member may be ordered to submit to a medical examination by the Chief of Police, given by a Town-designated doctor.

SECTION 13.03 - SICK BANK

In order to aid members who have suffered a prolonged illness and whose regular sick leave has been exhausted, a sick bank has been established. A Captain's or Lieutenant's yearly contributions to the sick bank is suspended for the life of this agreement.

a. Each member who participates in the sick bank has contributed two (2) accumulated sick-leave days from his current accumulated sick-leave. An officer who elected not to participate will not be allowed to enter the sick bank, except between January 1 and January 30 each year.

b. The Town has contributed twenty-five (25) sick-leave days to the sick bank.

c. If at any time, the accumulated number of sick days in the sick bank falls below seventy-five (75), the Town will contribute a sufficient number of days to bring the total number of sick-days, in the sick bank to seventy-five (75) days.

d. A member who elects to participate and who is otherwise qualified, must elect, in writing, between January 1 and January 30 each year. Members who become qualified after January 30, in any year, must submit their election in writing, within 30 days after the time they become qualified to participate and thereafter will submit their election, in writing, between January 1 and January 30, each year.

e. Members who enter the sick bank after January 1, 1983, and who have been previously qualified to participate, will be required to contribute the same number of sick-days as they would have contributed had they become a participant when first qualified to enter the sick-leave bank.

f. A member who is a participant in the sick bank and who has exhausted all of his accumulated sick-leave and any other accumulated time, may apply for additional sick-leave from the sick bank, created herein, to a committee consisting of the President of the Captains and Lieutenants Association and the Supervisor of the Town of Cheektowaga, or their designees.

g. An applicant may be allowed sick-leave of absence, debited from the sick-bank, provided the committee consents to the application.

h. In the event both members of the committee cannot agree to accept or reject the granting of such sick leave, then, in that event, the committee shall select a third person, in accordance with the procedure for the selection of an arbitrator, as provided in the Grievance Procedure in this Agreement. The decision of the sick leave bank committee shall be final and binding upon the Town and the applicant.

i. The Town will provide the Association with an accounting of the number of accumulated sick-days in the sick-leave bank by March 1, of each year.

j. If the sick-leave bank is discontinued, unused sick days shall be equally distributed to those members of the sick-leave bank, who are members at the time.

SECTION 13.04 - SICK LEAVE RECORDS

Each Captain and Lieutenant shall be provided with a record of his accumulated sick leave within sixty (60) days of the beginning of each calendar year.

SECTION 13.05 - WORK RELATED DISABILITY

A member injured in the performance of his duties or taken sick as a result of the performance of his duties shall be entitled to the benefits of and subject to the provisions of Section 207(c) of the General Municipal Law. Absence from duty as a result of such sickness or injury shall not be chargeable against sick leave, and no benefits provided by this Agreement will be lost during the period of time of such absence.

The following procedure shall be applicable to members, pursuant to this section:

1. If a dispute exists as to whether the member was injured in the line of duty or if the sickness is a result of the performance of duty, it shall be resolved:

a. Reports, statements, etc., shall be provided to the Chief of Police, who, when necessary, shall interview the member involved, or any witnesses, and shall make a determination, in writing, within three (3) days after conclusion of such investigation.

b. In the event the member is dissatisfied with such decision, he shall immediately advise the Chief of Police of such, who shall immediately forward copies of all reports, statements, investigations, etc., to the Coordinator of Employee Relations for review. In the event a decision cannot be made on such review, the Coordinator of Employee Relations shall schedule a hearing on the issue.

c. In the event the member is dissatisfied after such hearing, he may then demand arbitration of such issue before an arbitrator of his choice from among the following: Stuart Pohl, Wade Newhouse, Eric Lawson.

2. In the event a dispute should arise, whether given an injury or sickness resulting from the performance of duty, the member is disabled from performing the duties of such:

a. Pursuant to the provisions of Section 207(c), the Town would have the member examined by a physician appointed for that purpose to make the determination.

b. In the event the member is dissatisfied with such determination, he may then demand arbitration before one of the aforementioned arbitrators.

3. In the event a dispute should arise as to whether the member's disability continues or whether he can return to work and there exists conflicting medical reports, such dispute shall be resolved by the member demanding arbitration before one of the aforementioned arbitrators.

4. In the event a dispute should arise as to whether a member injured in the performance of his duty or taken sick as a result of the performance of his duties, should require certain medical treatment, the Town shall send that member to a doctor, of the Town's choice, for an examination. If the dispute or difference should continue to exist, the member may again demand arbitration before one of the aforementioned arbitrators.

In the event of any arbitration proceeding, as set forth above, the cost for such shall be borne equally by the Town and the Association. An arbitrator shall be requested to render a decision immediately upon the close of the proceedings before him.

It is acknowledged that the procedure set forth herein is to expeditiously resolve any disputes that may arise with respect to members allegedly injured or taken sick as a result of the performance of duty, and is not intended to diminish the rights afforded either the member or the Town by Section 207(c) of the General Municipal Law of the State.

SECTION 13.06 - SICK LEAVE UPON TERMINATION

a. Upon termination of employment by retirement or resignation, other than by reason of disciplinary action, the unit member shall be paid the value of accumulated, unused sick leave, as follows:

1. The member shall give written notice to the Town, on a form provided by the Town. This notice shall be, once received by the appointing officer, irrevocable without the consent of the Town Board. Upon receipt, the Town will convert the member's accumulated, unused sick leave into value by determining the actual cash value of such days and multiplying said amount by 65%.

2. The resulting sum shall be paid to the Captain or Lieutenant, at his option, as follows:

(i) As part of the final year's salary by dividing the sum by the number of pay periods, thus allowing for equal distribution over the last year of employment, or

(ii) In a lump sum within two (2) weeks after the effective date of retirement or resignation.

3. If more than six (6) months notice is provided the Town, the officer shall be entitled to choose one of the options set forth above. If the notice provided is six (6) months or less, payment shall be made as set forth in a., 2., ii. above.

b. In the event termination of employment is as a result of disciplinary action, no payment shall be made for the value of accumulated, unused sick leave.

c. In the event of a death of a Captain or Lieutenant while employed by the Town, payment for a portion of accumulated unused sick time, as determined above, shall be made to the decedent's estate or heirs at law, as applicable, within a reasonable time after death.

ARTICLE XIV SECTION 14.01 - EXPENSES

a. A Captain or Lieutenant who is required to leave the Town by reason of his Town employment or as part of his official duty shall be reimbursed for all actual, reasonable and necessary expenses incurred, including meals, if he is absent from the Town during normal meal time at the following scale: Breakfast \$5.00, Lunch \$5.00, Dinner \$7.50.

b. A Captain or Lieutenant on official police business will be provided with transportation by the Town. If he is required to use his own vehicle on police business, the officer shall be paid at the current rate per mile. In no event will a Captain or Lieutenant be required to use his own motor vehicle during the normal course of his employment.

ARTICLE XV SECTION 15.01 - LIFE INSURANCE

The Town will provide each officer with a \$25,000 group life insurance policy insuring the officer, without cost, pursuant to the life insurance plan offered through the Police Conference of New York. The Town will further allow Captains and Lieutenants to exercise options provided in this program through weekly payroll deductions, and will comply with the requirements of the same.

SECTION 15.02 - HEALTH INSURANCE

a. The Town will provide, without contribution, the following health insurance benefits:

Blue Cross and Blue Shield of Western New York Health Insurance, at least equivalent to the 90-91 Plan; (Select Plan), together with the following riders or their equivalent:

1. Major Medical (unlimited), \$50 deductible; with Rider 8
2. Blue Cross and Blue Shield Code X; \$3.00 co-pay prescription rider; no contraceptives; with Rider 8
3. Blue Cross and Blue Shield, Hospital Riders 8 & 14 (Insuring dependents to age 23 years; In-patient Re-Hab for Alcohol & Substance Abuse)
4. Blue Cross and Blue Shield Medical-Surgical Riders 8, 4, 21 & 22 (Dependents to age 23; first aid and emergency accidental coverage, mental care; ambulatory care-lab; pathology)
5. BCS Vision Care, Option 2, with Rider 8
6. Blue Shield Dental III, with Riders A, B, C, D and Rider No. 8

b. If an officer dies while employed by the Town, the Town will provide health insurance benefits for the officer's surviving spouse and dependents until the spouse remarries or obtains comparable coverage.

c. The Town will continue to provide health insurance for officers who retired after December 31, 1982 and before June 29, 1985 up to age 65 years. Officers who retired prior to that date have the option of participating in a health insurance plan at their own expense.

d. The Town will continue to provide health insurance for officers who retire after June 29, 1985, including all present health insurance benefits up to age 55 years. Upon reaching age 55, retirees shall receive the same benefits as officers who retire at age 55 or older.

e. Officers who retire at age 55 years or older will be provided, without expense, Blue Cross and Blue Shield Health Insurance, at least equivalent to the 90-91 Plan, including the unlimited Major Medical with \$50.00 deductible and \$3.00 co-pay prescription rider, Blue Shield rider No. 21, plus any additional coverage or riders provided to other retired Town employees.

f. At age 65, retirees will be provided with Blue Cross and Blue Shield Over 65 Coverage (supplemental) with \$3.00 co-pay prescription rider plus those riders which are provided to other retired Town employees.

g. The Town may select a different carrier or carriers or may decide to self-insure for some or all of the health insurance benefits provided for herein, as long as the benefits provided are substantially the same and the issue, if any, of substantially the same benefits is agreed to by the Association.

h. In addition to the medical insurance set forth above, it is also recognized that the Town currently provides, without contribution from the employee, those health insurance plans offered by Community Blue and Health Care Plan. In the event the Town should make available health insurance options other than those set forth, and a bargaining unit member shall opt for coverage therein, he shall pay the difference in premium between such plan and the members prior insurance plan. Comparison of such premiums shall be made on an annual basis.

SECTION 15.03 - INDEMNIFICATION

The Town will indemnify each Captain and Lieutenant for claims made against him based upon false arrest, false imprisonment, civil rights violations, and other torts within indemnification coverage, for punitive and exemplary damages pursuant to the provisions of Section 50-j of the General Municipal Law and Section 1983 et. seq. of the United States Code.

ARTICLE XVI

SECTION 16.01 - RETIREMENT BENEFITS

a. The Town will provide and maintain a non-contributory retirement plan of benefits for Captains and Lieutenants, pursuant to the following provisions of the New York State Retirement and Social Security Law.

b. The benefits provided in Section 384 (f), (g), and (h) to provide what is commonly known as the 1/60th, 25 year retirement plan;

c. The benefits pursuant to Section 375 (i), more commonly known as the Improved Retirement Benefits;

d. The benefits pursuant to Section 302, 9(d), more commonly referred to as the Final Average Salary, and Section 360(b), Death Benefit; and

e. The benefits pursuant to Section 384(d), more commonly known as the 20-year Retirement Plan.

f. Effective April 1, 1994 the benefits pursuant to Section 384(e).

ARTICLE XVII

SECTION 17.01 - ASSOCIATION REPRESENTATIVES

a. Captains and Lieutenants who are designated by the Association as representatives for the purposes of adjusting grievances or assisting in the negotiation or administration of this or future Agreements shall be permitted a reasonable amount of time from their regular duty to fulfill these obligations when and if so required. Reasonable advance notice shall be given to the Chief of Police or his designee stating the reason for such absence. The President of the Association shall be allowed four (4) hours per week for these purposes.

b. The Association agrees that no more than one (1) member thereof, plus the President and Vice-President may have time off, with pay, to conduct the affairs of the Association, including attendance at Association meetings.

c. Whenever possible, a request for time off shall be submitted at least three (3) days prior to the required date, but the parties recognize that circumstances may arise which will not permit such notice, and, in such event, time off will be granted upon reasonable request.

d. Captains and Lieutenants who are designated by the Association to attend state-wide conventions and meetings of the Police Conference of New York Inc., Western New York Police Association Inc., and the Erie County Captains and Lieutenants Association in the pursuance of their profession as police officers shall be authorized to do so without loss of time or pay. Additional officers may be granted the privilege by the Town if the functioning of the Police Department is not placed in jeopardy by such attendance, as approved by the Chief of Police or his designee. The foregoing is limited in that not more than three (3) Captains and Lieutenants may attend the conventions or meetings under these provisions at any one time.

SECTION 17.02 - ASSOCIATION OFFICES

The Town will allow the Association to install its own telephone. The fees for installation and monthly charges will be paid by the Association. The telephone shall not be connected, in any manner, with the police telephone communication system.

ARTICLE XVIII

SECTION 18.01 - DISCIPLINARY ACTIONS

Disciplinary action against a Captain or Lieutenant shall be governed by the provisions of Sections 75 and 76 of the Civil Service Law of the State of New York.

A Captain and Lieutenant will be given a copy of any warning, reprimand, suspension or disciplinary action entered into his personnel record within two (2) weeks of the action taken.

SECTION 18.02 - RECORD OF COMPLAINTS

No record or reference to a complaint, either departmental or external, lodged against a Captain or Lieutenant will be entered into his record if after investigation the complaint is decided by the Town to be unfounded

SECTION 18.03 - SUBSTANCE OF COMPLAINTS

A Captain or Lieutenant who has a complaint lodged against him by a citizen shall have the substance of the complaint presented to him in writing.

ARTICLE XIX

SECTION 19.01 - IN SERVICE TRAINING

a. Any Captain or Lieutenant required to attend in-service training on his off-duty time, shall be compensated for such time at his regular rate of pay with a minimum pay of two (2) hours.

b. The Town will notify all Captains and Lieutenants, by posting, of law enforcement educational and training opportunities being offered by other departments or other police or educational agencies, so that Captains and Lieutenants who are eligible and who desire to attend may notify their superiors of their interest. The Town will provide the same notice and opportunity as to training opportunities being offered by the Town Police Department.

c. For the purposes of mandated In-Service training, a Captain or Lieutenant, if necessary, may be re-assigned to the 0800-1600 shift for a maximum of five (5) days. Four (4) of these days will be consecutive; one (1) will be random. A minimum of 15 days notice will be given to a Captain or Lieutenant before reassignment. It will be the responsibility of the Captain or Lieutenant to notify the Training Sergeant of any conflict that may arise, (ex. scheduled vacation, court appearances, etc.), so re-scheduling may be made if necessary.

d. The overtime provision of this Agreement will apply to the above paragraph.

SECTION 19.02 - TUITION

The Town will pay the full costs of all tuition, books, and other fees for all Captains and Lieutenants authorized by the Town or Chief of Police who attend school or seminars relating to Police Science courses.

SECTION 19.03 - CIVIL SERVICE EXAMINATIONS

a. The Town may request from the Civil Service Commission a new examination to be held before the expiration date of each promotional list. All existing promotional vacancies are to be filled within a reasonable time after the vacancy occurs and a promotional list is available after the Town declares that a vacancy exists.

b. A Vacancy shall exist in the rank of Captain and Lieutenant when the Town Board declares the vacancy. The Town Board shall eliminate the position or declare a vacancy within forty-five (45) days of the retirement or separation of a Captain or Lieutenant.

c. The Town agrees to notify the Association forty-five (45) days in advance of its intent to either cancel a Promotional Civil Service Exam or to request extensions of the Civil Service List.

SECTION 19.04 - TABLE OF ORGANIZATION

The Chief, for the purposes of day-to-day administration will establish a Table of Organization. The design and implementation of said Table of Organization is to be the sole and exclusive prerogative of the Chief of Police. Any said Table of Organization will be established and/or modified when and as the Chief sees fit and will not serve as the foundation for job assignments or classifications. Copies of the current Table of Organization will be provided within thirty (30) days of the signing of this Agreement.

ARTICLE XX

SECTION 20.01 - BULLETIN BOARD

The Town will provide one bulletin board at police headquarters to be used exclusively for Association notices.

SECTION 20.02 - MEETING ROOM

The Town will continue to provide a meeting room in the police station for use by the Association, without cost, where the Association may transact business and engage in other activities and also store its records and equipment. The meeting room will be furnished by the Association, and the location of the same will be mutually agreed upon by the Town and Association.

SECTION 20.03 - FUND RAISING

The Association may engage in fund raising activities, provided that said activities do not interfere with the efficient operation of the department and do not violate any law, rule or regulation.

ARTICLE XXI

SECTION 21.01 - GRIEVANCE PROCEDURE

A grievance shall mean any difference or dispute, between the parties hereto, as to the interpretation or application of any portion of this Agreement or any administrative act affecting general working conditions.

Step 1 - Any Captain or Lieutenant may present a grievance, orally or in writing, to the Chief of Police or his designee within twenty (20) days of the occurrence and attempt to adjust the matter. If the matter is not satisfactorily adjusted, the Captain or Lieutenant may request a representative of the Association meet with him and the Chief of Police or his designee for the purpose of adjusting the grievance.

Step 2 - If the grievance is not satisfactorily settled under Step 1, the Association's representative or the grievant may forward the grievance to the Association's Grievance Committee. After review of the grievance, the Association will forward the grievance, in writing, to the Chief of Police or his designee whereupon such grievance must be received by the Chief of Police or his designee within twenty (20) working days after the conclusion of step 1. The Chief of Police or his designee will meet with the Association's Grievance Committee and discuss the grievance within seven (7) calendar days of the receipt thereof. The Chief of Police or his designee will within seven (7) calendar days of presentation to him provide a written response to the Association's Grievance Committee.

Step 3 - In the event the grievance is not resolved at Step 2, a report thereof, together with all written responses, will be filed with the Coordinator of Employee Relations within seven (7) calendar days of the date of the Chief's Step 2 response or the date such is due, whichever is sooner. The Coordinator of Employee Relations will meet with the Association's Grievance Committee to Discuss the grievance within ten (10) work days thereof and will provide a written answer to the Association's Grievance Committee within seven (7) work days of said meeting.

Step 4 - If the grievance is not resolved at Step 3, either party to this Agreement may take the matter to arbitration, upon service of a written demand therefore, pursuant to the provisions of the Public Employment Relations Board of New York. Such demand must be received within thirty (30) days of the date of the Step 3 response or the date said response was due, whichever is sooner.

The arbitration proceeding shall then be conducted by an arbitrator selected pursuant to the rules of the Public Employment Relations Board of New York.

Expenses for the arbitrator and the arbitration proceeding shall be shared equally by the parties hereto. However, each party shall be solely responsible for compensating its own representatives that may appear. A unit member who appears during his normal work hours shall not suffer any loss of salary or benefits.

If either party desires a transcript of the arbitration proceeding, it shall pay the cost thereof and shall make a copy thereof available to the other party and the arbitrator, without charge.

The arbitrator shall issue his decision within thirty (30) days after the conclusion of the hearing, unless such time is mutually extended. An arbitrator shall not have the power to amend, notify or delete any provision of this Agreement, and his decision shall be final and binding on the parties.

Any of the time limits set forth in this Article may be extended by the mutual consent of the parties, in writing.

ARTICLE XXII - BILL OF RIGHTS

The provisions of this Article shall not apply to criminal investigations or investigations of possible criminal activity or violations.

SECTION 22.01 - TIME OF INTERROGATION

Interrogation of Captains and Lieutenants shall be conducted at reasonable hours, preferably, when the officer is on duty, and if not on duty during daylight hours, unless the exigencies of the investigation dictate otherwise.

SECTION 22.02 - IDENTIFICATION OF INVESTIGATING OFFICERS

A Captain or Lieutenant who is under investigation for a matter which would not constitute a crime, must be informed of the name of the officer in charge of the investigation and the names of the officers who will be conducting any portion of interrogation or investigation.

SECTION 22.03 - INFORMATION REGARDING INVESTIGATION

A Captain or Lieutenant must be informed of the nature of an investigation before any interrogation begins. The information must be sufficient to reasonably inform him of the investigation which is being conducted.

SECTION 22.04 - LENGTH OF INTERROGATION

Interrogation shall be completed with reasonable dispatch. Reasonable rest periods will be allowed and time will be provided for personal necessities, meals, telephone calls, and rest periods as reasonably required.

SECTION 22.05 - COERCION

A Captain or Lieutenant shall not be subjected to offensive language and shall not be threatened with transfer, dismissal, or other disciplinary punishment. No promise or reward shall be made as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating officer from informing a Captain or Lieutenant that his conduct may be subject to other disciplinary action with resultant disciplinary punishment.

SECTION 22.06 - RIGHT TO COUNSEL

A Captain or Lieutenant who is under investigation has the right to have a representative of the Association present and also has the right to the presence of an attorney, with him, during any questioning, hearing, or interrogation.

The right to counsel shall not delay the questioning or interrogation for more than 5 business days if the officer is suspended with pay, except that said time may be mutually extended.

SECTION 22.07 - RECORDING OF INTERROGATION

Interrogation of a Captain or Lieutenant for any disciplinary investigation will be recorded, either mechanically or by a stenographer, and there will be no off-the-record statements.

SECTION 22.08 - ADVICE OF CONSTITUTIONAL RIGHTS

If any Captain or Lieutenant is the subject or target of a disciplinary investigation, he shall be advised of his constitutional rights.

SECTION 22.09 - FURNISHING OF COPIES

A Captain or Lieutenant under investigation will be furnished with a copy of any statement he has signed or made, or of any proceedings that have been recorded, in any manner.

SECTION 22.10 - POLYGRAPH

Captains and Lieutenants will not be given polygraphic examinations.

SECTION 22.11 - NON-WAIVER OF CONSTITUTIONAL RIGHTS

No Captain or Lieutenant will be required to or requested to waive constitutional rights granted under the United States or the New York State Constitution.

SECTION 22.12 - HEARING OFFICER

In the event the Town elects to select a hearing officer, pursuant to Section 75 of the Civil Service Law, who is neither a Town employee or Town official, then, in that event, the hearing officer will be mutually selected by the Town and by the Captain or Lieutenant who is charged. If the parties are unable to agree upon a hearing officer, or if the hearing officer agreed upon is, or becomes unable to or unwilling to act, then the parties shall mutually apply to Special Term of the New York State Supreme Court for the appointment of a hearing officer.

ARTICLE XXIII

SECTION 23.01 - LEAVE OF ABSENCE

Captains and Lieutenants may be granted leave of absence, with or without pay, as provided for in the Civil Service Law of the State of New York.

SECTION 23.02 - NON-DISCRIMINATION

There will be no discrimination with respect to race, color, creed, sex, political persuasion, or because of a Captain or Lieutenant engaged in Association activities. All Captains and Lieutenants shall receive the full protection of all of the provisions herein.

SECTION 23.03 - PAYROLL DEDUCTION

The Town will provide a payroll savings and US Savings Bond deduction plan and make it available for Captains and Lieutenants who desire such.

SECTION 23.04 - RESIDENCY

After fifteen (15) years of employment as a police officer, the officer may reside within the County of Erie, State of New York.

ARTICLE XXIV

SECTION 24.01 - MANAGEMENT RIGHTS

All of the authority, rights and responsibilities possessed by the Board and not covered by this Agreement are retained by it, including but not limited to, the right to determine the mission, purposes, objectives, and policies of the Board; to determine the facilities, methods, means, and number of personnel required for conduct of Board programs; to administer the examination, selection, recruitment, hiring, appraisal, training, retention, promotions, assignments or transfer of employees, pursuant to law; to direct, deploy, and utilize the work force; to establish specifications for each class of positions, and to classify or re-classify and to allocate or re-allocate new or existing positions, in accordance with law; and to discipline or discharge employees, in accordance with law, and within provisions of this Agreement.

SECTION 24.02 - CONFORMITY TO LAW

If any section, sub-section, sentence, clause, phrase, or any portion of this Agreement is, for any reason, held to be invalid or unconstitutional by any Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement.

SECTION 24.03 - TERMS OF AGREEMENT

This Agreement, except as may be hereafter modified in writing, by both parties, shall become effective January 1, 1993 (retroactively) and remain in force until December 31, 1995, or until such time as a subsequent Agreement becomes effective.

SECTION 24.06 - PROFESSIONAL CONDUCT

In order to maintain good order and morale, each nonsupervising officer shall treat each supervising officer with proper respect and accord. Failure to comply will not be grounds for a grievance against the Town.

ARTICLE XXV

SECTION 25.01 - RENEWAL OF AGREEMENT

The parties agree that renewal of this Agreement shall commence on or about the completion of negotiations by the Town of Cheektowaga Police Club, Inc.

SECTION 25.02 - PAST PRACTICE

This Agreement shall supersede conflicting rules, regulations, or practices heretofore existing. Established practices not specifically covered herein, shall continue in full force and effect.

SECTION 25.03 - ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this

7th day of November 1994.

TOWN OF CHEEKTOWAGA:

TOWN OF CHEEKTOWAGA POLICE
CAPTAINS AND LIEUTENANTS
ASSOCIATION INC.

BY:


DENNIS H. GABRYSZAK, SUPERVISOR

BY:


JAMES P. MORATH, PRESIDENT

*See attached appendix

APPENDIX A

Lag Pay

In order to allow the Town to adjust its accounting system for payroll purposes within the police department, the Association and the Town agree to the following:

1. A 30 day notice will be given prior to the start of said adjustment.
2. The adjustment will be accomplished in a five week period.
3. During this five week period, for purposes of base pay, a Captain or Lieutenant will receive 32 hours pay and 8 hours of the Captain's or Lieutenant's accredited sick time. This will allow the Town to withhold a total of 40 hours pay.
4. The 40 hours of pay withheld by the Town, will be paid to the Captain or Lieutenant upon retirement, at the Captain's or Lieutenant's rate of pay at the time of retirement.

Item No. 16b Motion by Councilman Blachowski, Seconded by Councilman Solecki

WHEREAS, the Town administers a housing rehabilitation 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 19 Meadowbrook Parkway, in an amount of up to \$29,500, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a housing rehabilitation loan in the amount not to exceed \$29,500 to the owner of 19 Meadowbrook Parkway, Cheektowaga, New York, and authorizes the Supervisor to execute a loan agreement with the owner of said property and any other necessary related documents.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Wielinski, Seconded by Councilman Solecki

BE IT RESOLVED, that the following SEASONAL and PART-TIME employees be and hereby are terminated as listed:

EFFECTIVE

FACILITIES DEPARTMENT

Ronald Sobocinski	10-16-94
Thomas Mills	10-14-94
Gordon Ganczewski	10-11-94
Eric Gerlach	10-01-94
John Bratek	10-17-94
Eugene Demler	10-16-94

SEWER DEPARTMENT

Brian Kostelny	Immediately
Scott Skibniewski	"

MAIN PUMP STATION

John Johnson	10-30-94
--------------	----------

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Wielinski, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga has been notified by the Erie County Personnel Department that the title of Equipment Maintenance Worker should be reclassified as Senior Sewage Maintenance Worker (non-competitive), NOW, THEREFORE, BE IT

RESOLVED, that the title of Equipment Maintenance Worker be and hereby is reclassified to Senior Sewage Maintenance Worker (non-competitive), AND, BE IT FURTHER

Item No. 18 continued

RESOLVED, that the title for Michael Gange, currently serving temporarily as an Equipment Maintenance Worker, be and hereby is reclassified to Senior Sewage Maintenance Worker (Temporary).

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, Maureen MacDonald, Clerk-Typist in the Facilities Department, has requested Intermittent Leave under the Family Medical Leave Act, NOW, THEREFORE, BE IT

RESOLVED, that Maureen MacDonald be and hereby is granted Intermittent Leave under the Family Medical Leave Act as per the attached request.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT



REQUEST FOR FAMILY/MEDICAL LEAVE

Employee Name: MAUREEN V. MAC DONALD Date of Request: 11/1/94

Department: FACILITIES DEPARTMENT Position Title: CLERK TYPIST

Hire Date: MAY 12, 1986

I request a Family/Medical Leave for the following reason (check one):

- A. The birth of a child and in order to care for such child or the placement of a child for adoption or foster care.
- B. In order to care for an immediate family member if such family member has a serious health condition. Circle one: CHILD - SPOUSE - PARENT (Must submit "Physician or Practitioner Certification" within 15 days)
- C. Employee's own serious health condition that makes the employee unable to perform the functions of his/her position. (Must submit "Physician or Practioner Certification" within 15 days)

Method of Leave Requested

- A. Consecutive Leave
- B. Intermittent or Reduced Leave Schedule (Specify Schedule Below)
 - Mon. - 7 a.m. - 11:00 a.m.
 - Tues. - 7 a.m. - 2:30 p.m.
 - Fri. - 7 a.m. - 2:30 p.m.

Date leave is to begin: November 14, 1994 Expected duration of leave: 12 Weeks

If the duration of my family/medical leave (total of paid and unpaid time) does not exceed 12 weeks, I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed 12 weeks I will be returned to my same or similar position, only if available, in accordance with applicable laws. If my same or similar position is not available, I understand that I may be terminated.

Maureen V. MacDonald
Employee Signature

November 2, 1994
Date

RECEIVED
NOV 2 1994
TOWN OF CHEEKTOWAGA
PERSONNEL DEPT.

*Resume 40hr. week
on Feb. 6, 1995*

Item No. 20a Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski

BE IT RESOLVED, that the following individuals be and hereby are hired as PART-TIME EMPLOYEES, in the various 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, Inc.:

EFFECTIVE

JUSTICE COURT - \$6.00 per hour (Clerical)

Mary Pilichowski

11-09-94

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 20b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be hired to work for the Youth and Recreational Services Department as indicated (part-time):

Recreation Attendant - 7140.1614 - Recreation Leader IV - \$6.00

Michael Mekarski

14225

Keith Sokolowski

14206

Recreation Attendant - 7140.1614 - (Rec Club/TGIF) Recreation Attendant II - \$4.50

George Hunger

14225

Administrative Intern - 7310.1804 - Clerk - \$4.50

Deborah Loveless

14225

BE IT RESOLVED, that the following individuals be transferred as indicated:

From Soccer - 7140.1636 to 7140.1611 - Rink Personnel - Recreation Attendant III - \$4.75 (part-time)

Amy Weber

From Seasonal to Part-Time

Angela Krzemien

Susan Switalski

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 21 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, on September 6th, the Town Board approved a resolution permitting two employees of the Youth and Recreational Services Department to attend a professional development course conducted by North Carolina State University at Oglebay Park, West Virginia, and

WHEREAS, the course quota filled quickly, attesting to the quality of the course and instructors, and the individuals were then assigned to a waiting list as numbers 30 and 31 respectively, and

MEETING NO. 24
November 7, 1994

Item No. 21 continued

WHEREAS, it would be in the best interest of the department for them to be assigned quota's in other upcoming courses, BE IT

RESOLVED, that Paul Marchewka be permitted to attend Track B - Sports Administration - of the School of Sports Management, February 19 - 23, and that Kerry Switalski be permitted to attend phase one of the Revenue Sources Management School, March 12 - 17 in lieu of the Supervisor's Management School, and contingent upon the passing of, and establishment of the proper accounts in, the 1995 budget, BE IT FURTHER

RESOLVED, that they be individually reimbursed for the necessary travel expenses at a cost not to exceed \$195 (Line Item 01-1910-4083), per person, lodging expenses at a cost not to exceed \$350 (Line Item 01-7310-4191), per person, and training fees not to exceed \$350 for the Revenue School and \$270 for the Sports Management School (Line Item 01-7310-4681).

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

From:	0100-9010-8141	Medical Insurance	\$ 1,000.00
	0100-1430-4013	Reference Library - Personnel	200.00
	0100-1640-4161	Gasoline - Central Garage	3,000.00
To:	0100-1430-4752	Pre-employment Physicals	1,000.00
	0100-1430-4001	Office Supplies	200.00
	0100-1640-4442	Sewer Equipment Repair	3,000.00

SPECIAL DISTRICTS FUND

From:	2300-8123-4163	Gas, Oil, Grease	4,772.12
	2400-8124-4981	Feasibility Study	3,420.00
To:	2300-8123-4432	Sewer Repairs & Maintenance	4,772.12
	2400-8124-4361	Rent & Maintenance Sewer Dist. 5	3,420.00

CAPITAL FUND

From:	5002-5110-1100	Castlewood-Buell Improvements	4,772.12
	5009-7110-1100	Park Improvements	67.00
	5529-7110-0315	Stiglmeier Park Development	33.00
	5538-8123-0400	Sewer Dist. No. 3	35,012.09
	5729-7110-0200	Fireman's Park Improvements	2,207.00
	5912-9950-9901	Transfers Out	15,500.00
To:	5002-9950-9901	Transfers-Out	53,609.00
	5009-9950-9901	Transfers-Out	67.00
	5529-9950-9901	Transfers-Out	33.00
	5538-9950-9901	Transfers-Out	35,012.09
	5729-9950-9901	Transfers-Out	2,207.00
	5912-1625-1100	Energy Savings	15,500.00

COMMUNITY DEVELOPMENT FUND

From:	0700-1093-0675	Handicapped Sidewalk Ramps	5,000.00
	0700-1091-0704	Contingency	2,300.00

MEETING NO. 24
November 7, 1994

Item No. 22 continued

To:	0700-1093-0670	Handicapped Play Equipment	5,000.00
	0700-1091-0670	Handicapped Play Equipment	2,300.00

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN WIELINSKI TO AMEND THE ABOVE RESOLUTION, ITEM 22, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES:	Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES:	0
ABSENT:	0

MOTION BY COUNCILMAN SOLECKI, SECONDED BY COUNCILMAN ROGOWSKI TO DISPENSE WITH READING THE FIGURES IN THE FOLLOWING RESOLUTION, ITEM 22, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES:	Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES:	0
ABSENT:	0

AMENDED

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

GENERAL FUND

From:	0100-9010-8141	Medical Insurance	\$ 1,000.00
	0100-1430-4013	Reference Library - Personnel	200.00
	0100-1640-4161	Gasoline - Central Garage	3,000.00
To:	0100-1430-4752	Pre-employment Physicals	1,000.00
	0100-1430-4001	Office Supplies	200.00
	0100-1640-4442	Sewer Equipment Repair	3,000.00

SPECIAL DISTRICTS FUND

From:	2300-8123-4163	Gas, Oil, Grease	4,772.12
	2400-8124-4981	Feasability Study	3,420.00
To:	2300-8123-4432	Sewer Repairs & Maintenance	4,772.12
	2400-8124-4361	Rent & Maintenance Sewer Dist. 5	3,420.00

CAPITAL FUND

From:	5002-5110-1100	Castlewood-Buell Improvements	4,772.12
	5009-7110-1100	Park Improvements	67.00
	5529-7110-0315	Stiglmeier Park Development	33.00
	5729-7110-0200	Fireman's Park Improvements	2,207.00
	5912-9950-9901	Transfers Out	15,500.00
To:	5002-9950-9901	Transfers-Out	53,609.00
	5009-9950-9901	Transfers-Out	67.00
	5529-9950-9901	Transfers-Out	33.00
	5729-9950-9901	Transfers-Out	2,207.00
	5912-1625-1100	Energy Savings	15,500.00

Item No. 22 continued

COMMUNITY DEVELOPMENT FUND

From:	0700-1093-0675	Handicapped Sidewalk Ramps	5,000.00
	0700-1091-0704	Contingency	2,300.00
To:	0700-1093-0670	Handicapped Play Equipment	5,000.00
	0700-1091-0670	Handicapped Play Equipment	2,300.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants were submitted to the Town of Cheektowaga prior to November 4th, 1994 and are hereby approved and made a part hereof:

GENERAL FUND	\$236,317.44
HIGHWAY FUND	126,225.93
TRUST & AGENCY FUND	21,682.93
CDBG FUND	28,001.04
PART TOWN FUND	32,045.61
RISK RETENTION FUND	37,708.29
NYS HOME PROGRAM FUND	5,838.20
DEBT SERVICE FUND	229,747.00
HUD RENTAL REHABILITATION FUND	15,294.00
HUD HOUSING REHABILITATION FUND	7,755.00
SPECIAL DISTRICTS FUND	2,537,498.05
CAPITAL FUND	276,308.47
	<u>\$3,554,421.11</u>

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 24 Building Permits
Received and Filed.

Item No. 25 Supervisor's Statement of Funds - September, 1994
Received and Filed.

Item No. 26a Minutes of Cheektowaga Public Library Board of Trustees -
September 28, 1994
Received and Filed.

Item No. 26b Minutes of Cheektowaga Traffic Safety Commission - October 18, 1994
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 27 Summons and Complaint: Mary Kelly Lomot and Richard Lomot vs County of Erie, Erie County Water Authority, Town of Cheektowaga, and Nichols, Long and Moore Construction Corp.
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 28 Amend Notice of Claim: Liberty Mutual Insurance Company as subrogee of Maria L. Rejent, and Maria Rejent, Individually vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Sewer Maintenance Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 29a Notice of Claim: Michael and Dolores Phelan vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 29b Notice of Claim: Kevin Martin vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Facilities Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 29c Notice of Claim: William E. Rott vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Sanitation Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 29d Notice of Claim: Sheraton Inn (Larry Mellerski, Property Controller) vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Sanitation Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 29e Notice of Claim: Ronald Krzywick vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 30 Road Opening: George Urban Boulevard (between French Road and Transit Road)
Received and Filed.

Item No. 31 Letter of Complaint: Concerning Odor from Compost Pile
Received and Filed

MOTION BY COUNCILMAN JOHNSON TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S) AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

V. SUSPENSION OF RULES

Item No. 32 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, as per Article 9 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Anthony Broniszewski, a Laborer in the Sanitation Department, has requested a 60-day unpaid leave of absence for personal medical reasons, NOW, THEREFORE, BE IT

Item No. 32 continued

RESOLVED, that Anthony Broniszewski be and hereby is granted said unpaid leave of absence, effective October 24, 1994 and returning to work on January 9, 1995, AND, BE IT FURTHER

RESOLVED, that should Mr. Broniszewski's situation improve, he has the option of returning to work before January 9, 1995.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, AND

WHEREAS, Mark Kmiotek applied for said position and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Mark Kmiotek of 85 Lemoine Avenue, Cheektowaga, New York 14227 be and hereby is appointed to the position of Laborer's Aide in the Recycling Department, in accordance with 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 14, 1994, AND, BE IT FURTHER

RESOLVED, that said appointment date is conditional upon Mr. Kmiotek receiving his pre-employment physical prior to start date.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 34 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, Michael G. Sebastiano has made application and requested the Rezoning from M1 - Manufacturing-Light District to M2 - General Manufacturing District for property located at 3802 Broadway, NOW, THEREFORE, BE

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on November 21, 1994 at 6:30 o'clock P.M., Eastern Standard Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 21st day of NOVEMBER, 1994 at 6:30 o'clock, P.M., Eastern STANDARD Time of said day for the purpose of considering the application of MICHAEL SEBASTIANO to Rezone from M1-LIGHT MANUFACTURING District to M2-GENERAL MANUFACTURING District on property located at 3802 BROADWAY and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Law of the Town of Cheektowaga, New York.

DESCRIPTION

Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot 2, Township 11, Range 7 of the Buffalo Creek Reservation, being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of Broadway, 429.62 feet easterly of the intersection of the northerly line of Broadway with the easterly line of lands conveyed to William Davis as recorded in the Erie County Clerk's Office in Liber 97 of Deeds at page 99; thence easterly and along the northerly line of Broadway 179.16 feet; thence northerly at an interior angle of 92° 04' 698.10 feet to the southerly line of Ellicott Road, which is also the northerly line of Farm Lot 2; thence westerly and along the southerly line of Ellicott Road and the northerly line of Farm Lot 2, 340.16 feet to the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344; thence southerly at an interior angle of 97° 15' 20" and along said westerly line of lands conveyed in Liber 3390 of Deeds at page 344, 406.07 to a point; thence easterly and parallel with Broadway 125.00 feet; thence southerly and parallel with the westerly line of lands conveyed in Liber 3390 of Deeds at page 344, 244.00 feet to the northerly line of Broadway and the point or place of beginning.

75
29.62

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

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

BY: RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: November 10, 1994

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

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....November 10, 1994.....;
last publication.....November 10, 1994.....;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this10th

day ofNovember....., 19...94..

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA

ss.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 21st day of NOVEMBER, 1994 at 6:30 o'clock, P.M., Eastern STANDARD Time of said day for the purpose of considering the application of MICHAEL SEBASTIANO to Rezone from M1-LIGHT MANUFACTURING District to M2-GENERAL MANUFACTURING District on property located at 3802 BROADWAY and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82.70 of the Zoning Law of the Town of Cheektowaga, New York.

DESCRIPTION

Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot 2, Township 11, Range 7 of the Buffalo Creek Reservation, being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of Broadway, 429.62 feet easterly of the intersection of the northerly line of Broadway with the easterly line of lands conveyed to William Davis as recorded in the Erie County Clerk's Office in Liber 97 of Deeds at page 99; thence easterly and along the northerly line of Broadway 179.16 feet; thence northerly at an interior angle of 92° 04', 698.10 feet to the southerly line of Ellicott Road, which is also the northerly line of Farm Lot 2; thence westerly and along the southerly line of Ellicott Road and the northerly line of Farm Lot 2, 340.16 feet to the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344; thence southerly at an interior angle of 97° 15'-20" and along said westerly line of lands conveyed in Liber 3390 of Deeds at page 344, 406.07 to a point; thence easterly and parallel with Broadway 125.00 feet; thence southerly and parallel with the westerly line of lands conveyed in Liber 3390 of Deeds at page 344, 244.00 feet to the northerly line of Broadway and the point or place of beginning.

75
29.62

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

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

BY: RICHARD M. MOLESKI
TOWN CLERK

PUBLISH: November 10, 1994

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... November 10, 1994..... ;
last publication..... November 10, 1994..... ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 10th

day of November, 19...94..

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

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

WHEREAS, in 1992 the New York State Department of Transportation completed the Reconstruction of William Street, CR207, in the Town of Cheektowaga from Colton Street to Laura Court under CPIN 5528.21.311, .322, .323, AND

WHEREAS, following the completion of the aforesaid project the owner of #2637 William Street, situated on the south side of William Street west of Laura Court, has reported a chronic sanitary sewer lateral blockage which may be associated with the construction activities of said road reconstruction project, AND

WHEREAS, based on investigations performed by the Town Engineering and Sewer Maintenance Departments, it is apparent that a defect in the house lateral exists beneath the storm sewer under the highway pavement, AND

WHEREAS, the Town is currently performing sanitary sewer remedial improvements at various locations on William Street under a Highway Work Permit issued by the Erie County Highway Department, NOW, THEREFORE, BE IT

RESOLVED, that the Town Engineer be and hereby is directed to engage Kissell Excavating, to whom the 1994 bid for equipment and labor was awarded to perform the sewer remedial work to the affected lateral, AND, BE IT FURTHER

RESOLVED, that labor, equipment and materials required to effectuate said repair shall be chargeable to Account #5538-8123-0400.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 36 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building permits, rezoning, 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 or reject the recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application has been received from Michael F. Sebastiano to rezone, from M1-Light Manufacturing to M2-General Manufacturing property known as 3802 Broadway, AND

WHEREAS, the Advisory Committee, at its meeting held on October 26, 1994, rendered the determination shown on the attached memo dated October 26, 1994, AND

WHEREAS, the Advisory Committee has suggested a number of conditions be made part of a Negative Declaration, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, 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 "Conditional Negative Declaration" for the purpose of SEQRA with the conditions as follows:

1. The Town Engineer receive and approve a detailed drainage plan for the entire site.

Item No. 36 continued

2. The applicant commit to participating in the Ellicott Road waterline extension.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of Building & Plumbing Inspections
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088
716 / 686-3470



M E M O

TO: Supervisor Dennis Gabryszak
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Building Inspector

DATE: October 26, 1994

The following is a summary of the proposals which have been reviewed by the Town Environmental Advisory Committee at a meeting held on October 26, 1994 in the Town Hall Council Chambers.

ITEM I 3802 Broadway - Proposed Rezoning From M1 to M2

Applicant: M.F. Sebastiano & Sons

The applicant and his consultant presented a new site plan showing additional drainage information. The drainage will be handled through a series of mowable grass swales which will ultimately empty into a detention basin located at the front of the parcel on Broadway. This basin will then empty into the state highway drainage system.

The trees and shrubs along Ellicott Road will remain, however, several ash and scrub willows will be removed to construct the building. Additional trees will be planted along the east property near the swale. Landscaping will also be installed along Broadway subject to the approval of the Planning Board.

This project is compatible with uses that now exist in the area and the Environmental Advisory Committee is recommending that a conditional Negative Declaration be issued for this project. The condition: A commitment from the applicant to participate in the Ellicott Road waterline extension. Additionally the Town Engineer must approve a final drainage plan.

MEETING NO. 24
November 7, 1994

Item No. 37 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak to adjourn this meeting in memory of Robert Dombrowski, Cheektowaga Police Officer and Constance Giambelucca, Member of the Cheektowaga Central School Board.

Richard M. Moleski
Town Clerk

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 25 November 21, 1994

- 1 Community Development Block Grant Program and HOME Investment Partnerships Program for 1994-95
- 2 Rezoning - 3802 Broadway from M1-Light Manufacturing to M2-General Manufacturing

PUBLIC HEARINGS

NO.

ITEM

PAGE

Meeting No. 27 December 19, 1994

2

Amendment to Tax Exemption for Senior Citizens Ordinance

1

PUBLIC HEARINGS

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2	Decision on amendment to Traffic Ordinance - Art. X "Parking, Standing, Stopping" - Zoerb, Sonwil	1-2
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	a. New/unused 1995 Model, 1/2 ton 4 X 4, pick-up with Snow Plow for Highway	3
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4	NOTICE TO BIDDERS:	
	a. (1) Truck Chassis for Sanitation	5
	b. (1) cab and chassis for automated side loader - Sanitation	6
5	Authorize Final payment regarding Tennis & Basketball Court Reconstruction, Contract #2	7
6	Amend resolution of 10/25/94 regarding Award of Bid for construction of Julia Boyer Reinstein Library	7
7	AUTHORIZE SUPERVISOR TO SIGN AGREEMENT:	
	a. Cheektowaga Police Club, Inc.	7
	b. Nussbaumer & Clarke, Inc.	8
8	Termination of seasonal & part-time employees in various depts.	8
9	Hiring of part-time employees in Youth & Recreational Services Dept.	8-9
10	Appointment to position of Project Director (Grant) in Youth and Recreational Services Department	9
11	Transfer of Funds	10
12	Warrant List	10-11
<u>Meeting No. 26 December 5, 1994</u>		
2	Call for Public Hearing: Amendment to Tax Exemption for Senior Citizens Ordinance	1-2
3	Award of Bid: Furnish One (1) 1994 Cab and Chassis for Refuse Roll-Off Use	3
4	Notice to Bidders: Furnishing of Baseball Equipment	3-4
5	Issue Negative Declaration Regarding 35 Tyrol	5
6	Objection to Issuance of Negative Declaration and Variance by DEC for Syncor International Corp. Regarding 303 Cayuga Road	6-7
7	Approve Change Order No. 1 for Sonwil Drive Pavement and Improvements Project	7-8 t
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9	Grant Permission to Conduct an Overnight Campout at the Alexander Community Center	9
10	AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENT/LICENSE WITH:	
	a. Cheektowaga Public Library System	10
	b. Child and Family Services of Erie County	10
	c. Catholic Charities Metropolitan Services Department	10-11
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	e. Western New York Club Hockey Maryvale Team	11-12
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11	TERMINATION OF:	
	a. Seasonal and Part-Time Employees in Various Departments	14
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<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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13	Hiring of Part-Time Employees in Dept. of Youth and Rec. Services	15
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15	Retain Firm for Professional Services Related to Walden Facade Improvement Program	16
16	AUTHORIZATION FOR:	
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	b. Members of Cheektowaga Action Partnership to Attend Workshop	17
	c. Dept. of Youth and Recreational Services Employee to Attend Sports Programming Course	17
17	Transfer of Funds	17-18
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	b. Softball and Hardball Diamond Supplies	3
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6	NOTICE TO BIDDERS:	
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7	Final payment for Tennis and Basketball Court Reconstruction at various Town Parks	8
8	MEMORIALIZE:	
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9	Negative Declaration for S.E.Q.R.A. purposes - 2463 Union Road	9-10
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13	Hiring of part-time Ceramic Teacher in Dept. of Senior Services	13
14	Hiring of seasonal clerk in Town Clerk's Office	13
15	Re-appointments to Cheektowaga Traffic Safety Commission	13-14
16	Authorize Superintendent and Assistant Superintendent of Wastewater Pump Station to attend workshop	14
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DEPARTMENTAL COMMUNICATIONS

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	<u>Meeting No. 26 December 5, 1994</u>	
19	Building Permits	19
20	Minutes of Cheektowaga Public Library Board - October 26, 1994	19
21	Supervisor's Statement of Funds - October, 1994	19
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19	MINUTES OF MEETINGS:	
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17	Authorize Facilities Director to arrange for removal of playground equipment at Theodore Roosevelt and Woodrow Wilson Schools	13
18	Authorize Supervisor to sign agreement with NYNEX	13
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22	Negative Declaration for S.E.Q.R.A. purposes - 2525 Walden Avenue	17
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<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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2	Call for public hearing - Amusement Arcade License for Discovery Zone at 3755 Union Road	1
3	Reaffirm Negative Declaration regarding 219 Bennett Road	1
4	Negative Declaration for S.E.Q.R.A. - 4900 Transit Road	1
5	Request Draft Environmental Impact Statement re: 5050 Genesee	2
6	Final payment for Tennis & Basketball Court Reconst., Phase II	2
7	Transfer of Funds	3
8	Warrant List	3

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 21st day of November, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Gerry Gabryszak, Director of Community Development and Leonard Szymanski, Facilities Foreman.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, this Town Board held a public hearing on November 7, 1994 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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 determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE X

Parking, Standing, Stopping

76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

ZOERB AVENUE south side from the east curbline of Union Road
112 feet easterly to a point

F. Miscellaneous parking

(6) No standing anytime

SONWIL DRIVE east side from the south curbline of Genesee Street
to its terminus

Item No. 2 cont'd

Section 2. Time to take effect.

(a) 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.

(b) Any part of 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 of 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 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and 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, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 21st day of November, 1994 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Johnson seconded by Councilman Blachowski

WHEREAS, this Town Board held a public hearing on November 7, 1994 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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:

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ARTICLE X

Parking: Standing and Stopping

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

- C. No parking here to corner ZOERB AVENUE-south side from the east curbline of Union Road 112 feet easterly to a point. F Miscellaneous parking signs (6) No standing anytime SONWIL DRIVE-east side-from the south curbline of Genesee Street to its terminus.

Section 2. Time to take effect (a) These amendments shall take

152 600-1

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.

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Upon roll call: Supervisor Gabryszak Voting AYE Councilman Jaworowicz Voting AYE Councilman Solecki Voting AYE Councilman Rogowski Voting AYE Councilman Blachowski Voting AYE Councilman Johnson Voting AYE Councilman Wielinski Voting AYE

AYES: 7 NAYES: 0 ABSENT: 0

STATE OF NEW YORK COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York; was duly held on November 21, 1994, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 2, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of November 1994.

Richard M. Moleski Town Clerk

PUBLISH: November 24, 1994

STATE OF NEW YORK COUNTY OF ERIE TOWN OF CHEEKTOWAGA

ss.

Melissa Gugliuzza

of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk

of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for weeks: first publication..... November 23, 1994.....; last publication..... November 23, 1994.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this23rd.....

day of November 19..... 94

Margaret J. Bourdette

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

MARGARET J. BOURDETTE NOTARY PUBLIC STATE OF NEW YORK QUALIFIED IN ERIE COUNTY MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

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Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Johnson seconded by Councilman Blachowski WHEREAS, this Town Board held a public hearing on November 7, 1994 at 7:00 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 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:

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ARTICLE X

Parking, Standing and Stopping

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner ZOERB AVENUE-south side-from the east curbline of Union Road 12 feet easterly to a point.

F Miscellaneous parking signs (6) No standing anytime SONWIL DRIVE-east side-from the south curbline of Genesee Street to its terminus.

Section 2. Time to take effect.

(a) 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.

(b) 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 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and 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...

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on November 21, 1994, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item No. 2, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of November 1994.

Richard M. Moleski
Town Clerk

PUBLISH: November 24, 1994

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

Melissa Gugliuzza, of the town

of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is

clerk of the Cheek-

towaga Times, a public newspaper published weekly in said town; that the notice, of which

the annexed printed slip, taken from said newspaper is a copy, was inserted and published in

said paper once a week for1..... weeks:

first publication.....November 23, 1994.....; last publication.....November 23, 1994.....;

and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this23rd.....

day ofNovember....., 19.....94

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

157
2001

Item No. 3a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, bids were duly received by this Town Board at a bid opening on November 16th, 1994, for One (1) New and Unused, 1995 Model, 1/2 Ton 4X4 Pick-Up Truck with Snowplow for use by the Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

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

RESOLVED, that the bid be awarded to Northtown Dodge, 2020 Niagara Falls Blvd., Tonawanda, NY 14150 at the purchase price after trade in of \$7,347.00 as per letter attached and made a part of this resolution, and BE IT FURTHER

RESOLVED, that monies be charged to line item 0300-5130-2407.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Highway Department

3145 Union Road
Cheektowaga, NY 14227-1083
716 / 686-3450
Mobile: 716 / 863-5867

Christopher J. Kowal
Superintendent of Highways



November 16, 1994

SUPERVISOR DENNIS GABRYSZAK
TOWN BOARD MEMBERS
CHEEKTOWAGA NY 14227

RE: BID AWARD FOR ONE (1) NEW AND UNUSED, 1995 MODEL, 1/2 TON 4X4
PICKUP TRUCK WITH SNOWPLOW

Dear Councillors:

Bids were opened this 16th day of November, 1994 for the above mentioned vehicle for use by the Highway Department and after careful analysis and tabulation, please award bid to Northtown Dodge, 2020 Niagara Falls Blvd. Tonawanda NY 14150.

The following bids were received:

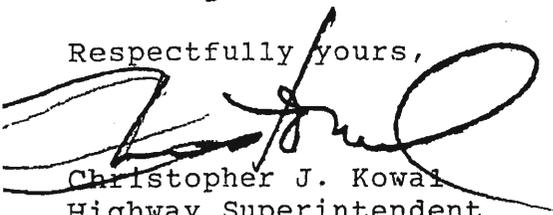
MIDCITY DODGE INC. 1995 Dodge BR-1500 4X4 w/Plow \$9,616.30
2185 Walden Avenue
Cheektowaga NY 14225

Northtown Dodge 1995 Dodge BR-1500 4X4 w/Plow \$7,347.00
2020 Niagara Falls Blvd
Tonawanda NY 14150

(Both of these prices reflect trade in of 1990 Ford Explorer)

Trusting this decision meets with your approval, I am

Respectfully yours,



Christopher J. Kowal
Highway Superintendent

CJK:Erp
cc: Town Board
Law Office
Town Clerk

Residence: 260 Cass Ave. ★ Cheektowaga, New York 14227 ★ 716 / 895-7185
Promoting Pride - Progress - Professionalism!

Item No. 3b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, by resolution dated November 7th, 1994, this Town Board directed that a Notice to Bidders be published advertising for labor and equipment necessary to remove snow during a snow emergency, and

WHEREAS, such bids were duly received and opened on November 16th, 1994, and

WHEREAS, that the Town Superintendent of Highways has reviewed such bids and has made his recommendation concerning such bids, 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 Custom Topsoil, Inc., 320 Crabapple Lane, Cheektowaga, NY 14227, being the only responsible bidder. (Attached and made a part of this resolution is bid submitted for review), and BE IT FURTHER

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

FORMAL BID PROPOSAL ON

EMERGENCY SNOW REMOVAL

FOR THE TOWN OF CHEEKTOWAGA 1994-95 WINTER SEASON

Covered by Specifications advertised on 11/10/94 this bid must be returned to the Town Clerk's Office, Cheektowaga Town Hall, Broadway & Union Road, Cheektowaga NY 14227 on or before 11:00 A.M. November 16, 1994, at which time all bids will be publicly opened.

THE UNDERSIGNED SUBMITS THE FOLLOWING BID WHICH IS IN COMPLETE CONFORMITY WITH THE INTENT OF THE SPECIFICATIONS;

SUPERVISOR WITH PICK UP TRUCK \$ 50.⁰⁰ PER HOUR
(PREMIUM - \$70.⁰⁰ per HOUR)

	<u>BASE HOURLY RATE</u>	<u>PREMIUM RATE</u>
3 C.Y. Loaders	\$ 95. ⁰⁰ PER HOUR	Add \$ 20. ⁰⁰ per HOUR (\$115. ⁰⁰)
4 C.Y. Loaders	\$ 115. ⁰⁰ per Hour	Add \$ 20. ⁰⁰ per Hour (\$135. ⁰⁰)
5 C.Y. Loaders	\$ 150. ⁰⁰ per Hour	Add \$ 20. ⁰⁰ per Hour (\$170. ⁰⁰)
Road Graders	\$ 105. ⁰⁰ per Hour	Add \$ 20. ⁰⁰ per Hour (\$125. ⁰⁰)
Tandem Axle Dump Trucks	\$ 65. ⁰⁰ per Hour	Add \$ 20. ⁰⁰ per Hour (\$85. ⁰⁰)

CONTRACTOR CUSTOM TOPSOIL INC.

ADDRESS 320 CRABAPPLE LANE
CHEEKTOWAGA N.Y. 14227

PHONE 716-668-4444

Item No. 4a Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, the Sanitation Department is in need of one (1) truck chassis to hold roll off body, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of one (1) truck chassis to hold roll off body for the Sanitation Department, information for bidders and specifications may be obtained from the office of the Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on the 30th day of November 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 November 30, 1994 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of one (1) truck chassis to hold roll off body for the Sanitation Department.

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

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

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

RICHARD M. MOLESKI
Town Clerk

Dated: November 21, 1994

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Melissa Gugliuzza....., of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
clerk..... of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
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 first publication.....November 23, 1994.....
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 and that no more than six days intervened be-
 tween publications.

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 Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on November 30, 1994 at 11:00 AM, Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of one (1) truck chassis to hold roll off body for the Sanitation Department.
 Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town. The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any and all bids.
 By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
 Richard M. Moleski
 Town Clerk
 DATED: November 21, 1994
 PUBLISH: November 23, 1994

31
 1225

Melissa Gugliuzza

Sworn to before me this23rd.....

day ofNovember....., 19.....94

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/9 S

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

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 By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
 Richard M. Moleski
 Town Clerk
 DATED: November 21, 1994
 PUBLISH: November 23, 1994

31
 1225

Item No. 4b Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, the Sanitation Department is in need of one (1) cab and chassis for automated side loader use, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of one (1) cab and chassis for automated side loader use, information for bidders and specifications may be obtained from the office of the Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on the 30th day of November at 11:00 AM, Eastern Standard Time, at the 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 November 30, 1994 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of one (1) cab and chassis for automated side loader use for the Sanitation Department.

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

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

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

RICHARD M. MOLESKI
Town Clerk

Dated: November 21, 1994

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Melissa Gugliuzza....., of the town
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Melissa Gugliuzza

Sworn to before me this23rd....
 day ofNovember....., 19...94

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/99

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

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

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

Richard M. Moleski
 Town Clerk

DATED: November 21, 1994

PUBLISH: November 23, 1994

31
 1275

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

.....Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
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Margaret J. Bourdette
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Notary public in and for Erie County, N. Y.

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NOTICE TO BIDDERS
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Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any and all bids.
By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
Richard M. Moleski
Town Clerk
DATED: November 21, 1994
PUBLISH: November 23, 1994

31
1225

Item No. 5 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Tom Greenauer Development, Inc. has submitted a requisition for Final Payment for Tennis and Basketball Court Reconstruction, Contract No. 2, and

WHEREAS, Darryl L. Jones, RLA and the Facilities Director have reviewed and approved the Certificate of Substantial Completion establishing October 10, 1994 as the commencement date of Applicable Warranties required in the Contract Documents, Contractors' Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Consent of Surety Company to Final Payment and Wage and Supplement Affidavits, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorize Final Payment to Tom Greenauer Development, Inc., 2699 Transit Rd., Elma, New York, 14059 in the amount of \$2,500.00 for Tennis and Basketball Court Reconstruction, Contract No. 2, and BE IT FURTHER

RESOLVED, that funds are available from Capital Improvement Project #5309.7110.9375.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 6 Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated October 25, 1994, this Town Board awarded contracts for the construction of the Julia Boyer Reinstein Library to four bidders, and

WHEREAS, the contract for the HVAC portion of the construction was awarded to Kellner Mechanical, and

WHEREAS, the formal corporate name of Kellner Mechanical is Frank C. Kellner Company, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned October 25, 1994 resolution be and hereby is amended to indicate that the contract for the HVAC portion of the construction of the Julia Boyer Reinstein Library is awarded to Frank C. Kellner Company, Inc.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 7a Motion by Councilman Wielinski, Seconded by Councilman Blachowski

BE IT RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign the attached Memorandum of Agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club, Inc.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

THE TOWN OF CHEEKTOWAGA POLICE CLUB, INC.

The parties agree to the following:

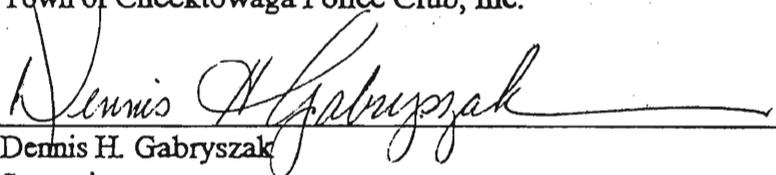
The P.B.A. agrees not to further pursue F.L.S.A. overtime for the K-9 officer in reaction to his care and maintenance of the police dog.

That, effective immediately, the K-9 officer will be paid at the Detective I salary rate.

Further, that the parties agree that back-pay liability is limited to \$6,146.



Lee O. Ruth, President
Town of Cheektowaga Police Club, Inc.



Dennis H. Gabryszak
Supervisor

Dated:

jk

Item No. 7b Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the Alpine Pump Station and force main system, located in Town Sanitary Sewer District No. 4, has provided for the continuous pumping and conveyance of sewage to the former Plant No. 5 treatment facility, and to the current Main Pump Station since its construction in 1939, and

WHEREAS, in order for the Alpine Pump Station to continue to operate effectively and efficiently, there is a need to perform major renovation and modernization to the structure and to the electrical and mechanical systems to meet current codes, and

WHEREAS, there is a further need to investigate alternate routing of the force main pipeline, which has also reached the end of its expected service life, in order to fully analyze the future annual operation and maintenance costs associated with the continued operation of said facility, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc, has submitted to the Town Engineer and dated November 16, 1994 to perform an engineering feasibility study for the Rehabilitation of the Alpine Pump Station, and for an investigation of alternative force main/gravity sewer pipeline routing be and hereby is approved, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting engineering services agreement for said Alpine Pump Station Feasibility Study on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that funding for said professional engineering services in the amount of \$18,565.00 shall be chargeable to Sewer District No. 4 Alpine Pump Station Feasibility Study Account No. 2400-8124-4981.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following SEASONAL and PART-TIME employees be and hereby are terminated as listed:

EFFECTIVE

RECYCLING DEPARTMENT

Scott Wesolowski 11/12/94

POLICE DEPARTMENT - Sign Maintenance Division

Michael Urbanski Immediately

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be hired in the Youth and Recreational Services Department at the titles and salaries indicated (part-time):

Item No. 9 cont'd

Recreation Attendant IV (TEEN CENTER) - \$5.00 - 7140.1614

Paul Rokitka 14225

Recreation Attendant I (TGIF) - \$4.25 - 7140.1614

Christopher Maciok 14225

and BE IT FURTHER

RESOLVED, that the following individual be elevated as indicated:

From Recreation Leader IV to Recreation Leader VI (RINK PERSONNEL)
\$6.50 - 7140.1611

Scott Fleetwood

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 10 Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

WHEREAS, Ellen Fischer has temporarily been serving as Project Director (Grant) in the Youth and Recreational Services Department/Cheektowaga Action Partnership, and

WHEREAS, at the time of said temporary appointment, Ellen Fischer was granted a leave of absence from her permanent position as Assistant Project Director (Grant) to serve in such temporary position, and

WHEREAS, the Erie County Department of Personnel has determined and certified that Ellen Fischer is eligible for non-competitive promotion to the position of Project Director (Grant), in accordance with the Civil Service Law of the State of New York and the rules promulgated thereunder, and that she is the only name on the preferred list for said position, NOW, THEREFORE, BE IT

RESOLVED, that Ellen Fischer of Cheektowaga, New York 14225, be appointed to the position of Project Director (Grant) on a permanent basis, effective immediately, and BE IT FURTHER

RESOLVED, that the leave of absence previously granted Ellen Fischer from her position of Assistant Project Director (Grant) be and hereby is terminated.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

* * * * *

Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski to dispense with the reading of the figures in Item #11 and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

* * * * *

Item No. 11 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

FROM: 0100-7110-4491	Special Events-Parks	\$ 3,800.00
0100-7110-4454	Portable Toilets-Parks	4,000.00
0100-7110-4141	Chemical Parks	1,100.00
0100-7110-1203	Working Crew Chief-Parks	7,000.00
0100-7310-4671	Youth Service Projects - Youth & Recreation	125.00
0100-7310-4681	In Service Training - Youth & Recreation	200.00
0100-7140-1613	Recreation Supervisors - Youth & Recreation	600.00
0100-7140-1613	Recreation Supervisors - Youth & Recreation	650.00
0100-7140-1615	Recreation Instructors - Aid to Youth	3,000.00
0100-7140-1615	Recreation Instructors - Aid to Youth	750.00
0100-3120-1511	Lieutenants - Police	57,000.00
0100-3120-1591	Crossing Guards - Police	10,000.00
TO: 0100-7110-4451	Repairs & Maintenance - Parks	\$ 3,800.00
0100-7110-4451	Repairs & Maintenance - Parks	4,000.00
0100-7110-4451	Repairs & Maintenance - Parks	1,100.00
0100-7110-1201	General Crew Chief - Parks	7,000.00
0100-7310-4201	Telephone - Youth & Recreation	125.00
0100-7310-4201	Telephone - Youth & Recreation	200.00
0100-7140-1627	Volleyball - Youth & Recreation	600.00
0100-7140-1630	Gymnastics - Youth & Recreation	650.00
0100-7140-1651	Theater - Youth & Recreation	3,000.00
0100-7140-1654	Basketball - Youth & Recreation	750.00
0100-3120-1551	Sergeants - Police	30,000.00
0100-3120-1391	Part-time Clerks - Police	15,000.00
0100-3120-1374	Clerk-Typist - Police	22,000.00

HIGHWAY FUND

FROM: 0300-5110-4331	Machinery Rental	\$ 1,000.00
0300-5141-1491	Seasonal Employees	1,500.00
0300-5110-4173	Stone	17,500.00
TO: 0300-5130-2407	Misc. Highway Equipment	\$ 1,000.00
0300-5141-1391	Part-Time Clerk	1,500.00
0300-4110-4469	Disposal Costs	17,500.00

SPECIAL DISTRICTS

FROM: 1500-8160-4475	Consultants	\$ 5,000.00
1500-8173-4475	Norec Consultants	5,000.00
1500-8160-2112	Computer	4,000.00
TO: 1500-8160-4211	Electricity	\$ 5,000.00
1500-8173-4431	Equipment & Repairs	5,000.00
1500-8160-4453	Building Repairs	4,000.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to November 18th, 1994 are hereby approved and made a part hereof:

Item No. 12 cont'd

GENERAL FUND	\$1,885,205.84
HIGHWAY FUND	335,770.43
TRUST & AGENCY FUND	42,115.04
CDBG HUD FUND	81,204.16
PART TOWN FUND	42,050.36
RISK RETENTION FUND	83,545.03
NYS HOME PROGRAM FUND	79,920.00
DEBT SERVICE FUND	1,075.00
SPECIAL DISTRICTS FUND	850,373.40
CAPITAL FUND	<u>1,095,261.36</u>
	<u>\$4,516,520.62</u>

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 13 Minutes of Cheektowaga Planning Board - October 13, 1994
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 14a Notice of Claim - State Farm Ins. for Donald Taylor vs Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Chief of Police; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 14b Notice of Claim - Catherine Marra, Adm. of Estate of Polly Przybyl vs
Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Chief of Police; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 14c Notice of Claim - Michael Mason, as Temporary Adm. of estate of
Gloria Mason vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Chief of Police; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 15 Petition from residents of Galleria Village regarding proposed
construction of Wendy's Restaurant
Copies were sent to: Dennis H. Gabryszak, Supervisor; Town Board
Members; Building Department; Planning Board, c/o Sal LaGreca.
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Councilman Johnson, Seconded by Councilman Rogowski
to suspend the rules to include the following resolutions and the
voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* * * * *

Item No. 16 Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, Michael F. Sebastiano has petitioned for the rezoning from M1-Light Manufacturing District to M2-Light Manufacturing District of property owned by him and located at 3802 Broadway, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of November, 1994 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 subject to the following conditions:

1. Submittal of a landscape plan acceptable to the Planning Board,

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment, subject to the following conditions:

1. Submittal of a drainage plan acceptable to the Town Engineer.
2. Commitment from applicant to participate in the Old Indian Road/Ellicott Road waterline

and

WHEREAS, this Town Board, by resolution dated November 7, 1994 issued a Conditional Negative Declaration for this project, NOW, THEREFORE, BE IT

RESOLVED, that the application of Michael F. Sebastiano for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property specified in the attached legal description be and the same is hereby granted subject to the aforementioned conditions recommended by the Planning Board and Environmental Advisory Committee, 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, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

16
Cheektowaga, County of Erie and State of New York, being part ²⁴⁷
of Farm Lot 2, Township 11, Range 7 of the Buffalo Creek Reservation,
being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of
Broadway, 429.62 feet easterly of the intersection of the northerly
line of Broadway with the easterly line of lands conveyed to
William Davis as recorded in the Erie County Clerk's Office in
Liber 97 of Deeds at page 99; thence easterly and along the northerly
line of Broadway 179.16 feet; thence northerly at an interior
angle of $92^{\circ} 04'$, 698.10 feet to the southerly line of Ellicott
Road, which is also the northerly line of Farm Lot 2; thence
westerly and along the southerly line of Ellicott Road and the
northerly line of Farm Lot 2, 340.16 feet to the westerly line
of lands conveyed in Liber 3390 of Deeds at Page 344; thence
southerly at an interior angle of $97^{\circ} 15'-20''$ and along said
westerly line of lands conveyed in Liber 3390 of Deeds at page
344, 406.07 to a point; thence easterly and parallel with Broadway
125.00 feet; thence southerly and parallel with the westerly
line of lands conveyed in Liber 3390 of Deeds at page 344, 244.00
feet to the northerly line of Broadway and the point or place
of beginning.

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

.....Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....November 23, 1994..... ;
last publication.....November 23, 1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this23rd.....

day ofNovember....., 19.....94

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 21st day of November, 1994 at 7:00 o'clock p.m. Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Blachowski seconded by Councilman Johnson

WHEREAS, Michael F. Sebastiano has petitioned for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of property owned by him and located at 3802 Broadway, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of November, 1994 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. Submittal of a landscape plan acceptable to the Planning Board

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment, subject to the following conditions:

1. Submittal of a drainage plan acceptable to the Town Engineer.

2. Commitment from applicant to participate in the Old Indian Road/Ellicott Road waterline

and

WHEREAS, this Town Board, by resolution dated November 7, 1994 issued a Conditional Negative Declaration for this project, NOW, THEREFORE, BE IT

RESOLVED, that the application of Michael F. Sebastiano for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property specified in the attached legal description be and the

same is hereby granted subject to the aforementioned conditions recommended by the Planning Board and Environmental Advisory Committee and BE IT FURTHER

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

DESCRIPTION

Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot 2, Township 11, Range 7 of the Buffalo Creek Reservation, being more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of Broadway, 429.62 feet easterly of the intersection of the northerly line of Broadway with the easterly line of lands conveyed to William Davis as recorded in the Erie County Clerk's Office in Liber 97 of Deeds at page 99; thence easterly and along the northerly line of Broadway 179.16 feet; thence northerly at an interior angle of 92° 04' 698.10 feet to the southerly line of Ellicott Road, which is also the northerly line of Farm Lot 2; thence westerly and along the southerly line of Ellicott Road and the northerly line of Farm Lot 2, 340.16 feet to the westerly line of lands conveyed in Liber 3390 of Deeds at Page 344; thence southerly at an interior angle of 97° 15'-20" and along said westerly line of lands conveyed in

Liber 3390 of Deeds at page 344, 406.07 to a point; thence easterly and parallel with Broadway 125.00 feet; thence southerly and parallel with the westerly line of lands conveyed in Liber 3390 of Deeds at page 344, 244.00 feet to the northerly line of Broadway; and the point or place of beginning.

Upon roll call...
Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on November 21, 1994, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 16, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of November, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: November 24, 1994

193
7624

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

.....Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....November 23, 1994.....;
last publication.....November 23, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this23rd.....

day ofNovember....., 19.....94

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

**EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
TOWN BOARD**

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PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Blachowski seconded by Councilman Johnson

WHEREAS, Michael F. Sebastiano has petitioned for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of property owned by him and located at 3802 Broadway, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of November, 1994 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. Submittal of a landscape plan acceptable to the Planning Board

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment, subject to the following conditions:

1. Submittal of a drainage plan acceptable to the Town Engineer.

2. Commitment from applicant to participate in the Old Indian Road/Ellicott Road waterline

and

WHEREAS, this Town Board, by resolution dated November 7, 1994 issued a Conditional Negative Declaration for this project, NOW, **THEREFORE, BE IT**

RESOLVED, that the application of Michael F. Sebastiano for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property specified in the attached legal description be and the

same is hereby granted subject to the aforementioned conditions recommended by the Planning Board and Environmental Advisory Committee and **BE IT FURTHER**

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

DESCRIPTION

Town of Cheektowaga, County of Erie and State of New York, being part of Farm Lot 2, Township 11, Range 7 of the Buffalo Creek Reservation, being more particularly bounded and described as follows:

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Liber 3390 of Deeds at page 344, 406.07 to a point; thence easterly and parallel with Broadway 125.00 feet; thence southerly and parallel with the westerly line of lands conveyed in Liber 3390 of Deeds at page 344, 244.00 feet to the northerly line of Broadway and the point or place of beginning.

Upon roll call...

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on November 21, 1994, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 16, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of November 1994.

Richard M. Moleski
Town Clerk

PUBLISH: November 24, 1994

193
7624

AGREEMENT

THIS AGREEMENT made and entered into as of the 29th day of November, 1994, by and between NEW YORK TELEPHONE COMPANY, a New York corporation d/b/a NYNEX, with offices at 1095 Avenue of the Americas, New York, New York 10036 ("NYNEX"), and TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at 3301 Broadway Street, Cheektowaga, New York 14227 ("Town").

WITNESSETH:

WHEREAS, NYNEX is the owner of property described in the attached Exhibits A and B (collectively, the "Premises"); and

WHEREAS, NYNEX has offered to convey and dedicate to the Town fee title to the property described in the attached Exhibit A and an access easement over the property described in the attached Exhibit B; and

WHEREAS, the Town desires to accept the aforementioned dedication of land and access easement for Slate Bottom Creek maintenance purposes;

NOW, THEREFORE, the parties agree as follows:

1. For consideration of \$1.00, NYNEX will dedicate and convey to the Town (i) fee title to the lands described in Exhibit A, and (ii) an easement over the lands described in Exhibit B. Such conveyance, in the case of fee title, will be by quitclaim deed in the form of the attached Exhibit C, and in the case of the easement, by an easement in the form of the attached Exhibit D. The Town will also execute such deed and easement to confirm the acceptance of such dedication.

2. The Town shall not be responsible for the adjustment of real estate taxes or assessments on the conveyed property, but NYNEX shall not be obligated to pay any real estate taxes on the property described in Exhibit A accruing after the date of the conveyance by NYNEX.

3. The "Closing" means the settlement of the obligations of NYNEX and the Town to each other under this Agreement, including the delivery to the Town of the deed and easement referred to above in proper statutory form for recording. The Closing will take place 60 days after this Agreement shall be fully executed and delivered, or such earlier date as the parties may mutually agree. The parties will execute and deliver any real estate transfer or gains tax returns required in order to record the deed and the easement referred to above. NYNEX will pay any applicable recording fees. The Town will pay any abstract or title insurance charges it may incur.

4. (a) NYNEX shall give and the Town shall accept

title to the property described in Exhibit A subject only to (i) easements, rights-of-way, covenants and restrictions of record, (ii) the state of facts an accurate survey would show, and (iii) laws, ordinances and governmental regulations that affect the use and maintenance of the Premises.

(b) If NYNEX is unable to transfer title to the Premises in accordance with this Agreement, this Agreement shall be considered cancelled, and neither NYNEX nor the Town shall have any further rights against the other. The acceptance of a deed and easement by the Town shall be deemed to be a full performance and discharge of every agreement and obligation on the part of NYNEX to be performed under this Agreement. Unless otherwise stated, no obligation, liability, representation or warranty of NYNEX shall survive Closing.

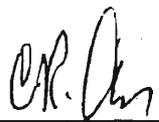
5. The Town has inspected the Premises and is thoroughly acquainted with their condition. The Town agrees to accept them "as is" and in their present condition subject to reasonable use, wear, tear, and natural deterioration between now and Closing. NYNEX has made no representation, warranty or statement regarding the condition of the Premises, the zoning of the Premises or any environmental matters. The Town shall have the right, after reasonable notice to NYNEX, to inspect the Premises.

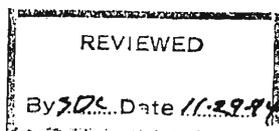
6. All prior understandings and agreements between NYNEX and the Town are merged in this Agreement. It completely expresses their full agreement. This Agreement may not be changed or cancelled nor may any provision be waived except in a writing signed by both parties.

7. This Agreement shall not be binding until it is fully signed and delivered by both NYNEX and the Town.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the date first above written.

NEW YORK TELEPHONE COMPANY

By: 
Title: General Manager - Real Estate



TOWN OF CHEEKTOWAGA

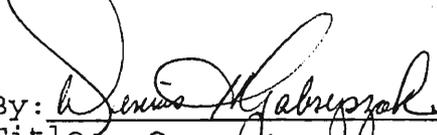
By: 
Title: Supervisor

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 50, TOWNSHIP 10, RANGE 7, OF THE BUFFALO CREEK RESERVATION AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 233.00' WEST OF THE EAST LINE OF LOT 50 AND 210.00' NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF FRENCH ROAD (80.00' WIDE), THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF LOT 50 A DISTANCE OF 128.43' TO A POINT, THENCE WESTERLY AT AN INTERIOR ANGLE OF 89°26'30" A DISTANCE OF 670.69' TO A POINT, THENCE SOUTHERLY AT RIGHT ANGLES A DISTANCE OF 43.38' TO A POINT, THENCE EASTERLY AT AN INTERIOR ANGLE OF 114°43'01," A DISTANCE OF 110.09 TO' A POINT, THENCE NORTHERLY AT AN INTERIOR ANGLE OF 65°16'59" A DISTANCE OF 17.00' TO A POINT, THENCE EASTERLY AT AN INTERIOR ANGLE OF 270°00'00" A DISTANCE OF 110.00' TO A POINT, THENCE NORTHERLY AT RIGHT ANGLES A DISTANCE OF 10.00' TO A POINT, THENCE EASTERLY AT RIGHT ANGLES A DISTANCE 183.71' TO A POINT, THENCE SOUTHEASTERLY AT AN INTERIOR ANGLE OF 193°27'48" A DISTANCE OF 283.52' TO THE POINT OR PLACE OF BEGINNING, CONTAINING 1.2 ACRES MORE OR LESS.

EXHIBIT 8

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 50, TOWNSHIP 10, RANGE 7, OF THE BUFFALO CREEK RESERVATION AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT OF WAY LINE OF FRENCH ROAD (80.00' WIDE), A DISTANCE OF 508.00' WEST OF THE EAST LINE OF LOT 50, THENCE NORTHERLY AT AN ANGLE OF $89^{\circ}43'34''$ AS MEASURED LEFT, A DISTANCE OF 276.00' TO A POINT, THENCE EASTERLY AT AN INTERIOR ANGLE OF $76^{\circ}48'38''$ A DISTANCE 10.27' TO A POINT, THENCE SOUTHERLY AT AN INTERIOR ANGLE OF $103^{\circ}11'22''$ A DISTANCE OF 273.66' TO A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF FRENCH ROAD, THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF FRENCH ROAD A DISTANCE OF 10.00' TO THE POINT OR PLACE OF BEGINNING, CONTAINING 0.06 ACRES MORE OR LESS.

Exhibit C

DEED

NEW YORK TELEPHONE COMPANY

to

TOWN OF CHEEKTOWAGA

Town: Cheektowaga
County: Erie

RECORD AND RETURN TO:

Kevin G. Schenk, Esq.
Office of the Town Attorney
3301 Broadway Street
Cheektowaga, New York 14227

DEED

THIS INDENTURE, made the 29th day of November, 1994, between NEW YORK TELEPHONE COMPANY, a New York corporation having an address at 1095 Avenue of the Americas, New York, New York 10036 ("Grantor"), and TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at 3301 Broadway Street, Cheektowaga, New York 14227 ("Grantee").

WITNESSETH, that Grantor, for good and valuable consideration, does hereby remise, release, dedicate and quitclaim unto Grantee, its successors and assigns forever, all that certain plot, piece or parcel of land, with the improvements thereon, described on Exhibit A attached hereto (the "Premises").

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to the Premises, including water rights and rights to land under water.

TO HAVE AND TO HOLD the premises herein granted unto Grantee, its successors and assigns forever.

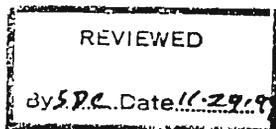
AND Grantor warrants that the Premises do not constitute all or substantially all of the assets of Grantor.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

Grantee hereby accepts the dedication of the Premises.

IN WITNESS WHEREOF, the parties have duly executed this Deed as of the day and year first above written.

NEW YORK TELEPHONE COMPANY



By: [Signature]
Its: General Manager - Real Estate

TOWN OF CHEEKTOWAGA

By: [Signature]
Its: Supervisor

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

On the 29th day of November, 1994, before me personally came Charles R. Clos, to me known, who, being by me duly sworn, did depose and say that he resides at Top Hill Lane, Mt. Kisco, New York; that he is the General Manager, Real Estate of NEW YORK TELEPHONE COMPANY, the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by authority of the board of directors of said corporation.

Steven D. Cohen
Notary Public

STEVEN D. COHEN
Notary Public, State of New York
No. 31-4972044
Qualified in New York County
Commission Expires September 17, 1996

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

On the 23rd day of November, 1994, before me personally came Dennis H. Gabryszak, to me known, who, being by me duly sworn, did depose and say that he resides at Cheektowaga, New York; that he is the Supervisor of the TOWN OF CHEEKTOWAGA, the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by authority of the town board of said town.

Kevin G. Schenk
Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1995

EASEMENT

NEW YORK TELEPHONE COMPANY

to

TOWN OF CHEEKTOWAGA

Town: Cheektowaga
County: Erie

RECORD AND RETURN TO:

Kevin G. Schenk, Esq.
Office of the Town Attorney
3301 Broadway Street
Cheektowaga, New York 14227

EASEMENT

THIS EASEMENT, made as of the 29th day of November, 1994, by and between NEW YORK TELEPHONE COMPANY, a New York corporation d/b/a NYNEX, with offices at 1095 Avenue of the Americas, New York, New York 10036 ("Grantor"), and TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at 3301 Broadway Street, Cheektowaga, New York 14227 ("Grantee").

W I T N E S S E T H:

Subject to and upon the terms and conditions hereinafter set forth, and for good and valuable consideration, Grantor does hereby dedicate and grant to Grantee, its successors and assigns, without covenant or warranty of any kind, a permanent right-of-way and easement, over, under and along the land described on Exhibit A attached hereto and made a part hereof (the "Land"), solely for the purpose of having pedestrian and vehicular ingress and egress from French Road to Slate Bottom Creek to maintain said creek.

Reserving, to Grantor, its successors and assigns, the right of reasonable ingress and egress over the easement herein granted to Grantee.

To have and to hold the rights and easement herein granted unto Grantee, its successors and assigns forever.

Grantee hereby accepts the dedication of this Easement.

The rights described above are granted upon the following terms, covenants and conditions:

1. This Easement is given and accepted subject to, and is subordinate to, all outstanding liens, encumbrances, conditions, restrictions, easements, licenses, leases, tenancies, and other matters affecting title to the Land, whether or not of record.

2. This Easement is nonexclusive and shall be subject and subordinate to the right of Grantor and other parties to use the Land and install facilities over, under and along the Land, provided that the use thereof by Grantor and such third parties shall not materially interfere with Grantee's exercise of the rights granted herein.

3. Grantee shall cause any work performed in the exercise of the rights and privileges granted herein to be promptly completed, and shall cause all property of Grantor to be restored as nearly as possible to the condition the same was in

immediately before the commencement of any such work.

4. Grantee shall require any contractor using the easement granted hereunder in the performance of any work to maintain adequate liability and worker's compensation insurance.

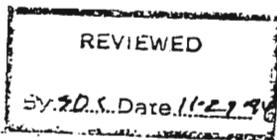
5. Grantee shall indemnify, defend and hold Grantor harmless from and against all loss, cost, damage and expense (including, without limitation, reasonable attorney's fees and disbursements and the cost of enforcing this indemnity) arising out of (a) the use of the Land or the exercise of the rights granted hereunder by Grantee or its agents or contractors and (b) Grantee's failure to perform any of its obligations hereunder.

6. This Easement contains the entire agreement of the parties with respect to the subject matter hereof. This Easement may not be changed or terminated nor may any of its provisions be waived orally, but only by an agreement signed by the party against whom enforcement of such change, termination or waiver is sought.

IN WITNESS WHEREOF, the parties have duly executed this Easement as of the date first above written.

GRANTOR:

NEW YORK TELEPHONE COMPANY



By: [Signature]
Title: General Manager - Real Estate

GRANTEE:

TOWN OF CHEEKTOWAGA

By: [Signature]
Title: Supervisor

NO. 27

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

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Steven D. Copen
Notary Public

STEVEN D. COPEN
Notary Public, State of New York
No. 31-4972044
Qualified in New York County
Commission Expires September 17, 1996

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

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Kevin G. Schenk
Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified In Erie County
My Commission Expires Feb. 28, 1995

No. 07

Item No. 17 Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga has agreements with Cheektowaga - Sloan Union Free School District to place recreational equipment at the School District's Theodore Roosevelt School Playground and the Woodrow Wilson School Playground and to otherwise use such School District property for recreational uses, and

WHEREAS, the Superintendent of Cheektowaga-Sloan U.F.S.D. has requested the Town to remove the obsolete playground equipment from the Theodore Roosevelt School and Woodrow Wilson School sites, and

WHEREAS, this Board is agreeable to removing this playground equipment, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Director of the Facilities Department to arrange for the removal of such playground equipment at the Theodore Roosevelt and Woodrow Wilson Schools.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, New York Telephone Company, d/b/a NYNEX, is the owner of property located at 1130 French Road in the Town of Cheektowaga, and

WHEREAS, Slate Bottom Creek runs through the northerly portion of this property, and

WHEREAS, the Town Engineer is interested in having NYNEX convey the bed and banks of this portion of Slate Bottom Creek and an easement allowing access to the creek from French Road to the Town, and

WHEREAS, NYNEX has agreed to the Town Engineer's request and has prepared the attached Agreement for such purpose, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with NYNEX, and all other papers necessary to effectuate the transfer of the above referenced property and easement to the Town, and BE IT FURTHER

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 19 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

NOV 21 1994

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 5th day of December, 1994 at 7:00 o'clock P.M., Eastern Standard Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Salvatore LaGreca; Chairman of Planning Board; John Schaller, Assistant Chief of Police; Kenneth Kopacz, Direction of Youth and Recreational Services; David Kulik, Director of Solid Waste; and Leonard Szymanski, Facilities Foreman.

I. RESOLUTIONS

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

WHEREAS, an ordinance (Chapter 69 of the Code of the Town of Cheektowaga) granting property tax exemptions to eligible senior citizens was previously adopted by the Cheektowaga Town Board, and

WHEREAS, various amendments to such ordinance have been adopted to increase income eligibility for senior citizens, and

WHEREAS, the State Legislature has authorized municipalities to further increase income eligibility under such an ordinance, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 19th day of December, 1994 at 7:00 P.M. to consider the advisability of amending Chapter 69 of the Town Code to increase income eligibility for senior citizens under such ordinance, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached notice of Hearing in the Cheektowaga Times, the official Town newspaper.

* * * * *

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 5th day of December, 1994, a public hearing will be held on the 19th day of December, 1994 at 7:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether the Tax Exemption for Senior Citizens Ordinance (Chapter 69 of the Town Code) shall be amended and changed as follows:

- §69-2. Conditions for exemption.
- B. Income range; applicability
 - (1) The percentage of exemption from town taxes shall be based on the maximum annual income range specified herein as follows:

Item No. 2 continued

<u>Income Range (Maximum)</u>	<u>Percentage of Exemption</u>
\$15,000.00	50%
\$15,600.00	45%
\$16,200.00	40%
\$16,800.00	35%
\$17,400.00	30%
\$18,000.00	25%
\$18,599.99	20%
\$19,200.00	15%
\$19,800.00	10%

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

Richard M. Moleski
Town Clerk

Dated: December 5, 1994

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE
 NOTICE OF HEARING

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\$18,599.99	20%
\$19,200	15%
\$19,800	10%

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

Dated: December 5, 1994

RICHARD M. MOLESKI
 Town Clerk

PUBLISH: December 8, 1994

Paula D. Sticht
 _____, of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 _____ of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for¹..... weeks:
 first publication..... December 8, 1994..... ;
 last publication..... December 8, 1994..... ;
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this 8th.....

day of December....., 19...⁹⁴..

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

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

Paula D. Sticht

....., of the town
 of Cheektowaga, in said County of Erie, being
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 first publication..... December 8, 1994..... ;
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 tween publications.

Paula D. Sticht

Sworn to before me this^{8th}.....

day of December 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
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 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

NOTICE OF HEARING

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B. Income range; applicability

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\$18,000	25%
\$18,599.99	20%
\$19,200	15%
\$19,800	10%

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

Dated: December 5, 1994

RICHARD M. MOLESKI
 Town Clerk

PUBLISH: December 8, 1994

Item No. 3 Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing on one (1) 1994 Cab and Chassis for Refuse Roll-Off for the Sanitation Department, which bids were duly received and opened at a public bid opening for that purpose, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) 1994 Cab and Chassis for Refuse Roll-Off Use be awarded to Bison Truck Center, Inc. 2370 Walden Avenue, P.O. Box 201, Buffalo, New York 14225-0201 for their bid in the amount of \$62,800.00 for one (1) 1994 Cab and Chassis for Refuse Roll-Off Use, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funding for said Cab and Chassis shall be chargeable to Account #5304-8160-9364.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of baseball equipment for the Town of Cheektowaga Department of Youth and Recreational Services. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk, said notice to be published in the Cheektowaga Times, and BE IT FURTHER

RESOLVED, that sealed bids will be received on January 9, 1995 at 11:00 a.m., Eastern Standard Time at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 9, 1995 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for baseball equipment.

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

The bidder agrees to make every attempt to deliver all contracted items in SIXTY (60) DAYS OR LESS from the date of order and to notify the Town of Cheektowaga Department of Youth and Recreational Services at once in the event the manufacturer or supplier causes a delay and bidder cannot comply. Bidder may be requested to present in writing reasons for delay.

The Town of Cheektowaga reserves the right to request samples of any or all items which are bid as "equals" to the item originally designated. For any item which is bid as equal, bidder must submit documentation to prove the equality of the item. Said documentation must be submitted along with the bid.

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

Further, the Town of Cheektowaga reserves the right to reduce quantities, increase quantities and delete certain items if it deems necessary.

Please keep in mind that other departments within the Town of Cheektowaga may wish to order from this baseball equipment list.

Item No. 4 continued

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

Richard M. Moleski
Town Clerk

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE

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Please keep in mind that other departments within the Town of Cheektowaga may wish to order from this baseball equipment list.

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

Richard M. Moleski
Town Clerk

PUBLISH: December 8, 1994

57
#22.52

Paula D. Sticht
....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
Clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹ weeks:
first publication..... December 8, 1994 ;
last publication..... December 8, 1994 ;
and that no more than six days intervened be-
tween publications.

Paula D. Sticht
.....

Sworn to before me this 8th
day of December , 19.. 94

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
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MY COMMISSION EXPIRES 12/11/95

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

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95 5

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

Further, the Town of Cheektowaga reserves the right to reduce quantities, increase quantities and delete certain items if it deems necessary.

Please keep in mind that other departments within the Town of Cheektowaga may wish to order from this baseball equipment list.

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

Richard M. Moleski
 Town Clerk

PUBLISH: December 8, 1994

57
 \$22.52

Item No. 5 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building permits, 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 Teamster's Local 558 to convert 35 Tyrol, formerly a warehouse/office, into a business office and meeting rooms for various teamster locals, AND

WHEREAS, the applicant, as part of the conversion, would expand the parking area to the west along Union Road, AND

WHEREAS, the applicant has met with the EAC, Planning Board and Conservation Advisory Council to discuss the retention of existing trees and establishment of new plantings, AND

WHEREAS, as result of these meetings the plan was modified by reducing the parking expansion to retain trees and additional trees will be planted along Union Road, AND

WHEREAS, the final plan will be filed with the Town as the approved plan and given a final review with the Planning Board, AND

WHEREAS, the Advisory Committee, at its meeting held on November 30, 1994 rendered the determination shown on the attached memo dated December 1, 1994, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, 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 S.E.Q.R.A.

Upon Roll Call....

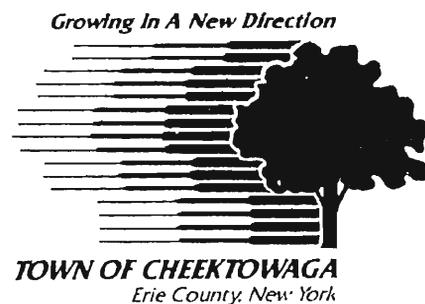
AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of Building & Plumbing Inspections
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088
716 / 686-3470



M E M O

TO: Supervisor Dennis Gabryszak
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Building Inspector

DATE: December 1, 1994

The following is a summary of the proposals which have been reviewed by the Town Environmental Advisory Committee at a meeting held on November 30, 1994 in the Town Hall Council Chambers.

ITEM I 35 Tyrol - Conversion of an Office/Warehouse into a Business Office and Meeting Rooms

Applicant: Teamsters Local 558

The applicant is proposing to convert a former warehouse/office into the business offices and meeting rooms for several teamsters locals. The site parking would be increased with paving placed at the Union Road side of the building. After much discussion with the Planning Board, Conservation Council and Environmental Advisory Committee the applicant has reduced the amount of parking and has agreed to plant trees along Union Road. Existing landscaping on the site at the east end of the property will remain.

The applicant has obtained a variance from the Zoning Board of Appeals to convert the building into offices even though the building area is below the 10,000 square foot minimum required in the Zoning Law.

The updated landscaping plan will be submitted to the Planning Board for their final review. The committee had no other concerns regarding this project and is recommending that the Town Board issue a Negative Declaration for the project.

Item No. 6 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, Syncor International Corporation ("Syncor"), has applied to the New York State Department of Environmental Conservation ("DEC") for a variance to State law with respect to the storage and ventilation of medical wastes before disposal on property owned by the Niagara Frontier Transportation Authority ("NFTA") and located at 303 Cayuga Road in the Town, and

WHEREAS, as part of the variance application, Syncor has made application under the State Environmental Quality Review Act ("SEQRA") for review, and

WHEREAS, the DEC has issued a negative declaration under SEQRA with respect to this project without requesting or receiving input from the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga has environmental and public health, safety and welfare concerns about this project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby strongly objects to the issuance by the DEC of a negative declaration and variance for this project based on the following reasons and concerns:

1. The Town needs additional specific information as to all of the operations of the applicant at this property, including but not limited to the following:
 - a. Type and size of the operations.
 - b. Type and amounts of materials stored on the property.
 - c. Applicant's plans in the event of non-containment of hazardous materials, etc.
 - d. What precautions are being made for the safe transportation, transfer and storage of medical wastes with respect to such facility.
 - e. Potential dangers posed to Town residents.
2. The Town needs to know what arrangements were made by the applicant to inform the Town Fire Companies and Disaster Coordinator in the event of a fire, disaster, etc.
3. The Town needs to know the details of the variance(s) to be granted and DEC's justification relative to law or regulation and potential environmental/health impacts.

AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the DEC, the NFTA and Syncor.

* * * * *

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN WIELINSKI TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES:	Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES:	0
ABSENT:	0

* * * * *

WHEREAS, Syncor International Corporation ("Syncor"), has applied to the New York State Department of Environmental Conservation ("DEC") for a variance to State law with respect to the storage and ventilation of medical wastes (before disposal) on property owned by the Niagara Frontier Transportation Authority ("NFTA") and located at 303 Cayuga Road in the Town, and

Item No. 6 continued

WHEREAS, as part of the variance application, Syncor has made application under the State Environmental Quality Review Act ("SEQRA") for review, and

WHEREAS, the DEC has issued a negative declaration under SEQRA with respect to this project without requesting or receiving input from the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga has environmental and public health, safety and welfare concerns about this project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby strongly objects to the issuance by the DEC of a negative declaration and variance for this project based on the following reasons and concerns:

1. The Town needs additional specific information as to all of the operations of the applicant at this property, including but not limited to the following:
 - a. Type and size of the operations.
 - b. Type and amounts of materials stored on the property.
 - c. Applicant's plans in the event of non-containment of hazardous materials, etc.
 - d. What precautions are being made for the safe transportation, transfer and storage of medical wastes with respect to such facility.
 - e. Potential dangers posed to Town residents.
2. The Town needs to know what arrangements were made by the applicant to inform the Town Fire Companies and Disaster Coordinator in the event of a fire, disaster, etc.
3. The Town needs to know the details of the variance(s) to be granted and DEC's justification relative to law or regulation and potential environmental/health impacts.

AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the DEC, the NFTA and Syncor.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, the Sonwil Drive Pavement and Improvements Project, awarded by Town Board Resolution dated July 19, 1994 to Kandey Company, Inc. in the amount of \$333,333.00, has been completed in accordance with the project design specifications, AND

WHEREAS, the Town Engineer and the Project Consulting Engineer, Nussbaumer & Clarke, Inc., have recommended approval of Change Order No. 1 (final) for the Sonwil Drive Pavement and Improvements Project which provides for final adjustment to contract item quantities as described in a letter from the Town Engineer dated November 29, 1994 and considered part of this resolution, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the Sonwil Drive Pavement and Improvements Project in the amount of \$17,813.25 as a deduction to the contract of Kandey Company, Inc., 19 Ransier Drive, West Seneca, New York 14224 be and hereby is approved, AND, BE IT FURTHER

Item No. 7 continued

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 (final) on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.
Town Engineer



November 29, 1994

TO THE SUPERVISOR AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Change Order No. 1
Sonwil Drive Pavement
and Improvements Project

Gentlemen:

The Sonwil Drive Pavement and Improvements Project which provided for the widening and rehabilitation of Sonwil Drive, recently accepted as a Town highway, included improvements to the highway drainage system, a 400 L.F. southerly highway extension and the installation of 1950+ L.F. of public sanitary sewer improvements has been recently completed in accordance with the engineering design and contract specifications as prepared by Nussbaumer & Clarke, Inc, the project engineering consultant. This project, awarded to Kandey Company, Inc. in the amount of \$333,333.00 by Town Board resolution dated July 18, 1994, is being financed by bonds to be repaid by Sonwil Distribution Center, Inc., the owner of the entire western frontage of the highway. The majority of lands abutting the easterly Sonwil Drive frontage are owned by the Town, being the site of the proposed municipal golf course.

Change Order No. 1 (final) which provides for a deduction in the contract with Kandey Company, Inc. in the amount of \$17,813.25 adjusts the estimated contract material quantities to those actual measured quantities incorporated into the project. The change order document outlines in detail the adjustment to each of the fifty (50) item quantities which resulted in the net project savings.

The nature of this type of road rehabilitation project can easily lead to contract overruns and I am happy to report that with

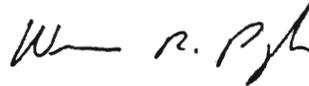
TO THE SUPERVISOR AND
TOWN BOARD MEMBERS

November 29, 1994
Page 2

the dedicated support of the project engineers, Mr. Richard Miller, Mr. Dave Pettit and Mr. Francis Fiske, Inspector for Nussbaumer & Clarke, Inc., that this project was completed within the allocated budget.

Respectfully submitted,

TOWN OF CHEEKTOWAGA



William R. Pugh, P.E.
Assistant Town Engineer

WRP:dms

CC: Mike Smith, P.E.

NUSSBAUMER & CLARKE, INC.
3556 LAKE SHORE ROAD, SUITE 500
BUFFALO, NEW YORK 14219-1494

Change Order No. 1 (Final)
Contract No. _____
NCI File No. 94-419

Date: November 11, 1994
Sheet 1 of 4

Project: Sonwil Drive Pavement Improvements

Owner's Name: Town of Cheektowaga, New York

Owner's Address: Broadway and Union Road, Cheektowaga, New York 14227

Contractor's Name: Kandey Co., Inc.

Contractor's Address: 19 Ransier Drive, West Seneca, New York 14224

DESCRIPTION OF CHANGE TO CONTRACT OR EXTRA WORK:

Final Adjustment to Contract Quantities

REASON FOR MODIFICATION OR NEED FOR EXTRA WORK:

See Attachments

ORIGINAL CONTRACT SUM	<u>\$333,333.00</u>
NET AMOUNT OF PREVIOUS CHANGE ORDERS	<u>0</u>
NET AMOUNT THIS CHANGE ORDER	<u>- \$17,813.25</u>
TOTAL CONTRACT SUM (Final)	<u>\$315,519.75</u>

APPROVALS:

Owner: Dennis H. Gabrysz Date: 12-8-94
Contractor: James H. ... Date: 11/15/94
Engineer: David F. ... Date: 11/17/94
Field Office: Richard M. Miller Date: 11/17/94

Town of Cheektowaga
 Sonwil Drive Pavement
 & Improvement Project

N.C.I. File No. 94-419

Engineer: N. & C., Inc.
 Contractor: Kandey Co., Inc.
 Change Order No. 1 (Final)
 Date: November 11, 1994

ITEM NUMBER	ITEM DESCRIPTION	ITEM QUANTITY	UNIT	Final Contract Quantities	Change in Quantities	Unit Price L & M	Amount This C Or
1	Mobilization/Demobilization	1	LS	1 LS	0	\$ 4187.65	
2	Existing Pavement Removal and Replacement at Random Locations						
	Saw Cutting	1,250	LF	1117	-133 LF	\$ 2.00	\$ -2
	2" Binder	725	SY	667	-58 SY	\$ 8.40	\$ -4
	3" Base	725	SY	667	-58 SY	\$ 5.70	\$ -3
	Sub-Base	255	CY	255	0	\$ 42.50	
	Geotextile Fabric	725	SY	667	-58 SY	\$ 0.40	\$ -2
3	Condition No. 2 Pavement Widening Sta. 13+00 to Sta. 28+45 (Full 34' Width) 1" top	6,275	SY	6355.50	80.5	\$ 2.60	\$ 20
	2" Binder	1,300	SY	1088.20	-211.8 SY	\$ 5.60	\$ -1
	3" Base	1,125	SY	1088.20	-36.8 SY	\$ 8.40	\$ -3
	12" Sub-Base	785	CY	400	-385 CY	\$30.00	\$ -11
	* Underdrain Filter Stone Type 1	250	CY	250	0	\$ 22.00	
	* 6" dia. Underdrain Tubing	2,170	LF	1880	-290 LF	\$ 3.90	\$ -1
	* Geotextile Fabric	2,225	SY	2225	0	\$ 0.40	
4	Condition No. 1 Pavement Widening Sta. 28+45 to Sta. 31+65 (Full 34' Width) 1" Top	2,395	SY	2304	-91 SY	\$ 2.50	\$ -2
	2" Binder	365	SY	214	-151 SY	\$ 5.90	\$ -8
	3" Base	315	SY	214	-151 SY	\$ 8.65	\$ -1
	12" Sub-Base	125	CY	83	-42 Cy	\$ 40.00	\$ -1
	Geotextile Fabric	410	SY	410	0	\$ 0.40	
5	Full Depth Pavement Construction Sta. 34+55 to Sta. 38+60						
	1" Top	1540	SY	1540	0	\$ 2.40	
	2" Binder	1540	SY	1540	0	\$ 4.74	
	3" Base	1540	SY	1540	0	\$ 6.70	
	12" Sub-Base	540	CY	540	0	\$ 30.00	
	Underdrain Filter Stone Type 1	95	CY	95	0	\$ 22.00	
	6" dia. Underdrain Tubing	900	LF	900	0	\$ 3.60	
	Geotextile Fabric	1,900	SY	1900	0	\$ 0.40	
6	Cold Milling and Truing and Leveling Operations						
	Cold Milling	300	SY	0	-300 SY	\$ 9.25	\$ -2
	Truing and Leveling Course	25	TON	25	0		

Town of Cheektowaga
 Sonwil Drive Pavement
 & Improvement Project

N.C.I. File No. 94-419

Engineer: N. & C., Inc.
 Contractor: Kandey Co., Inc.
 Change Order No. 1 (Final)
 Date: November 11, 1994

ITEM NUMBER	ITEM DESCRIPTION	ITEM QUANTITY	UNIT	Final Contract Quantities	Change in Quantities	Unit Price L & M	Amount This C Or
7	Erosion and Sediment Control; Clearing and Grubbing; Stripping and Stockpiling Topsoil	1	LS	1 LS	0	\$ 20,000.00	
8	Temporary Access Rd. Sta.38+60 to Sta.54+02 (including movable highway barricade)	1	LS	1 LS	0	\$ 18,000.00	
9	Proposed New Ditch and Existing Ditch Improvements						
	Exist. Ditch Improvement/Realignment	1,875	LF	1789	-86 LF	\$ 2.30	\$ -1
10	New Road Side Ditch Excavation	3,735	LF	3660	-75 LF	\$ 2.30	\$ -1
	Drainage Pipe; Galvanized Metal End Sections and Catch Basin						
	12"	175	LF	175	0 LF	\$ 28.00	
	15"	60	LF	60	0 LF	\$ 32.00	
	18"	340	LF	340	0 LF	\$ 35.00	
	12" End Section	2	EA	2	0	\$ 50.00	
	15" End Section	6	EA	6	0	\$ 60.00	
	18" End Section	4	EA	4	0	\$ 70.00	
11	Proposed Catch Basin @ Sta. 37+55	1	LS	1	0	\$ 750.00	
	Proposed Concrete Headwall; Concrete Cradle and Twin 18" dia. CMP Extensions @ Sta. 35+70	1	LS	1 LS	0	\$ 7000.00	
12	Sanitary Sewer Pipe 8" dia., 10" dia., and 12" dia PVC- S.D.R. 35						
	8" Dia.	822	LF	822	0	\$ 20.00	
	10" Dia.	64	LF	75	9 LF	\$ 24.00	\$ 21
	12" Dia.	1,072	LF	1072	0	\$ 25.00	
13	Sanitary Manholes 0'-8' Deep; Additional Depth Manhole Barrel (over 8' deep) and Adjusting Clean-outs						
	Sanitary Manholes (0'-8'Deep)	8	EA	8	0	\$ 1800.00	
	Add'l. Depth Manhole Barrel (8'+over)	19	LF	18.7	-.3 LF	\$ 100.00	\$ -
	Adjusting Force Main Clean-out Rd. Boxes	5	EA	7	2	\$ 100.00	\$ 20

Town of Cheektowaga
 Sonwil Drive Pavement
 & Improvement Project

N.C.I. File No. 94-419

Engineer: N. & C., Inc.
 Contractor: Kandey Co., Inc.
 Change Order No. 1 (Final)
 Date: November 11, 1994

ITEM NUMBER	ITEM DESCRIPTION	ITEM QUANTITY	UNIT	Final Contract Quantities	Change in Quantities	Unit Price L & M	Amount This Ch Ord
14	Select Material Backfill	325	CY	371.76	46.76	\$ 25.00	\$ 1162.50
15	Grading, Seeding & Mulching	1	EA	1 EA	0	\$12,000.00	0
16	Tapping Sleeves and Valves	2	EA	2 EA	0	\$ 2500.00	0
17	Removal and Relocation of Exist. Hydrants	2	EA	2 EA	0	\$ 850.00	0
18	Contingent Items	1	EA	3000.00	0	\$ 3000.00	0

Adjustment to Contract Items==>

Original Contract Amount	\$333,333.00
Adjustment to Contract Quantities	<u>\$ -17,813.25</u>
Final Contract Total	\$ 315,519.75

Item No. 8 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following recreational fees be established effective January 1, 1995 summer season.

SOFTBALL TEAM FRANCHISE FEES

Coed	\$235
Women's	235
Men's Leisure	235
Fast Pitch	235
*Business	275
Over 40	275
Friday Men's Classic	300

*Non-residents must pay an additional fee at a cost of \$18 per person league they play in. Each team must have a minimum of 60% of their actual roster being Town Residents. Town Business Teams may enter into any division (all of its players must be employed by a company that is located within Cheektowaga).

DIAMOND RENTAL FEES

All diamond rentals are in two (2) hour time blocks

	<u>RESIDENT</u>	<u>NON-RESIDENT</u>
<u>Diamonds -</u>		
per 2 hour time block		
No lights	\$ 30	\$ 40
Lights	55	65
<u>Diamond 13 week series -</u>		
same 2 hour time block		
No lights	\$250	\$400
Lights	400	650
Games added		
No lights	\$ 25	35
Lights	50	60

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 9 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Youth and Recreational Services Department's Youth Engaged (Y.E.S.) program has requested permission to conduct an overnight campout on January 14th and 15th, 1995 at the Alexander Community Center, and

WHEREAS, Article 48-12 of the Code of the Town of Cheektowaga states that "All parks shall be closed, except for use of driveways therein, between the hours of sunset and sunrise the following morning, and no person shall lounge about or remain in any of the parks during the hours when so closed", NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, and that said waiver be extended to the Cheektowaga Youth Engaged in Service program for the use of the Alexander Community Center on January 14th and 15th, 1995, and BE IT FURTHER

RESOLVED, that a copy of said resolution be forwarded to the Chief of Police and the Facilities Department Director.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 10a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at each of Cheektowaga's four branch libraries, which 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 Town of Cheektowaga continue said program for a twelve (12) month period, January 1, 1995 through December 31, 1995 with a total cost not to exceed the sum of \$1,900.00 and BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute said agreement between the Town of Cheektowaga and the Cheektowaga Public Library System.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of a joint program with Child and Family Services of Erie County, 300 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

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 (12) month period, January 1, 1995 through December 31, 1995 with a total cost not to exceed the sum of \$82,922.00 and, BE IT FURTHER

RESOLVED, that the Child and Family Services will reimburse the Town for up to \$12,438.00 (15%) of the actual costs of operating said program and the New York State Division for Youth will reimburse the Town for up to \$28,761.00 (35%) leaving the actual cost to the Town at \$41,723.00 (50%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-4687

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of a joint program with Catholic Charities Metropolitan Services Department of 525 Washington Street, Buffalo, New York 14203, whereby school drop-outs, potential drop-outs, and high risk youth within the Town will receive vocational, educational, and personal adjustment 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

Item No. 10c continued

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, 1995 through December 31, 1995 with a total cost not to exceed the sum of \$112,868.00, BE IT FURTHER

RESOLVED, that Catholic Charities Metropolitan Service will reimburse the Town for up to \$28,217.00 (25%) of the actual costs of operating said program and the New York State Division for Youth will reimburse the Town for up to \$39,151.00 (35%) leaving the actual cost to the Town at \$45,500.00 (40%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10d Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of continuing the operation of the Youth Engaged in Service program with the Youth Department-Diocese of Buffalo, 795 Main Street, Buffalo, New York, which prepares teenage volunteers to assist their community in various projects that require 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 Youth Department-Diocese of Buffalo to continue said program for a twelve (12) month period, January 1, 1995 through December 31, 1995 with a total cost not to exceed the sum of \$44,561.00 and, BE IT FURTHER

RESOLVED, that the Youth Department-Diocese of Buffalo will reimburse the Town for up to \$7,669.00 (17%) of the actual costs of operating said program leaving the actual cost to the Town at \$36,892.00 (83%).

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10e Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga Recreation Center located at 2600 Harlem Road, Cheektowaga, New York, and

WHEREAS, the Western New York Hockey Maryvale Team is desirous of renting the ice skating rink located in the Cheektowaga Recreation Center, and

WHEREAS, the License Agreement states the terms and conditions of such ice skating rink rental, and is acceptable to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached License Agreement between the Town of Cheektowaga and the Western New York Club Hockey Maryvale Team and, BE IT FURTHER

RESOLVED, that the monies from such rental be deposited into the General fund, Line Item 7140.2123.

Item No. 10e continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

1994-1995
LICENSE AGREEMENT
ICE RENTAL

ORGANIZATION WNY Club Hockey - Maryvale

NAME John Bartkowiak Jr.

THIS AGREEMENT, made and entered into the 29 of November, 1995, by and between the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at Broadway and Union Road, Cheektowaga, New York 14227, hereinafter referred to as the "TOWN"

and

WNY Club Hockey's Maryvale Team, a domestic corporation duly organized under the laws of the State of New York (a partnership) (an individual) (an unincorporated association), having its principal office for the transaction of business at 66 Floral Place, Cheektowaga New York, hereafter referred to as the "LICENSEE".

WITNESSETH:

WHEREAS, the TOWN is the owner of the Cheektowaga Recreation Center located at 2600 Harlem Road in Cheektowaga Town Park, Cheektowaga, New York 14225, and

WHEREAS, the LICENSEE is desirous of renting the ice skating rink located in the Cheektowaga Recreation Center.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO:

1. PREMISES: The TOWN hereby grants a license to the LICENSEE to use the ice skating rink, including player and penalty boxes, and a dressing room designated by the TOWN (hereafter referred to as "PREMISES"), located in the Cheektowaga Recreation Center, on an exclusive basis, for each date and time that this license is in effect, as shown on the Appendix A.

In addition, this license shall include the non-exclusive use of the lobby, vestibule and other public facilities, including parking areas, as any or all of the foregoing are appropriate to the particular use of the said Recreation Center as herein permitted.

2. RENT: The LICENSEE agrees to pay to the TOWN a rental fee of \$ 100.00 per hour for a total of \$ 1800.00 which sum shall be paid thirty (30) days from the date of this contract.

In addition, the licensee shall pay to the TOWN a security deposit in the sum of \$500, which shall be refunded within 30 days after at the termination of this contract, if no damage costs have been incurred by the TOWN. Any costs for damage will be deducted from said amount. If costs are higher, the LICENSEE will be billed remaining amount.

In the event that any of the above mentioned rental payments are not made at the time specified for such payment, the TOWN shall have the right to cancel this license without notice to the LICENSEE.

3. USE OF PREMISES:

- a) The License's use of the said Recreation Center is limited to hockey and ice kating only.
- b) The LICENSEE shall cause any spectators to sit in such areas as may be designated by the TOWN.
- c) The LICENSEE shall keep the areas used in good and clean condition, and shall not permit the accumulation of rubbish or debris on the PREMISES.
- d) The LICENSEE shall return the PREMISES, at the termination of this license, in the same condition as at the commencement of the term of this license, normal wear and tear expected; and shall be responsible for all damages which are caused by or through the acts or omissions of the LICENSEE, its agents, employees, and/or invitees.
- e) No alcoholic beverages will be allowed on the PREMISES.
- f) The LICENSEE shall comply with all laws, rules and regulations of any municipal authority, including police, fire, safety and health regulations and the reasonable requirements of the TOWN.
- g) The LICENSEE shall have present at all games a uniformed security guard from a reputable security or police agency. If this said security guard is not present at the Cheektowaga Recreation Center for the rental time specified the game will not be played and no refund will be given.

- h) The LICENSEE shall not assign, convey, transfer, sublet or otherwise dispose of this license to any other person, organization, firm or corporation without first obtaining the written consent of this TOWN and/or the Parks, Recreation and Youth Committee of the Town of Cheektowaga. In addition to the rent listed above, in the event the LICENSEE and/or its invitees do not vacate the PREMISES by 10:50 p.m. on the day of the rental, LICENSEE shall reimburse the TOWN for the following expenses within fourteen (14) days of demand thereof by the TOWN:
- a) Personnel costs (i.e. overtime or additional salaries paid) for TOWN employees who remained on the PREMISES.
 - b) Additional rent at the rental rate of \$100 per hour for the additional time LICENSEE and/or its invitees remained on the PREMISES.
4. UTILITIES AND ICE CLEANING SERVICES: The TOWN shall provide all water, heat, oil and electrical current for the usage of the LICENSEE in the areas assigned herein. In addition, the TOWN shall provide for the cleaning of the ice facilities and the rink and for snow removal in the parking areas; however, the TOWN shall not be liable for any interruption or delay in providing any of the above mentioned services.
- a) The LICENSEE shall be responsible for on-PREMISES crowd control while it is renting the PREMISES.
5. INSURANCE: The LICENSEE shall procure and pay for General Liability insurance in the amounts of \$500,000 each occurrence and \$1,000,000 aggregate for bodily injury and property damage combined with such insurance to cover participants for any activities performed on TOWN premises. The TOWN, its agents and employees shall be named as additional insureds under such policy or policies and such insurance shall be primary to any other insurance protecting the TOWN. The LICENSEE shall provide the Town with a Certificate of Insurance which states the TOWN shall be given at least thirty (30) days advance written notice of cancellation, non-renewal, or material change of the insurance required of the LICENSEE. In the event of cancellation, non-renewal, or material change of such insurance, the TOWN shall have the right to cancel this license.

6. NON-LIABILITY OF OWNER: This license is made upon the express condition that the TOWN shall be free from all liabilities in claims for damages and/or lawsuits for or by reason of any injury or injuries to any person or property of any kind whatsoever, from any cause or causes whatsoever while in or upon said premises during the term of this license or occasioned by any occupancy or use of said premises or any activity carried on by LICENSEE in connection herewith, and LICENSEE hereby covenants and agrees to indemnify and hold harmless the TOWN from all liabilities, charges, claims, expenses (including attorney fees) and costs on account of or by reason of such injuries, liabilities, claims, lawsuits or losses however occurring and damages arising from the same.

7. FORCE MAJEURE: In the event of total or partial destruction of the Recreation Center by fire or other peril, or by any act of nature, during the term of this license or subsequent to its execution, the TOWN shall have the option of terminating this license by giving the LICENSEE written notice to that effect or by repairing the premises with due diligence and continuing this license in effect. Should the TOWN decide to repair the damage with due diligence, the rent for the period required for such repair shall be equitably reduced in proportion to the reduction, if any, in usable space of the premises. The TOWN shall not be held liable for any costs incurred by the LICENSEE as a result of this action.

Other peril, as above mentioned, shall be interpreted to include power failure, compressor failure and Zamboni failure.

In addition, no claim shall be made by the LICENSEE against the TOWN based upon any shutdown of the Recreation Center caused by inclement weather, faulty construction of equipment, or for any other reason whatsoever other than the gross negligence of the TOWN.

8. MISCELLANEOUS PROVISIONS: This license agreement contains the entire agreement between the parties hereto, and there are no understandings, agreements or representatives, expressed or implied, not specified herein respecting this license.

APPENDIX A

CHEEKTOWAGA YOUTH AND RECREATIONAL SERVICES DEPARTMENT

ICE TIME REQUEST

NAME OF ORGANIZATION WNY Club Hockey - Maryvale
 NAME OF INDIVIDUAL TO CONTACT John Bartkowiak Jr.
 ADDRESS OF ABOVE 66 Floral, Cheektowaga, New York
 HOME PHONE 632-2075 BUSINESS PHONE _____

RENTAL REQUEST

FROM: (DATE) 12-1-94 TO: (DATE) 2-16-95
 DAY OR DAYS Thursdays
 TIME 9:00 pm - 10:30 pm
 TOTAL HOURS PER WEEK 1.5 hours

COMMENTS: 12-1-94 12-8-94 12-15-94 12-22-94
12-29-94 1-5-95 1-12-95 1-19-95 1-26-95
2-2-95 2-9-95 2-16-95

Item No. 10f Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga Recreation Center located at 2600 Harlem Road, Cheektowaga, New York, and

WHEREAS, the Western New York Club Hockey-Cheektowaga Warriors is desirous of renting the ice skating rink located in the Cheektowaga Recreation Center, and

WHEREAS, the License Agreement states the terms and conditions of such ice skating rink rental, and is acceptable to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached License Agreement between the Town of Cheektowaga and the Western New York Club Hockey-Cheektowaga Warriors and, BE IT FURTHER

RESOLVED, that the monies from such rental be deposited into the General Fund, Line Item 7140.2123.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

1994-1995

LICENSE AGREEMENT

ICE RENTAL

ORGANIZATION WNY Club Hockey - Cheektowaga

NAME Steve Ferrentino

THIS AGREEMENT, made and entered into the 29 of
November, by and between the TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal
place of business at Broadway and Union Road, Cheektowaga, New York 14227,
hereinafter referred to as the "TOWN"

and

WNY Club Hockey's Cheektowaga Warriors, a domestic
corporation duly organized under the laws of the State of New York (a partnership) (an
individual) (an unincorporated association), having its principal office for the transaction of
business at 3600 Union Road, Cheektowaga New York, hereafter referred to
as the "LICENSEE".

WITNESSETH:

WHEREAS, the TOWN is the owner of the Cheektowaga Recreation Center
located at 2600 Harlem Road in Cheektowaga Town Park, Cheektowaga, New York
14225, and

WHEREAS, the LICENSEE is desirous of renting the ice skating rink located in
the Cheektowaga Recreation Center.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES
HERETO:

1. PREMISES: The TOWN hereby grants a license to the LICENSEE
to use the ice skating rink, including player and penalty boxes, and a
dressing room designated by the TOWN (hereafter referred to as
"PREMISES"), located in the Cheektowaga Recreation Center, on an
exclusive basis, for each date and time that this license is in effect, as
shown on the Appendix A.

In addition, this license shall include the non-exclusive use of the lobby,
vestibule and other public facilities, including parking areas, as any or all
of the foregoing are appropriate to the particular use of the said Recreation
Center as herein permitted.

2. RENT: The LICENSEE agrees to pay to the TOWN a rental fee of
\$ 100.00 per hour for a total of \$ 1950.00 which sum
shall be paid thirty (30) days from the date of this contract.

In addition, the licensee shall pay to the TOWN a security deposit in the sum of \$500, which shall be refunded within 30 days after at the termination of this contract, if no damage costs have been incurred by the TOWN. Any costs for damage will be deducted from said amount. If costs are higher, the LICENSEE will be billed remaining amount.

In the event that any of the above mentioned rental payments are not made at the time specified for such payment, the TOWN shall have the right to cancel this license without notice to the LICENSEE.

3. USE OF PREMISES:

- a) The License's use of the said Recreation Center is limited to hockey and ice kating only.
- b) The LICENSEE shall cause any spectators to sit in such areas as may be designated by the TOWN.
- c) The LICENSEE shall keep the areas used in good and clean condition, and shall not permit the accumulation of rubbish or debris on the PREMISES.
- d) The LICENSEE shall return the PREMISES, at the termination of this license, in the same condition as at the commencement of the term of this license, normal wear and tear expected; and shall be responsible for all damages which are caused by or through the acts or omissions of the LICENSEE, its agents, employees, and/or invitees.
- e) No alcoholic beverages will be allowed on the PREMISES.
- f) The LICENSEE shall comply with all laws, rules and regulations of any municipal authority, including police, fire, safety and health regulations and the reasonable requirements of the TOWN.
- g) The LICENSEE shall have present at all games a uniformed security guard from a reputable security or police agency. If this said security guard is not present at the Cheektowaga Recreation Center for the rental time specified the game will not be played and no refund will be given.

- h) The LICENSEE shall not assign, convey, transfer, sublet or otherwise dispose of this license to any other person, organization, firm or corporation without first obtaining the written consent of this TOWN and/or the Parks, Recreation and Youth Committee of the Town of Cheektowaga. In addition to the rent listed above, in the event the LICENSEE and/or its invitees do not vacate the PREMISES by 10:50 p.m. on the day of the rental, LICENSEE shall reimburse the TOWN for the following expenses within fourteen (14) days of demand thereof by the TOWN:
- a) Personnel costs (i.e. overtime or additional salaries paid) for TOWN employees who remained on the PREMISES.
 - b) Additional rent at the rental rate of \$100 per hour for the additional time LICENSEE and/or its invitees remained on the PREMISES.
4. UTILITIES AND ICE CLEANING SERVICES: The TOWN shall provide all water, heat, oil and electrical current for the usage of the LICENSEE in the areas assigned herein. In addition, the TOWN shall provide for the cleaning of the ice facilities and the rink and for snow removal in the parking areas; however, the TOWN shall not be liable for any interruption or delay in providing any of the above mentioned services.
- a) The LICENSEE shall be responsible for on-PREMISES crowd control while it is renting the PREMISES.
5. INSURANCE: The LICENSEE shall procure and pay for General Liability insurance in the amounts of \$500,000 each occurrence and \$1,000,000 aggregate for bodily injury and property damage combined with such insurance to cover participants for any activities performed on TOWN premises. The TOWN, its agents and employees shall be named as additional insureds under such policy or policies and such insurance shall be primary to any other insurance protecting the TOWN. The LICENSEE shall provide the Town with a Certificate of Insurance which states the TOWN shall be given at least thirty (30) days advance written notice of cancellation, non-renewal, or material change of the insurance required of the LICENSEE. In the event of cancellation, non-renewal, or material change of such insurance, the TOWN shall have the right to cancel this license.

6. NON-LIABILITY OF OWNER: This license is made upon the express condition that the TOWN shall be free from all liabilities in claims for damages and/or lawsuits for or by reason of any injury or injuries to any person or property of any kind whatsoever, from any cause or causes whatsoever while in or upon said premises during the term of this license or occasioned by any occupancy or use of said premises or any activity carried on by LICENSEE in connection herewith, and LICENSEE hereby covenants and agrees to indemnify and hold harmless the TOWN from all liabilities, charges, claims, expenses (including attorney fees) and costs on account of or by reason of such injuries, liabilities, claims, lawsuits or losses however occurring and damages arising from the same.

7. FORCE MAJEURE: In the event of total or partial destruction of the Recreation Center by fire or other peril, or by any act of nature, during the term of this license or subsequent to its execution, the TOWN shall have the option of terminating this license by giving the LICENSEE written notice to that effect or by repairing the premises with due diligence and continuing this license in effect. Should the TOWN decide to repair the damage with due diligence, the rent for the period required for such repair shall be equitably reduced in proportion to the reduction, if any, in usable space of the premises. The TOWN shall not be held liable for any costs incurred by the LICENSEE as a result of this action.

Other peril, as above mentioned, shall be interpreted to include power failure, compressor failure and Zamboni failure.

In addition, no claim shall be made by the LICENSEE against the TOWN based upon any shutdown of the Recreation Center caused by inclement weather, faulty construction of equipment, or for any other reason whatsoever other than the gross negligence of the TOWN.

8. MISCELLANEOUS PROVISIONS: This license agreement contains the entire agreement between the parties hereto, and there are no understandings, agreements or representatives, expressed or implied, not specified herein respecting this license.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss
COUNTY OF ERIE)

On this 29th day of December 1994 before me, the subscriber, personally appeared KENNETH J. KOPACZ, to me personally known and known to me to be the same person described in and who executed the within instrument, and (he, she, they) acknowledged to me that (he, she, they) executed the same.

Salvatore La Greca
Notary Public

SALVATORE LA GRECA
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
COMMISSION EXPIRES DEC. 31, 95

INDIVIDUAL ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss
COUNTY OF ERIE)

On this 13th day of JANUARY 19 95 before me, the subscriber, personally appeared STEVE FERRENTINO, to me personally known and known to me to be the same person described in and who executed the within instrument, and (he, she, they) acknowledged to me that (he, she, they) executed the same.

Timothy H. Skowronski
Notary Public

TIMOTHY H. SKOWRONSKI
Notary Public, State of New York
Erie County
My Commission Expires

10/6/96

APPENDIX A

CHEEKTOWAGA YOUTH AND RECREATIONAL SERVICES DEPARTMENT

ICE TIME REQUEST

NAME OF ORGANIZATION WNY Club Hockey - Cheektowaga
NAME OF INDIVIDUAL TO CONTACT Steve Ferrentino
ADDRESS OF ABOVE 3600 Union Road, Cheektowaga, New York
HOME PHONE 833-5357 BUSINESS PHONE 686-3600

RENTAL REQUEST

FROM: (DATE) 11-29-94 TO: (DATE) 2-21-95
DAY OR DAYS Tuesdays
TIME 9:00pm - 10:30pm
TOTAL HOURS PER WEEK 1.5 hours

COMMENTS: 11-29-94 12-6-94 12-13-94 12-20-94
12-27-94 1-3-95 1-10-95 1-17-95 1-24-95
1-31-95 2-7-95 2-14-95 2-21-95

Item No. 11a Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the following SEASONAL and PART-TIME employees be and hereby are terminated as listed:

	<u>EFFECTIVE</u>
<u>FACILITIES DEPARTMENT</u>	
Doug Guy	10/31/94
Tom Potempa	10/30/94
James Crean	10/29/94
<u>JUSTICE COURT</u>	
Kathy Kmiotek	11/23/94
<u>RECYCLING DEPARTMENT</u>	
Scott Wesolowski	11/12/94

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the designated hearing officer in the disciplinary charges brought against Richard Wilson, a Laborer in the Sanitation Department, has submitted his Report and Recommendation, AND

WHEREAS, each member of this Town Board has reviewed the aforesaid Report and Recommendation, as well as the transcript of the hearing and exhibits upon which it was based, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board terminates the employment of Richard Wilson effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, by resolution dated January 18, 1994, this Town Board created and appointed members to the Cable Television Committee for the purpose of negotiating a new franchise agreement with Adelphia Cable Communications, and

WHEREAS, Joseph A. DiDomenico has stated, due to other matters, he does not have the time to properly serve on this committee, and

WHEREAS, Gordon Allen has expressed a desire to serve on the Cable Television Committee, NOW, THEREFORE, BE IT

RESOLVED, that Joseph A. DiDomenico be and hereby is terminated as a member of the Cable Television Committee, effective immediately, and BE IT FURTHER

RESOLVED, that Gordon Allen, 25 Calla Way, Cheektowaga, New York 14225 be and hereby is appointed as a member of the Cable Television Committee, effective immediately.

Item No. 12 continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be hired in the Cheektowaga Youth and Recreation Department as indicated (Part-Time):

Recreation Attendant I - 7140.1627 - \$4.25

Jennifer Garrison 14227

Recreation Attendant II - 7140.1627 - \$4.50

Tammy Schumacher 14225

Recreation Supervisor I - 7140.1627 - \$5.50

Sarah Noonan 14225

Lifeguard II - 7180.1903 - \$5.00

Kimberly Kubiak 14206

Lifeguard III - 7180.1903 - \$5.50

Eric Kazukiewicz 14043

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Blachowski, Seconded by Councilman Solecki

WHEREAS, the Town desires to retain the services of a planning consultant in relation to its Community Development Block Grant program, AND

WHEREAS, the Town has previously engaged the services of Stuart Alexander and Associates for planning and technical services for the 1993 Community Development program year, AND

WHEREAS, the Town's 1994 Community Development Block Grant program budget, which was approved by the Department of Housing & Urban Development, includes funding for said planning services, NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the Town of Cheektowaga and Stuart Alexander & Associates, dated December 1, 1993 for planning and technical services for the Community Development Block Grant Program is hereby extended until December 1, 1995, AND BE IT

FURTHER RESOLVED, that the terms and conditions of said Agreement, including services to be provided and the hourly fee, remain in effect during the contract period, AND BE IT

FURTHER RESOLVED, that reimbursement under the contract extension shall not exceed the amount of \$30,000, and the said contract costs shall be paid from the Town's Community Development Block Grant budget for the 1994 program year, AND BE IT

Item No. 14 continued

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, and Wielinski
NAYES: Councilman Johnson
ABSENT: 0

Item No. 15 Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has initiated a Facade Improvements program for the revitalization of Walden Avenue between Harlem Road and Buffalo City-line, AND

WHEREAS, funding for said project has been included in the Town of Cheektowaga's 1990-1994 Community Development Block Grant program statements submitted to and approved by the Department of Housing and Urban Development, AND

WHEREAS, in conjunction with said project, the Town has previously engaged the services of Mussachio Architects for professional services related to the Walden Facade Improvements Program, AND

WHEREAS, the Town wishes to continue to utilize the services of said firm for the Walden Facade Improvements Program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute the attached contract modification and extension in the amount of \$20,000 with Mussachio Architects, 333 International Drive, Williamsville, New York 14211 for the Walden Facade Improvements Program, said extension and modification effective immediately and until December 1, 1995, AND BE IT

FURTHER RESOLVED, that said contract costs be paid from Community Development Block Grant funds.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGES FOR ATTACHMENT

CONTRACT MODIFICATION AND EXTENSION

THIS CONTRACT MODIFICATION AND EXTENSION, made as of the 1st day of December, 1994 by and between the Town of Cheektowaga, a domestic municipal corporation having its principal place of business at Cheektowaga Town Hall, Broadway & Union Road, Cheektowaga, New York 14225, hereinafter referred to as the "Town", and Mussachio Architects, P.C., ~~333 International Drive~~, Williamsville, NY 14221 hereinafter referred to as the "Architect". *30 North Forest Rd.*

Witnesseth:

Whereas, the Town Board of the Town of Cheektowaga has approved this Contract Modification and Extension on December 5, 1994,

Now, Therefore, it is agreed by and between the parties hereto as follows:

- 1) The Agreement dated June 19, 1991, and the Contract Modification and Extensions dated December 7, 1992 and December 1, 1993 between the Town and the Architect are hereby extended until December 1, 1995 with the modifications indicated below:
 - (i) Section G, Subsections 2 and 4 are amended as follows:
Phase II services will be provided on an hourly basis of Sixty-Three Dollars (\$63.00/hour) for any projects commenced after December 1, 1994.
 - (ii) Section G, Subsection 2 is also amended to increase the cost limit of Phase II services by the amount of twenty-thousand dollars (\$20,000).
 - (iii) Section I, Federal Requirements, is amended by the addition of Appendix 1 entitled Federal Requirements - Community Development Block Grant Program.
 - (iv) Section E, Miscellaneous Provisions, is amended to add: 20) The Town will pay for up to the first two (2) hours of time expended by Mussachio Architects on an initial consultant with prospective participants who ultimately decide not to participate in the Facade Program.

In Witness Whereof, the parties hereto have duly executed this Contract Modification and Extension as of the date and year first written above.

TOWN OF CHEEKTOWAGA

By: *Dennis H. Gabryszak*
Dennis H. Gabryszak, Supervisor

MUSSACHIO ARCHITECTS, P.C.

By: *Anthony M. Mussachio*
~~Anthony M. Mussachio, President~~

Anthony C. Mussachio, Contract Admin.

Appendix 1

FEDERAL REQUIREMENTS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Architect will comply with all of the following requirements:

- I. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), which provides that no person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- II. Section 109 of the Housing and Community Development Act of 1974 (the Act), as amended, which requires that no person in the United States shall on the ground of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds made available pursuant to the Act. Section 109 of the Act further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*) or with respect to an otherwise handicapped person as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any program or activity funded in whole or in part with funds made available pursuant to the Act. The Architect shall also cause compliance with Section 109 of the Act by all contractors and subcontractors providing labor or services to the Project.
- III. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), which requires that to the greatest extent feasible opportunities for training and employment be given to low and moderate income persons residing in the area in which the project is located, and that contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in the same area as the Project. Regulations of the Department of Housing and Urban Development at 24 CFR Part 135 should be referred to as guidance indicative of the Secretary of Housing and Urban Development's view of the statutory objectives in other contexts.
- IV. The Housing and Community Development Act of 1974, as amended, and the implementing regulations at 24 CFR Part 570.

- V. The Architect will comply with all federal requirements and regulations pertaining to copyrights and rights in data, and patent rights with respect to any discovery or invention which arises or is developed in the course of or under this contract.
- VI. The Department of Housing and Urban Development, the Comptroller General of the United States, the Town or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Architect which are directly pertinent to this agreement for the purpose of making audit, examination, excerpts and transcriptions.
- VII. The Architect will retain all records pertaining to this agreement for a minimum period of three years after final payment for this agreement has been made and after all other pending matters in relationship to this agreement are closed.
- VIII. (1) To the best of their knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of the parties to this Agreement, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the parties to this Agreement will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- IX. Termination for Cause and for Convenience: the Town has the right to terminate this agreement for cause if the Architect fails to fulfill or comply with the terms and conditions of this agreement by giving written notice to the Architect at least fifteen (15) days before the effective date of such termination. The Town also has the right to terminate this agreement at any time by giving written notice to the Architect and specifying the effective date of said termination. In the event of termination, copies of all finished and unfinished documents,

data, studies, surveys, drawings, maps, models, photographs and reports or other material prepared by the Architect will be provided to the Town. In the event of termination, the Architect will be reimbursed proportionately for the work accomplished.

Item No. 16a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Western Regional Council of the New York State Government Finance Officers Association (GFOA) is holding it's Winter Seminar on Wednesday, December 7, 1994 at the Sheraton Inn in Batavia, AND

WHEREAS, information important to the Town will be discussed, and the Supervising Accountant and Accountant of the Town have requested permission to attend this meeting, NOW, THEREFORE, BE IT

RESOLVED, that Robert E. Kaczmarek and A. Lynn Nenni, be and hereby are authorized to attend the aforementioned conference, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable costs associated with their attendance at this conference not to exceed \$100.00 out of budget line number 0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 16b Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Department of Youth and Recreational Services has received funding from the U.S. Department of Health and Human Services (Grant #H86SP04160) for the fourth year of the Cheektowaga Action Partnership Substance Abuse Prevention Program, AND

WHEREAS, the grant provides funding for four identified individuals to attend a required Center for Substance Abuse Prevention (CSAP) Workshop on March 7th thru 9th, 1995 in St. Louis, Missouri, NOW, THEREFORE, BE IT

RESOLVED, that Kenneth J. Kopacz, Principal Investigator, Ellen M. Fischer, Project Director, Carol Nowak, Project Evaluator and Laura Ruske, Partnership Chairperson be authorized to attend said workshop and be reimbursed the necessary transportation and lodging expenses at costs not to exceed \$875.00 per person (Line Item 0100-7320-4000).

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 16c Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, the North Carolina State University in affiliation with the National Recreation and Park Association, is conducting a Sports Programming School at Oglebay Park, West Virginia, AND

WHEREAS, the course is designed to provide training for public service employees responsible for sports programming and administration, through the application of different programming methods and management techniques, BE IT

RESOLVED, that Ralph Collins, an employee of the Department of Youth and Recreational Services be permitted to attend the Sports Programming Course of the School of Sports Management, February 19-23, BE IT FURTHER

RESOLVED, that he be reimbursed for his necessary travel expenses at a cost not to exceed \$195 (Line Item 01-1910-4083); lodging expenses at a cost not to exceed \$350 (Line Item 01-7140-4191) and training fees not to exceed \$270 (Line Item 01-7310-4681).

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

From: 0100-1450-4191	Miscellaneous Expense	\$ 540.00
0100-9010-8975	Retirement Buyout	10,500.00
0100-1640-1443	Auto Body Repairman	11,000.00
0100-5132-4211	Electric	2,000.00
0100-7310-4683	Publications & Printing	251.00
0100-7310-4689	Youth Conservation Corps	161.00
0100-7140-4501	Lacrosse	164.50
0100-7140-4515	Playground Activities	612.00
0100-7140-4611	Transportation	1,602.19
0100-9010-8975	Retirement Buyout	10,400.00
0100-1220-1308	Supervising Accountant	700.00
0100-1220-1340	Accountant	500.00

MEETING NO. 26
December 5, 1994

Item No. 17 continued

GENERAL FUND cont'd.

From:	0100-1220-1341	Junior Accountant	\$ 2,000.00
	0100-1220-1374	Clerk-Typist	1,500.00
	0100-1220-1305	Assistant to Supervisor	500.00
To:	0100-1450-4431	Equipment Repairs and Maintenance	540.00
	0100-1440-1105	Town Engineer	10,500.00
	0100-1640-1442	Auto Mechanic-Central Garage	11,000.00
	0100-5132-4432	Building Maintenance	2,000.00
	0100-7310-4201	Telephone-Youth & Rec.	251.00
	0100-7310-4201	Telephone-Youth & Rec.	161.00
	0100-7140-4521	Hockey	164.50
	0100-7140-4521	Hockey	612.00
	0100-7140-4521	Hockey	1,602.19
	0100-1440-1105	Town Engineer	10,400.00
	0100-1220-1391	Part-Time Clerical	5,200.00

PART TOWN FUND

From:	0800-3620-1431	Part-Time Plumbing Inspector	1,211.00
	0800-3620-1500	Assistant Building Inspector	3,305.00
	0800-3620-1750	Assistant Housing Inspector	5,685.00
To:	0800-3620-1165	Fire Inspector	200.00
	0800-3620-1374	Building & Zoning Clerk	1,408.00
	0800-3620-1376	Senior Clerk	924.00
	0800-3620-1400	Building Inspector	780.00
	0800-3620-1430	Assistant Plumbing Inspector	150.00
	0800-3620-1432	Zoning Enforcement Officer	1,052.00
	0800-3620-1700	Housing Inspector	5,687.00

SPECIAL DISTRICTS

From:	2500-8135-1391	Part-Time Clerical	6,000.00
	2500-8135-1492	Treatment	16,000.00
	1500-8173-1492	Recycling Seasonal Laborers	25,000.00
	2300-8123-4353	ESCD #4	600.00
	2300-8123-4438	Plant Instrumentation	300.00
To:	2500-8135-1433	Pump Station Operator	6,000.00
	2500-8135-1433	Pump Station Operator	16,000.00
	1500-8173-1409	Recycling Laborers	25,000.00
	2300-8123-4581	Consulting Engineer	900.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
 NAYES: 0
 ABSENT: 0

Item No. 18 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants were submitted to the Town of Cheektowaga prior to December 2nd, 1994 and are hereby approved and made a part hereof:

GENERAL FUND	\$1,665,250.53
HIGHWAY FUND	121,622.98
TRUST & AGENCY FUND	14,395.50
CDBG HUD FUND	18,558.00
PART TOWN FUND	11,072.52
RISK RETENTION FUND	23,435.05
NYS HOME PROGRAM FUND	500.00
HUD HOUSING REHABILITATION FUND	10,693.00
SPECIAL DISTRICTS FUND	346,194.41
CAPITAL FUND	43,090.44

\$2,254,812.43

Item No. 18 continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Building Permits
Received and Filed.

Item No. 20 Minutes of Cheektowaga Public Library Board - October 26, 1994
Received and Filed

Item No. 21 Supervisor's Statement of Funds - October, 1994
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 22 Notice of Claim: Gregory Wozniak vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23 Designation of Restricted Highway - Portion of Route 78 Between
Route 354 and Transit Hill Drive
Received and Filed.

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN BLACHOWSKI
TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S) AND
THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

IV. SUSPENSION OF RULES

Item No. 24 Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, the Sanitation Department is in need of one (1) Roll-Off
Hoist Body, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a
Notice to Bidders for the purchase of one (1) Roll-Off Hoist Body for the Sanitation
Department, information for bidders and specifications may be obtained from the
office of the Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, AND,
BE IT FURTHER

RESOLVED, that sealed bids will be received on the 14th day of
December 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.

Item No. 24 continued

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 14, 1994 at 11:00 a.m., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads for One (1) Roll-Off Hoist Body.

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

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

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

Richard M. Moleski
Town Clerk

Dated: December 5, 1994

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

Paula D. Sticht
 _____, of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 _____ of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for¹..... weeks:
 first publication..... December 8, 1994 ;
 last publication..... December 8, 1994 ;
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this 8th
 day of December , 19 .. 94 ..

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/9 5

LEGAL NOTICE

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 14, 1994 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads for One (1) Roll-Off Hoist Body.

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

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

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

Richard M. Moleski
 Town Clerk

Dated: December 5, 1994

PUBLISH: December 8, 1994

221
 #15113

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

Paula D. Sticht
 of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
 Clerk
 of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for¹ weeks:
 first publication..... December 8, 1994 ;
 last publication..... December 8, 1994 ;
 and that no more than six days intervened be-
 tween publications.

Paula D. Sticht

Sworn to before me this^{8th}.....

day of December , 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/9 5

LEGAL NOTICE
NOTICE TO BIDDERS

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

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

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

Richard M. Moleski
 Town Clerk

Dated: December 5, 1994
 PUBLISH: December 8, 1994

*34
 \$13.43*

Item No. 25 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the Supervisor be authorized to execute the 1995 Family Support Service Contract in the amount of \$26,582.00, on behalf of the Cheektowaga Youth and Recreational Services Department and the New York State Office of Mental Retardation and Developmental Disabilities, for developmentally disabled recreational programming conducted by the Youth and Recreation Department.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 26 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski to adjourn the meeting.

Richard M. Moleski
Town Clerk

MEETING NO. 26
December 6, 1993

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 6th day of December, 1993 at 7:30 o'clock P.M., Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Ronald Marten, Building & Plumbing Inspector; Robert Kaczmarek, Supervising Accountant; Bruce Chamberlin, Chief of Police; Salvatore LaGreca, Chairman of Planning Board and Leonard Szymanski, Facilities Foreman.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Johnson, Seconded by Councilman Solecki

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on December 20, 1993 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 9th day of December, 1993, 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, corner of Broadway and Union Road, in said Town of Cheektowaga on December 20, 1993 at 7:30 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE	east side	from the north curbline of Walden Avenue northerly 62 feet + to a point
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MEETING NO. 26
December 6, 1993

Item No. 2 continued

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

Richard M. Moleski
Town Clerk

Dated: December 6, 1993

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Braodway and Union Road, in said Town of Cheektowaga on December 20, 1993 at 7:30 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE - East Side -
From the north curblinle of Walden Avenue northerly 62 feet +/- to a point

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

Dated: December 6, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: December 9, 1993

.....Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication.....December 9, 1993.....; last publication.....December 9, 1993.....; and that no more than six days intervned between publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofDecember....., 1993....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

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

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on December 20, 1993 at 7:30 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE - East Side - From the north curbline of Walden Avenue northerly 62 feet +/- to a point

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

Dated: December 6, 1993

RICHARD M. MOLESKI
 Town Clerk

PUBLISH: December 9, 1993

.....Melissa Gugliuzza....., of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
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Melissa Gugliuzza
Melissa Gugliuzza.....

Sworn to before me this9th.....

day ofDecember....., 1993....

Margaret J. Bourdette
Margaret J. Bourdette.....

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

MEETING NO. 26
December 6, 1993

Item No. 3 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, by resolution dated January 4, 1993, this Town Board established Town Board meeting dates for 1993, and

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 1993 and the first Town Board meeting date for 1994, 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 27, 1993 7:30 P.M. (Public Comment 7:15 P.M.)

January 4, 1994 7:30 P.M. (Public Comment 7:15 P.M.)

and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to give public notice of the times and places of such meetings to the news media at least one week prior to such meetings and to conspicuously post such public notice at least 72 hours before such meetings.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVITS - NEXT PAGE

Item No. 4 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, sealed bids were opened on the 15th day of November, 1993 at 10:00 A.M. for the furnishing of Pool Maintenance Chemicals for the Town Facilities Department, and

WHEREAS, after review of such bids, the Director of the Facilities Department has recommended that the Town Board reject such bids and readvertise for bids, NOW, THEREFORE, BE IT

RESOLVED, that bids opened on November 15, 1993 for the furnishing of Pool Maintenance Chemicals for the Town Facilities Department be and the same are hereby rejected.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, Bid Proposals were received for the furnishing of Athletic White Stripe for the Facilities Department on November 15, 1993, 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 Athletic White Stripe to:

Scranton's Thruway Builders Supplies Corp.
3360 Walden Avenue
Depew, New York 14043

for

Athletic White Stripe @ .60 per lb.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, Bid Proposals were received for the Leasing and Servicing of Portable Chemical Toilets on November 15, 1993, 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 Service
3725 Jeffrey Boulevard
Blasdell, New York 14219

for

- 1) Category I - Single Units - \$ 1.33 per day per unit
- 2) Category III - Handicapped Units - \$ 1.33 per day per unit

Item No. 5b continued

Rural Sanitation Service, Inc.
10100 County Road
Clarence Center, New York 14032

for

I) Category II - Multiple Units - \$50.00 per day per unit

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5c Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, Bid Proposals were received for Softball and Hardball
Diamond Supplies on November 15, 1993, 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 awards said Bid for
Softball and Hardball Diamond Supplies to:

Jim Ludtka Sporting Goods, Inc.
3383 Harlem Road
Cheektowaga, New York 14225

for

Item #I - Hardball Bases (set of three) - \$45.75 per set
Item #II - Hardball Bases (set of three) - \$40.75 per set

Laux Sporting Goods, Inc.
25 Pineview Drive
Amherst, New York 14228

for

Item #III - Softball Bases (set of three) - \$32.77 per set
Item #IV - Home Plates \$13.39 per unit
Item #V - Pitcher's Plates \$ 9.12 per unit

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5d Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, by resolution dated November 15, 1993, bids for the purchase
of One (1) New and Unused 1994 White (or equivalent) WXR 64 Cab and Chassis, were
advertised, and

WHEREAS, on November 29, 1993 bids were received and opened, and

WHEREAS, David J. Kulik, General Crew Chief of the Recycling/
Sanitation Departments has reviewed and analyzed these bids,

NOW, THEREFORE, BE IT RESOLVED, that the bid be awarded to the lower
responsible bidder as shown on the attached bid proposal. Lowest bidder being
Cyncon Equipment Inc., 6800 W. Henrietta Road, West Henrietta, New York 14586, and
BE IT FURTHER

Item No. 5d continued

RESOLVED, that expenditures shall be charged to Account No. 1500-8160-2501.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

CYNCON

CYNCON EQUIPMENT INC.
6800 W. HENRIETTA ROAD
W. HENRIETTA, N. Y. 14586
716-334-4660 FAX 716-334-1739

November 29, 1993

Town of Cheektowaga
Cheektowaga Town Hall
Broadway and Union Road
Cheektowaga, NY 14227

Gentlemen:

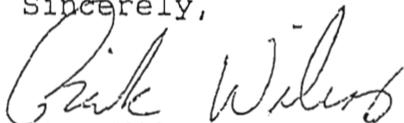
Cyncon Equipment is pleased to submit our bid for one 1994 cab over chassis with factory right hand drive. Cyncon Equipment proposes to furnish a 1994 white WXR 64. This unit meets all specifications.

Mounted on this white WXR 64 is a Heil 27 cu. yd. F7000 curved shell, full eject automated side loader. The town will have use of this loader for the six month duration of the pilot program. At the conclusion of the pilot program, the Town of Cheektowaga may purchase the F7000. However, should this method of collection prove unsatisfactory the Town of Cheektowaga may return the chassis to Cyncon Equipment for the removal of the F7000. Cyncon Equipment shall remove all equipment and return the chassis to the town.

Delivery is 5-10 days after receipt of order.

Thank you for the opportunity to submit this bid. Please call if you have any questions.

Sincerely,



Rick Wilcox
Sales Manager

HIGHWAY EQUIPMENT AND SUPPLIES

SPECIFICATIONS FOR 1994
CAB OVER CHASSIS WITH FACTORY RIGHT HAND DRIVE
FOR THE SANITATION DEPARTMENT

Town of Cheektowaga
Cheektowaga Town Hall
Broadway & Union Road
Cheektowaga, New York 14227

Dated: 11/18/93

BID PROPOSAL

Pursuit to and in accordance with your advertisement for bids dated November 18, 1993 and the specifications relating thereto, the undersigned hereby offers to deliver the following to the Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York.

ITEM I

One (1) 1994 CAB OVER CHASSIS WITH FACTORY RIGHT HAND DRIVE for a bid price of:

Seventy Thousand Five Hundred Dollars \$70,500.00

ITEM II

Chassis to be delivered to the Town with a Heil Model 7000 garbage packer to be affixed to said chassis. At no additional cost.

Delivery Max 10 days after receipt of order.

(See Item I of Bid Conditions)

SIGNED



TITLE

Sales Manager

COMPANY

Cyncon Equipment Inc.

ADDRESS

6800 W. Henrietta Rd.

W Henrietta N.N. 14586

PHONE

(716)822-0666

BID CONDITIONS

1. Upon receipt of purchase order from the Town, the bidder guarantees to deliver to the Town of Cheektowaga the units bid, within a period of time specified on the bid proposal. In the event of non-compliance with delivery within the aforementioned item, the bidder will be assessed a penalty of one hundred (\$100.00) per unit per day to be deducted from the agreed bid price. This penalty will be strictly enforced for each day beyond the time specified until each unit is received by said Town and considered to be in perfect working condition.
2. Early and prompt availability of replacement parts by the bidder and prompt delivery of said parts to the Town will be an important factor in the final award of the bids. The Town shall have the discretion of determining the availability proposals as presented by the bidder. The bids shall include the time schedule for parts and delivery. No delivery charge can be made from the bidder's supply warehouse to the Town garage. Supplier of truck chassis must accept telephone charges for order placements or service request.
3. Truck chassis must be manufactured and assembled in the U.S.A.

SUBMISSION OF BID

1. Submit properly bid proposals, together with the detailed bidder's proposal, in space provided on specification sheet.
2. Signed "Non-Collusive Bid Certificate" to be enclosed with bid.
3. Bid is to be submitted in a sealed envelope legibly marked "Bid for 1994 Truck Chassis" and delivered to the Town Clerk prior to the time specified for bid opening.
4. Submit Warranty statement with Bid Proposal noting length of warranty and conditions, if any.

TOWN OF CHEEKTOWAGA

SPECIFICATIONS FOR 1994 TRUCK
Following are MINIMUM requirements

BIDDER'S PROPOSAL

TRUCK MODEL:	1994 WHITE WXR64 CAB OVER CHASSIS WITH FACTORY RIGHT HAND DRIVE, OR EQUAL.	YES
GVW RATING:	58,800 LBS. MINIMUM.	YES
WHEELBASE:	209" WHEELBASE, 185" CAB TO AXLE.	YES
ENGINE:	CUMMINS L10 260 HP, OR EQUAL. MINIMUM 975 FT. LBS. TORQUE. MAGNETIC DRAIN PLUG. 15" SINGLE STAGE DRY TYPE AIR CLEANER. SPIN-ON FUEL FILTER. ENGINE MOUNTED COMBINATION FULL -FLOW AND BY-PASS OIL FILTER. 700 SQ. IN. 4 CORE RADIATOR. ANTI-FREEZE PROTECTION TO -20F. ON-OFF FAN CLUTCH. VERTICAL LEFT HAND MUFFLER. VARIABLE SPEED GOVERNOR. SPICER 1350 PTO ADAPTER, OR EQUAL.	YES
TRANSMISSION:	ALLISON HT741RS, OR EQUAL, WITH ELECTRONIC CONTROLS. OIL TO WATER TYPE COOLER. MAGNETIC DRAIN PLUG.	YES
REAR AXLE:	40,000 LB. CAPACITY. AXLE RATIO 3.90. BRAKES TO BE 16.5" x 7" CAM TYPE. AUTOMATIC SLACK ADJUSTERS.	YES
FRONT AXLE:	20,000 LB. CAPACITY WITH AIR BRAKES. BRAKES TO BE 16.5" x 6" CAM TYPE. AUTOMATIC SLACK ADJUSTERS.	YES
FRAME:	3/8" VARIABLE DROP "A" HEAT TREATED ALLOY STEEL - 110,000 PSI. MAIN SECTION - 10.75" x 3.50" x 3.75" SECTION MODULUS 18.06, RBM 3,086,000 IN. LBS. PER RAIL.	YES
FRONT SUSPENSION:	18,800 LB. CAPACITY. FLAT LEAF SPRINGS. HEAVY DUTY SINGLE SHOCK ABSORBERS.	YES
DRIVE LINE:	SPICER 1760HD, OR EQUAL.	YES
STEERING:	INTEGRAL POWER STEERING WITH RAM ASSIST. FOUR QUART REMOTE MOUNTED RESERVOIR.	YES
AIR COMPRESSOR:	13.2 CFM, MINIMUM.	YES

TOWN OF CHEEKTOWAGA

SPECIFICATIONS FOR 1994 TRUCK
Following are MINIMUM requirements

BIDDER'S PROPOSAL

CAB EXTERIOR:	GALVANIZED STEEL CAB. HYDRAULIC TILT. MANUAL LATCH. STATIONARY GRILL. DUAL STAINLESS STEEL WEST COAST MIRRORS. CHROME CONVEX MIRRORS. BUG SCREEN BEHIND GRILL. ENTRY GRAB HANDLES. DUAL ELECTRIC WINDSHIELD WIPERS AND WASHERS. AIR HORN. ELECTRIC HORN. ALL TINTED GLASS.	YES
CAB INTERIOR:	LOW PROFILE AIR SUSPENSION DRIVER SEAT. STATIC PASSENGER SEAT. 3-POINT RETRACTABLE SEAT BELTS - BOTH SIDES. ASH TRAY. CIGAR LIGHTER. SUN VISOR - DRIVER SIDE. 40,000 BTU HEATER/DEFROSTER WITH INTEGRAL AIR CONDITIONER. 18" STEERING WHEEL. LEFT HAND VISIBILITY WINDOW.	YES
INST. & GAUGES:	CONSOLE MOUNTED INSTRUMENTS WITH FRONT SERVICEABLE GAUGES. ELECTRIC SPEEDOMETER/ ODOMETER. OIL PRESSURE GAUGE. DUAL AIR PRESSURE GAUGE. VOLTMETER. ENGINE WATER TEMPERTURE GAUGE. WARNING BUZZER AND LIGHTS FOR LOW OIL PRESSURE, HIGH WATER TEMPERTURE AND LOW AIR PRESSURE. GRADUATED AIR RESTRICTION INDICATOR - CHASSIS MOUNTED WITH DASH MOUNTED WARNING LIGHT. AM/FM RADIO.	YES
LIGHTING:	MANUAL RESET CIRCUIT BREAKERS. ROUND HALOGEN HEADLIGHTS. FIVE AMBER SHOCK MOUNTED MARKER LIGHTS. FRONT TURN SIGNAL LIGHTS WITH BLACK HOUSING. DIMMER SWITCH MOUNTED ON STEERING COLUMN. DOME LIGHT. INTEGRAL STOP, TURN, TAIL AND BACK-UP LIGHTS.	YES
ELECTRICAL:	100 AMP. ALTERNATOR. THREE 12 VOLT MAINTENCE FREE BATTERIES 1875 CCA.	YES
FUEL TANK:	70 GALLON 22" DIAMETER PAINTED STEEL TANK. MOUNTED ON LEFT HAND SIDE.	YES
CHASSIS EQUIP.:	STEEL AIR TANKS WITH PETCOCK DRAIN VALVE. PAINTED STEEL BUMPER. FRONT MUD FLAPS. FIBERGLASS BATTERY BOX. FRONT TOW PINS.	YES
TIRES & WHEELS:	FRONT - 315/80R22.5 20 PLY TUBELESS RADIALS. 22.5 x 9.0 STEEL DISC WHEELS. REAR - 11R22.5 14 PLY TUBELESS RADIALS. 22.5 x 8.25 steel disc wheels.	YES
PAINT:	ACRYLIC URETHANE PAINT. SINGLE COLOR - WHITE CAB. BLACK CHASSIS.	YES
WARRANTY:	STANDARD WARRANTY.	YES

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury that to the best of his knowledge and belief:

1. The prices of this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such parties with any other bidder or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly, or indirectly, to any other bidder or to any competitor; and
3. No attempt has been made or will be made the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

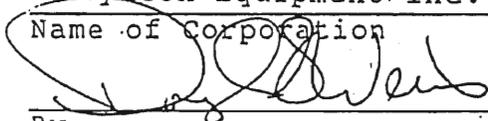
(The above non-collusion statements are required pursuant to the provisions of Section 103-D of the General Municipal Law).

The persons signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirm the truth thereof, such penalties being applicable to the bidder as well as to the person signing in its behalf.

IN WITNESS WHEREOF, the undersigned corporation has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer, this 29th day of November, 1993.

Cyncon Equipment Inc.

Name of Corporation

By 

Vice-President

(Title of Officer Executing

(Corporate Seal)

Item No. 6a Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for the year, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Pool Maintenance Chemicals, AND BE IT FURTHER

RESOLVED, that specifications for said Pool Maintenance Chemicals may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 16th day of December at 10:00 a.m. Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town of Cheektowaga on December 16, 1993 at 10:00 a.m., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of Pool Maintenance Chemicals for the year, 1994.

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

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

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

Richard M. Moleski
Town Clerk

Dated: December 6, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
NOTICE TO BIDDERS

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

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

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

Richard M. Moleski
Town Clerk

Dated: December 6, 1993

PUBLISH: December 9, 1993

.....Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....December 9, 1993..... ;
last publication.....December 9, 1993..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofDecember....., 1993....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA

} ss.

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
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The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder should it be in the best interest of the Town, or reject any or all bids.
By Order of the Town Board of the Town of Cheektowaga, Erie County, New York.
Richard M. Moleski
Town Clerk
Dated: December 6, 1993
PUBLISH: December 9, 1993

.....Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication.....December 9, 1993.....; last publication.....December 9, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza
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Margaret J. Bourdette
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Notary public in and for Erie County, N. Y.

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

Item No. 6b Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Police & Court Building requires improvements to the mechanical equipment in Southwest Vestibule, Radio Dispatch Room, Emergency Command Post Room and Detective's Office Are, AND

WHEREAS, R. P. Morrow & Associates, P.C., has prepared plans and specifications for Air Conditioning Units, Additions and Replacements at the Cheektowaga Police & Court Building, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorize the Town Clerk to publish a Notice to Bidders for Air Conditioning Units. Additions & Replacements at the Cheektowaga Police & Court Building, AND BE IT

FURTHER RESOLVED, that funds for said action are available from Capital Improvement Account #5107-7110-9115.

ADVERTISEMENT TO BID

Sealed bids for the Heating, Ventilation and Air Conditioning Work are invited and will be received, publicly opened and read on behalf of the Cheektowaga Town Board on December 16, 1993 at 10:00 A.M. in the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for the A/C Units Additions and Replacements at the Town's Police and Court Building.

Specifications (Including Information for Bidders and Form of Bid) and Plans may be examined at the office of R.P. Morrow Associates, P.C., 47 Elmhurst Place, Buffalo, New York 14216 and a copy may be obtained upon payment of \$50.00 per set for each project as a deposit to guarantee the safe return thereof.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD

RICHARD M. MOLESKI, TOWN CLERK

Dated: December 6, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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the safe return thereof.

BY ORDER OF THE CHEEKTO-
WAGA TOWN BOARD
RICHARD M. MOLESKI
TOWN CLERK
Dated: December 6, 1993
PUBLISH: December 9, 1993.

Melissa Gugliuzza

Sworn to before me this9th.....
day ofDecember....., 1993....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

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

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 BY ORDER OF THE CHEEKTOWAGA TOWN BOARD
 RICHARD M. MOLESKI
 TOWN CLERK
 Dated: December 6, 1993
 PUBLISH: December 9, 1993.

Item No. 6c Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, an automation needs analysis was developed and prepared for the Code Enforcement, Town Clerk, Law and Personnel Departments, and

WHEREAS, the Town has secured bonds financing to underwrite this project and the Town is desirous to continue with the implementation of this project, and

WHEREAS, the Town's Accounting Department has prepared a Request For Proposal (RFP) covering the purchase, and installation of Computer Equipment for these departments,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Various Computer equipment, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforementioned item at 11:00 a.m. on December 30, 1993 in the Council Chamber of the Cheektowaga Town Hall.

* * * * *

ADVERTISEMENT TO BID

Sealed bids for Personal Computer Equipment and Software for the Code Enforcement, Town Clerk, Law and Personnel Departments located within the Town Hall are invited and will be received, publicly opened and read on behalf of the Cheektowaga Town Board on December 30, 1993 at 11:00 A.M. in the Council Chambers of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York.

Specifications (Including Information for Bidders and Form of Bid) may be examined at the Town Clerk Office and a copy may be obtained upon a payment of \$5.00 per set.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD

RICHARD M. MOLESKI, TOWN CLERK

Dated: December 6, 1993

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Wielinski
NAYES: Councilman Johnson
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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Melissa Gugliuzza
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day ofDecember....., 1993....

Margaret J. Bourdette
.....

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

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QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

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Specifications (Including Information for Bidders and Form of Bid) may be examined at the Town Clerk Office and a copy may be obtained upon a payment of \$5.00 per set.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD

RICHARD M. MOLESKI
TOWN CLERK

Dated: December 6, 1993

PUBLISH: December 9, 1993

Item No. 6d Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Town has a number of personal computer and networks located within the premises of the Town Hall, and

WHEREAS, the Town is interested in consolidating the service and maintenance of this equipment with one vendor for the year 1994, and

WHEREAS, the Town Accounting Department has prepared a list of all personal computer equipment including peripherals, and in addition prepared a Request for Proposal for Service and Maintenance, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Maintenance service of various Computer equipment, and BE IT FURTHER,

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforementioned item at 11:00 a.m. on December 30, 1993, in the Council Chambers of the Cheektowaga Town Hall.

* * * * *

ADVERTISEMENT TO BID

Sealed bids for the Service Maintenance of personal computers located within the Town Hall are invited and will be received, publicly opened and read on behalf of the Cheektowaga Town Board on December 30, 1993 at 11:00 A.M. in the Council Chambers of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York.

Specifications (Including Information for Bidders and Form of Bid) may be examined at the Town Clerk Office and a copy may be obtained upon a payment of \$5.00 per set.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD

RICHARD M. MOLESKI, TOWN CLERK

Dated: December 6, 1993

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski and Wielinski

NAYES: Councilman Johnson

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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BY ORDER OF THE CHEEKTOWAGA TOWN BOARD
RICHARD M. MOLESKI
TOWN CLERK

Dated: December 6, 1993
PUBLISH: December 9, 1993

Melissa Gugliuzza

Sworn to before me this9th.....

day ofDecember....., 1993.....

Margaret J. Bourdette

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

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COUNTY OF ERIE
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BY ORDER OF THE CHEEKTOWAGA TOWN BOARD

RICHARD M. MOLESKI
TOWN CLERK

Dated: December 6, 1993

PUBLISH: December 9, 1993

Item No. 7 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, 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 or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on November 17, 1993, recommended the environmental determinations shown on the attached memo dated November 17, 1993, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the November 17, 1993 memo attached hereto:

Item I

75 Industrial Parkway

subject to the following additional condition:

1. Applicant shall enter into a payment-in-lieu-of-taxes (PILOT) agreement with the Town to make PILOT payments equal to those taxes which would otherwise be levied for Southline Fire District, Town Special Districts and the Town General Fund to minimize the fiscal impact upon the local community.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of Building & Plumbing Inspections
Cheektowaga Town Hall
3301 Broadway Street
Cheektowaga, New York 14227-1088
716/686-3470



M E M O

TO: Supervisor Dennis Gabryszak
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Building Inspector

DATE: November 17, 1993

RECEIVED

NOV 19 1993

TOWN ATTORNEY

The following is a summary of the proposals which have been reviewed by the Town Environmental Advisory Committee at a meeting held on November 17, 1993 in the Town Hall Council Chambers.

ITEM I 75 Industrial Parkway - Proposed Additions

Applicant: Rosina Food Products Inc.

The additions and exterior treatment, for offices and storage, would greatly enhance the appearance of the building and site.

The project will result in an increase in employment over a period of time. As a result, the Building Inspection Office reviewed the parking requirements and found that even with increased employment the parking is in compliance with the Zoning Law.

The new paving along French Road will improve truck maneuvering area.

The CCAC submitted comments (attached) and the applicant indicated items 1 thru 4 have been, or will be complied with. Item 5, regarding PIOLTs, must be discussed with the Town Board.

The EAC recommends that a Negative Declaration be issued for the project.

(It can be a conditional NEG-DEC if the Board so desires).

RE: EAC - November 17, 1993
November 17, 1993
Page: 2

Attachment

=====

THE NEXT MEETING OF THE ENVIRONMENTAL ADVISORY COMMITTEE
WILL BE HELD ON WEDNESDAY, DECEMBER 8, 1993 AT 9:30 A.M. IN THE
TOWN HALL COUNCIL CHAMBERS.

=====

COMMENT SHEET

TO: Mr. Tom Adamczak
SEQR Intake Officer

FROM: Cheektowaga Conservation Advisory Council

DATE: October 31, 1993

BUILDING & PLUMBING DEPT.

PROJECT NAME: Rosina Food Products Inc.
75 Industrial Parkway
Warehouse/Office Expansion

NOV 17 1993

RECEIVED

COMMENTS:

1. This project appears by design to be an improvement to the current facility.
2. There should be a drainage plan approved by the Town Engineer to insure that there is a "no net runoff" effect with both the new and existing buildings.
3. Any exterior Heating, Cooling or Generators installed on or around any of the buildings should be in compliance with the appropriate decibel standards.
4. Landscape plans with completion dates should be submitted and approved so that the maximum amount of green space can be obtained.
5. It appears that the project will involves financing from the BCIDA, this being the case we should also be notified of the amounts and schedules of any Payments in Lieu of Taxes.

COUNCIL REVIEWERS: Daniel J. Quartironi

SIGNATURE: John Marriott / kb
John Marriott, President

cc: Councilman Tom Johnson

Item No. 8 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, Airport Road is a Town highway from Banko Drive easterly to Hyland Road, and

WHEREAS, according to Subdivision Map Cover No. 1575 entitled "George Urban Terrace", filed in the Erie County Clerk's Office on May 21, 1937, Airport Avenue was to extend easterly beyond the east boundary of Hyland Road an additional 260 feet, and

WHEREAS, upon filing of such map cover in the Erie County Clerk's Office, an offer of dedication for the entire length of Hyland Avenue was made to the Town, and

WHEREAS, the Town now desires to accept that portion of Airport Avenue referred to above which is east of Hyland Road, NOW, THEREFORE, BE IT

RESOLVED, that this portion of Airport Avenue from the east line of Hyland Road easterly 260 feet to its terminus be and hereby is accepted and dedicated as a Town highway, effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9a Motion by Councilman Johnson, Seconded by

WHEREAS, Azalea Drive is a Town highway which runs off of French Road east of Union Road, and

WHEREAS, Scrivner of New York, Inc. owns property at 45 Azalea Drive and has requested this Town Board to re-name Azalea Drive to Scrivner Drive, and

WHEREAS, according to records maintained by the Assessor's Office, no other business uses Azalea Drive for its address, NOW, THEREFORE, BE IT

RESOLVED, that Azalea Drive be and hereby is changed to Scrivner Drive, effective immediately, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, forward a certified copy of this resolution to the Town Assessor, Town Planning Board Chairman, Town Police Department, the Erie County Clerk, the Erie County DPW, Division of Highways, and the U.S. Post Office branch servicing this property.

* * * * *

MOTION BY COUNCILMAN JAWOROWICZ, SECONDED BY COUNCILMAN SOLECKI TO TABLE THE ABOVE RESOLUTION, ITEM 9A, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* * * * *

Item No. 9b Rename Shevchenko Drive and Park Place
This item was withdrawn.

Item No. 10 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, several years ago, the State of New York reconstructed the Harlem Road bridge over the Conrail and Norfolk Southern Bison Yard railroad tracks, and

WHEREAS, as part of such project, the State built a service road from Gruner Road south 780+ feet to a point, thence west 350+ feet to provide access to Harlem Road for property owners in this area, and

WHEREAS, the State then transferred ownership and maintenance responsibility for this "East Service Road" to the Town of Cheektowaga, and the Town Highway Department has maintained this roadway since such time, and

WHEREAS, Norfolk Southern Railway is now beginning to develop the Bison Yard commercially and intends to connect its private road to this East Service Road, and

WHEREAS, there is a need to formally name this East Service Road to reflect its geographic historical significance and to provide for efficient emergency response, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renames the aforementioned road "Bison Parkway," effective immediately, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to, within 10 days of the date of this resolution, forward a certified copy of this resolution to the Town Assessor, Town Planning Board Chairman, Town Police Department, the Erie County Clerk, the Erie County DPW, Division of Highways and the U.S. Post Office branch servicing this property.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, various regulatory agencies have reduced the remitting timer period for the payment of due bills and are beginning to assess late payment penalties, and

WHEREAS, a number of these payments due date fall in between the meeting dates, and

WHEREAS, the Town is desirous to minimize the impact of late penalties and interest charges, NOW, THEREFORE, BE IT

RESOLVED, that the Town Accounting Department prepare manual checks for the payment of regulatory agencies due bills and eliminate the impact of interest and penalty charges upon the town.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has initiated a Facade Improvements program for the revitalization of Walden Avenue between Harlem Road and Buffalo City-line, and

WHEREAS, funding for said project has been included in the Town of Cheektowaga's 1990-93 Community Development Block Grant program statements submitted to and approved by the Department of Housing and Urban Development, and

Item No. 12a continued

WHEREAS, in conjunction with said project, the Town has previously engaged the services of Mussachio Architects for professional services related to the Walden Facade Improvements Program, and

WHEREAS, the Town wishes to continue to utilize the services of said firm for the Walden Facade Improvements Program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute the attached contract modification and extension in the amount of \$20,000 with Mussachio Architects, 333 International Drive, Williamsville, New York 14221 for the Walden Facade Improvements program, said extension and modification effective immediately and until December 1, 1994, and Be It

Further Resolved, that said contract costs be paid from Community Development Block Grant funds.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

CONTRACT MODIFICATION AND EXTENSION

THIS CONTRACT MODIFICATION AND EXTENSION, made as of the 1st day of December, 1993 by and between the Town of Cheektowaga, a domestic municipal corporation having its principal place of business at Cheektowaga Town Hall, Broadway & Union Road, Cheektowaga, New York 14225, hereinafter referred to as the "Town", and Mussachio Architects, P.C., 333 International Drive, Williamsville, NY 14221 hereinafter referred to as the "Architect".

Witnesseth:

Whereas, the Town Board of the Town of Cheektowaga has approved this Contract Modification and Extension on December 6, 1993,

Now, Therefore, it is agreed by and between the parties hereto as follows:

1) The Agreement dated June 19, 1991, and the Contract Modification and Extension dated December 7, 1992 between the Town and the Architect are hereby extended until December 1, 1994 with the modifications indicated below:

- (i) Section G, Subsections 2 and 4 are amended as follows:
Phase II services will be provided on an hourly basis of Sixty Dollars (\$60.00/hour) for any projects commenced after December 1, 1993.
- (ii) Section G, Subsection 2 is also amended to increase the cost limit of Phase II services by the amount of twenty-thousand dollars (\$20,000).
- (ii) Section I, Federal Requirements, is amended by the addition of Appendix 1 entitled Federal Requirements-Community Development Block Grant Program.

In Witness Whereof, the parties hereto have duly executed this Contract Modification and Extension as of the date and year first written above.

TOWN OF CHEEKTOWAGA

MUSSACHIO ARCHITECTS, P.C.

By: _____

By: _____

Dennis H. Gabryszak, Supervisor

Anthony M. Mussachio, President

Appendix 1

FEDERAL REQUIREMENTS
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Architect will comply with all of the following requirements:

- I. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which provides that no person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- II. Section 109 of the Housing and Community Development Act of 1974 (the Act), as amended, which requires that no person in the United States shall on the ground of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds made available pursuant to the Act. Section 109 of the Act further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise handicapped person as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any program or activity funded in whole or in part with funds made available pursuant to the Act. The Architect shall also cause compliance with Section 109 of the Act by all contractors and subcontractors providing labor or services to the Project.
- III. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), which requires that to the greatest extent feasible opportunities for training and employment be given to low and moderate income persons residing in the area in which the project is located, and that contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in the same area as the Project. Regulations of the Department of Housing and Urban Development at 24 CFR Part 135 should be referred to as guidance indicative of the Secretary of Housing and Urban Development's view of the statutory objectives in other contexts.
- IV. The Housing and Community Development Act of 1974, as amended, and the implementing regulations at 24 CFR Part 570.
- V. The Architect will comply with all federal requirements and regulations pertaining to copyrights and rights in data, and patent rights with respect to any discovery or invention which arises or is developed in the course of or under this contract.

- VI. The Department of Housing and Urban Development, the Comptroller General of the United States, the Town or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Architect which are directly pertinent to this agreement for the purpose of making audit, examination, excerpts and transcriptions.
- VII. The Architect will retain all records pertaining to this agreement for a minimum period of three years after final payment for this agreement has been made and after all other pending matters in relationship to this agreement are closed.
- VIII. (1) To the best of their knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of the parties to this Agreement, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the parties to this Agreement will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- IX. Termination for Cause and for Convenience: the Town has the right to terminate this agreement for cause if the Architect fails to fulfill or comply with the terms and conditions of this agreement by giving written notice to the Architect at least fifteen (15) days before the effective date of such termination. The Town also has the right to terminate this agreement at any time by giving written notice to the Architect and specifying the effective date of said termination. In the event of termination, copies of all finished and unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports or other material prepared by the Architect will be provided to the Town. In the event of termination, the Architect will be reimbursed proportionately for the work accomplished.

Item No. 12b Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, this Town Board, by resolution dated November 1, 1993, authorized payment in the amount of \$1,346.19 to the Niagara Mohawk Power Corporation for unexpired life charges associated with the removal of highway lighting facilities necessitated by the New York State Department of Transportation (NYS DOT) Harlem Road Reconstruction Project D245543, PIN 5268.22, AND

WHEREAS, the Town is eligible for reimbursement for the aforesaid unexpired life charges under the provisions of the State Highway Law, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to execute the Utility Work Agreement HC-140 and the NYS DOT "Agreement In Connection With Cost of Relocating Municipally Owned Facilities Maintained For Public Use", A22491 as submitted by the New York State Department of Transportation to effectuate the reimbursement process.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12c Motion by Councilman Blachowski, Seconded by Councilman Wielinski

WHEREAS, the Town of Cheektowaga gave Mr. & Mrs. Kenneth Ruppert a Housing Rehabilitation Community Development Loan for property owned by them and located at 3-9 Nugget Dr., Cheektowaga, New York 14225, and

WHEREAS, Rental Rehabilitation Grant Funds were also provided to Mr. & Mrs. Kenneth Ruppert for property owned by them at Cheektowaga, New York, and

WHEREAS, Mr. & Mrs. Ruppert are now applying for a separate mortgage loan through Beneficial Homeowner Service Corporation, and Beneficial is requesting the Town to execute a Subordination Agreement relating to the Town's Community Development Loan and to the Rental Rehabilitation Grant Funds, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Subordination Agreement relating to Mr. & Mrs. Ruppert and the Town's Housing Rehabilitation Community Development loan for Cheektowaga, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski,
Johnson and Wielinski
NAYES: Councilman Solecki
ABSENT: 0

Item No. 12d Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, section 150 of the Town Law grants discretionary authority to a town for entry into an agreement with a village, located partially within its boundaries and with a police department of 4 or more policemen on an annual full-time basis, to determine what part of the cost of the town police department shall be assessed against the property in the village, and

WHEREAS, the Village of Depew is located partially within the boundaries of the Town of Cheektowaga, and, in addition, the Village of Depew maintains a police department on an annual full-time basis, and

WHEREAS, the annual budget of the town for the fiscal year beginning January 1, 1994 provides for a credit of \$169,340.00 to the Village of Depew for the cost of the town police department assessed against the property in the Village, and

Item No. 12d continued

WHEREAS, a proposed agreement with the Village of Depew on the matter of the aforementioned credit has been prepared and reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned agreement is approved, and the Supervisor be and hereby is authorized to execute same on behalf of the Town.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12e Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, Section 1224(6) of the Vehicle and Traffic Law of the State of New York authorizes the Town to convert abandoned vehicles held by the Town provided the Town has enacted a local law to that effect, and

WHEREAS, by resolution dated June 3, 1991, this Town Board enacted Local Law No. 2 of the Year 1991, which local law authorized the conversion of abandoned vehicles to Town use, and

WHEREAS, the Cheektowaga Police Department has impounded one vehicle which is now deemed an abandoned vehicle under State law, and

WHEREAS, it is desired that such vehicle be converted to Town use, NOW, THEREFORE, BE IT

RESOLVED, that the following referenced abandoned vehicle be and hereby shall be converted to Town use, effective immediately

1987 Buick

VIN 1G4EZ133HU410902

and, BE IT FURTHER

RESOLVED, that the Cheektowaga Police Department and Town Attorneys Office be and hereby are directed to prepare the necessary documents to ensure that such vehicle is registered in the name of the Town, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all papers necessary to effectuate the conversion of the aforementioned vehicle to Town use.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED, that the below listed individuals be terminated from the Youth and Recreational Services Department:

Kim Auger	14215
George Burroughs	14225
Greg Kasprzak	14225
Linda Mutka	14225
David Saskowski	14225
Eugene Whitehead	14225

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

BE IT RESOLVED, that the following SEASONAL and/or PART-TIME EMPLOYEES be and hereby are terminated as listed:

EFFECTIVE

POLICE DEPARTMENT

Julianne Morse 10/25/93

RECYCLING DEPARTMENT

Jeffrey Wheeler 11/13/93
David Principato "
Michael Gault "
Bill Goldsmith "
Ronald Kipler 11/05/93
Mitchell Marciszewski 11/12/93
Richard Perrino "
John Ross "

AND, BE IT FURTHER

RESOLVED, that the termination resolution approved by this Town Board on October 18, 1993 be and hereby is amended to read as follows:

RECYCLING DEPARTMENT

John Greentaner 11/09/93

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Wielinski, Seconded by Councilman Johnson

WHEREAS, to comply with the records of the Erie County Department of Personnel, it is necessary to create three (3) positions of Principal Engineer Assistant, NOW, THEREFORE, BE IT

RESOLVED, that three (3) positions of Principal Engineer Assistant be and hereby are created.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Councilman Johnson

WHEREAS, the Town's cable television franchise agreement with Adelphia Cable Communications ("Adelphia") will expire on May 3, 1994, and

WHEREAS, the Federal Communications Policy Act of 1984 and regulations adopted by the New York State Commission on Cable Television establish guidelines and procedures for franchise renewals, and

WHEREAS, such guidelines suggest that the Town of Cheektowaga should form a Cable Television Committee to evaluate the services provided and perform a "due diligence" review, and make recommendations to the Town Board concerning a franchise renewal with Adelphia, NOW, THEREFORE, BE IT

Item No. 15a continued

RESOLVED, that this Town Board hereby creates a Cable Television Committee to begin the process of evaluating the performance of Adelphia and for making recommendations to this Town Board in relation to the pending renewal of Adelphia's franchise agreement with the Town, and BE IT FURTHER

RESOLVED, that the following persons be and hereby are appointed to serve on the Cable Television Committee:

- Thomas M. Johnson, Jr., Councilman
- William P. Rogowski, Councilman
- Kevin G. Schenk
- Michael J. Stachowski
- Ronald Marten

and BE IT FURTHER

RESOLVED, that further appointments to this Cable Television Committee shall be made by this Town Board at a later date.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

* * * * *

MOTION BY COUNCILMAN JOHNSON, SECONDED BY SUPERVISOR GABRYSZAK TO TABLE THE ABOVE RESOLUTION, ITEM 15A, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

* * * * *

Item No. 15b Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, by Town Board resolution dated December 4, 1989, a Veterans Affairs Committee was created to assist veterans and to investigate what can be done to help them, and

WHEREAS, a vacancy currently exists on the Veterans Affairs Committee as a result of the resignation of George Ross, and

WHEREAS, Joseph Porempski has expressed a desire to serve on this committee and has been involved in veterans affairs for the past 24 years, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Porempski, Cheektowaga, New York be and hereby is appointed as a member of the Veterans Affairs Committee, effective immediately and for a term expiring on December 31, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 16 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED, that the below listed individuals be hired as indicated (part-time):

Item No. 16 continued

Recreation Attendant I - 7140.1613 - \$4.25 per hour

Eric Meinke 14215

Recreation Attendant V - (Senior Counselor I) - 7310.1803 - \$5.25 per hour

Christy Male 14225

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 17 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Department of Youth and Recreational Services has received funding from the U.S. Department of Health and Human Services (grant #5H86SP04160) for the third year of the Cheektowaga Action Partnership Substance Abuse Prevention Program, AND

WHEREAS, the grant provides funding for the three identified project staff to attend a mandatory Center for Substance Abuse Prevention (CSAP) Workshop, January 31st, through February 2nd, 1994 in Baltimore, Maryland, NOW, THEREFORE, BE IT

RESOLVED, that Kenneth J. Kopacz, Principal Investigator, Ellen M. Fischer, Project Director and Carol A. Nowak, Project Evaluator be authorized to attend said workshop and be reimbursed the necessary transportation and lodging expenses at costs not to exceed \$875.00 per person (Line Item No. 0100-7320-4000).

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

MOTION BY COUNCILMAN SOLECKI, SECONDED BY COUNCILMAN JOHNSON TO TABLE THE ABOVE RESOLUTION, ITEM 17, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 18 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND:

FROM: 0100-3120-1541	Patrolmen	\$16,000.00
0100-3310-1492	Part Time Traffic Sign Maintenance	2,000.00
0100-3510-1413	Dog Warden	1,300.00
0100-1910-4711	Contingency	2,500.00
0100-1330-4431	Equipment Repairs & Maintenance-Tax	174.28
0100-7140-1611	Rink Personnel	1,500.00
0100-7140-1611	Rink Personnel	500.00

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Item No. 18 continued

GENERAL FUND CONT'D.:

	0100-7140-1627	Volleyball	\$ 750.00
	0100-7310-1161	Program Coordinator	700.00
	0100-7310-1811	YCC Supervisor	500.00
	0100-7310-1815	NYSCC Supervisor	1,525.00
	0100-7310-4085	NYSCC Expense	201.00
	0100-7140-1611	Rink Personnel	2,000.00
	0100-1910-4711	Contingency	8,200.00
	0100-1910-4711	Contingency	2,000.00
	0100-1355-4575	Contracted Appraisals	5,800.00
	0100-1010-4100	Copier Maintenance	500.00
	0100-3120-5141	Patrolmen	5,000.00
	0100-7620-1639	Special Event Supervisor	2,000.00
	0100-7620-1989	Erie County Grant	1,500.00
	0100-7620-1631	Groupleader Supervisor	2,000.00
TO:	0100-3120-1561	Public Safety Dispatchers	1,000.00
	0100-3120-1565	Sr. Public Safety Dispatchers	2,000.00
	0100-3120-1391	Part Time Clerk	10,000.00
	0100-3310-1437	Traffic Sign Maintenance	5,000.00
	1000-3510-1491	Part Time Dog Warden	1,300.00
	0100-1410-4111	Publishing Notices	2,500.00
	0100-1330-4001	Office Supplies	174.28
	0100-7140-1612	Recreation Attendant	1,500.00
	0100-7140-4521	Hockey Expense	500.00
	0100-7140-1651	Theater	750.00
	0100-7310-1804	Administrative Intern	1,200.00
	0100-7310-1114	Executive Director	1,525.00
	0100-7310-4201	Telephone	201.00
	0100-7140-1613	Recreation Supervisors	2,000.00
	0100-1450-4191	Miscellaneous	700.00
	0100-1450-1799	Election Inspectors	7,500.00
	0100-1450-4551	Moving Voting Machine	2,000.00
	0100-1355-4001	Office Supplies	300.00
	0100-1355-2005	Office Carpet	5,500.00
	0100-1010-2201	Office Equipment	500.00
	0100-3120-1391	Part Time Clerical	5,000.00
	0100-7620-2501	Office Equipment	5,500.00

PART TOWN FUND:

FROM:	0800-8020-4192	Other Expenses	50.00
TO:	0800-8020-1394	Part Time Secretary	50.00

CONSOLIDATED GARBAGE FUND:

FROM:	1500-8160-4469	Land Fill	70,500.00
	1500-8173-4598	Video	10,000.00
TO:	1500-8160-2501	Sanitation Truck-Special	70,500.00
	1500-8160-4453	Building Repairs	10,000.00

SPECIAL DISTRICTS FUND:

FROM:	2500-8125-2514	Pick-Up Truck	5,020.00
	2500-8125-4953	Harlem Pump Station	50,000.00
	2500-8125-2505	Other Equipment	7,881.84
	2500-8125-4545	Telemetry	125,000.00
	2500-8135-4547	Digesters	30,000.00
	2800-1910-5031	Transfer In	5,020.00
	2300-8123-4444	Plant Demolition	20,000.00
	9000-5182-4212	Electric-NYSEG	8,000.00
	9000-5182-4213	Electric-Niagara Mohawk	12,000.00

Item No. 18 continued

SPECIAL DISTRICTS FUND CONT'D.:

TO:	2500-9950-8801	Transfer Out	\$ 5,020.00
	2500-9950-8001	Transfer Out	50,000.00
	2500-8125-4954	Harlem Road Maintenance & Utilities	7,881.84
	2500-9950-8001	Transfer Out	125,000.00
	2500-9950-8001	Transfer Out	30,000.00
	2800-8130-4211	Holtz Utilities	5,020.00
	2300-9950-8001	Transfer Out	20,000.00
	9000-5182-4222	Gas-National Fuel	20,000.00

CAPITAL FUND:

FROM:	5823-1910-5031	Transfer In	50,000.00
	5317-1910-5031	Transfer In	125,000.00
	5806-1910-5031	Transfer In	30,000.00
	5316-1910-5031	Transfer In	20,000.00
TO:	5823-8125-1102	Harlem Road Pump Station	50,000.00
	5317-8125-4545	Telemetry	125,000.00
	5806-8135-1100	Digesters	30,000.00
	5316-8123-4444	Plant Demolition	20,000.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 19 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to December 3, 1993 and are hereby approved and made a part hereof:

GENERAL FUND	\$1,570,900.55
HIGHWAY FUND	473,725.67
TRUST & AGENCY FUND	16,845.80
CDBG HUD FUND	94,810.99
PART TOWN FUND	135,977.94
RENTAL REHABILITATION FUND	11,848.50
RISK RETENTION FUND	26,131.05
DEBT SERVICE FUND	30,249.00
SPECIAL DISTRICTS FUND	1,117,390.42
HUD HOUSING REHAB FUND	6,266.00
CAPITAL FUND	<u>322,240.52</u>
	\$3,806,386.44

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Building Permits
Received and Filed.

Item No. 21 Minutes of Cheektowaga Traffic Safety Commission - November 16, 1993
Received and Filed.

Item No. 22 Supervisor's Statement of Funds - October 1993
Received and Filed

III. GENERAL COMMUNICATIONS

Item No. 23a Notice of Claim: Cesar Martinez vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 23b Notice of Claim: James and Dorothy Kasprzyk vs the Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department, Building Department, Facilities
Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23c Notice of Claim: Thomas Szczepanek vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department and Allied Claims Insurance
Carrier.
Received and Filed.

* * * * *

MOTION BY COUNCIL ROGOWSKI, SECONDED BY COUNCILMAN BLACHOWSKI
TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S)
AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* * * * *

IV. SUSPENSION OF RULES

Item No. 24 Motion by Councilman Rogowski, Seconded by Councilman Solecki

WHEREAS, Richard W. Dorss has petitioned for the rezoning from
M1-Light Manufacturing District to R-Residence District of property owned by him and
located on the north side of Schuster Avenue, Cheektowaga, New York, which property
is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this town
Board on the 15th day of November, 1993 at 7:00 o'clock P.M., after publication and
service of the notices required by the provisions of the Code of the Town of
Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given
an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application
and has recommended approval thereof subject to the following conditions:

1. Approval of drainage by Engineering Department
2. Approval of improvements, if any, by the Highway Department

and

WHEREAS, the Environmental Advisory Committee of the Town of
Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of
Cheektowaga," has also duly considered the application for the aforementioned
rezoning, and has recommended that this Town Board issue a determination that such
rezoning will not have a significant effect on the environment.

Item No. 24a continued

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby agrees with the recommendation made by the Environment Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Richard W. Dorss for the rezoning from M1-Light Manufacturing District to R-Residence District of the property specified in the attached legal description be and the same is hereby approved subject to the aforementioned conditions recommended by the Town Planning Board, 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, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

*SEE NEXT PAGE(S) FOR ATTACHMENT

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 11, Township 11, Range 7 of the Holland Land company survey and being further described as follows:

Being sublots 193,through 198 of Map Cover 293 as filed in the Erie County Clerk's Office.

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 6th day of December, 1993 at 7:30 o'clock P.M. Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Rogowski, seconded by Councilman Solecki

WHEREAS, Richard W. Dorss has petitioned for the rezoning from M1-Light Manufacturing District to R-Residence District of property owned by him and located on the north side of Schuster Avenue, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 15th day of November, 1993 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such applications and has recommended approval thereof subject to the following conditions:

- 1. Approval of drainage by Engineering Department
2. Approval of improvements, if any, by the Highway Department and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby agrees with the recommendation made by the Environmental Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Richard W. Dorss for the rezoning from M1-Light Manufacturing District to R-Residence District of the property specified in the attached legal description be and the same is hereby approved subject to the aforementioned conditions recommended by the Town Planning Board, and BE IT FURTHER

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

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 11, Township 11, Range 7 of the Holland Land company survey and being further described as follows: Being sublots 193 through 198 of Map Cover 293 as filed in the Erie County Clerks's Office.

Upon Roll call...
Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on December 6, 1993, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 24a, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 6th day of December, 1993.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: December 9, 1993

STATE OF NEW YORK COUNTY OF ERIE TOWN OF CHEEKTOWAGA

ss.

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication December 9, 1993; last publication December 9, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza (signature)

Sworn to before me this 9th

day of December, 1993

Margaret J. Bourdette (signature)

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 6th day of December, 1993 at 7:30 o'clock P.M. Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Rogowski, seconded by Councilman Solecki

WHEREAS, Richard W. Dorss has petitioned for the rezoning from M1-Light Manufacturing District to R-Residence District of property owned by him and located on the north side of Schuster Avenue, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 15th day of November, 1993 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such applications and has recommended approval thereof subject to the following conditions:

1. Approval of drainage by Engineering Department
 2. Approval of improvements, if any, by the Highway Department and
- WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby agrees with the recommendation made by the Environmental Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Richard W. Dorss for the rezoning from M1-Light Manufacturing District to R-Residence District of property specified in the attached legal description be and the same hereby approved subject to the aforementioned conditions recommended by the Town Planning Board, and

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

ALL THAT TRACT OR PART OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of 11, Township 11, Range 7 of the land Land company survey and further described as follows: Being sublots 193 through 197 Map Cover 293 as filed in the County Clerks's Office.

Upon Roll call...
Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Clerk of the Town hereinabove subscribed, DO HEREBY CERTIFY follows:

1. A regular meeting of the Board of the Town of Cheektowaga town located in the County of Erie, State of New York, on the 6th day of December, 1993, and minutes of such meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board and such minutes appear at item inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 6th day of December, 1993.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: December 9, 1993

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

.....Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....December 9, 1993.....; last publication.....December 9, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofDecember....., 1993.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

Item No. 24b Decision of Rezoning Schlenker Avenue and Schuster Avenue
This item was withdrawn.

Item No. 25 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, by resolution dated September 20, 1993, this Town Board approved the rezoning of property located on Como Park Boulevard near Hawthorne Avenue (SBL #113.12-2-26 from R-Residential District to CF-Community Facilities District subject to certain restrictions, and

WHEREAS, said rezoning was based on certain items, including an approved tree preservation plan and a drainage plan to be approved by the Town's Supervising Building Inspector and/or Engineering, and

WHEREAS, the applicant submitted a drainage plan to the Town Engineer depicting a piped drainage system in lieu of an open ditch, and said plan has been approved by the Town Engineer, and

WHEREAS, said piped drainage system requires a change to the previously approved tree preservation plan, and

WHEREAS, a wetlands delineation report prepared by Earth Dimensions, Inc. has now been submitted and shows a small wetland area (0.08+ acre) near the south end of the property, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby amends the aforementioned September 20, 1993 resolution by accepting and adopting the Applicant's drainage plans (Drawings Nos. 6-2 and 6-3 prepared by Wendel Engineers, last revision 11/23/93 and proposed piping installation (in lieu of an open ditch) through the tree preservation area subject to the following restrictions:

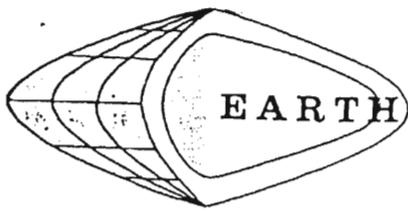
1. There shall be a minimum disturbance to trees, particularly in the old growth southeastern portion of the parcel.
2. Installation shall be undertaken under the supervision of the Town Engineering Department utilizing the smallest available equipment and following a staked alignment to avoid and preserve significant trees (as indicated on the tree survey and previously adopted preservation plan), subject to modification in the field to preserve as many large specimen trees as possible.
3. Applicant shall avoid the identified wetland area as indicated in the attached wetlands report and delineation map.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

NOTE: Maps are in Rezoning Folder



EARTH DIMENSIONS, INC.

Soil and Hydrogeologic Investigations • Wetland Delineations
1091 Jamison Road • Elma, NY 14059
(716) 655-1717 • FAX (716) 655-2915

W25I91

December 01, 1993

Mr. Thomas Johnson
Cheektowaga Conservation Advisory Council
Town of Cheektowaga
3301 Broadway
Cheektowaga, New York 14227

**RE: Hospice Buffalo, Inc. site wetland delineation, Bennett Road and Hawthorne Avenue,
Town of Cheektowaga, Erie County, New York.**

Dear Council Members:

During the Saturday November 20, 1993 meeting of the Advisory Council, Mr. Tom Johnson requested that Earth Dimensions, Inc. (EDI) review the wetland delineation for the above mentioned site.

EDI was retained to conduct the wetland delineation for the proposed Hospice Buffalo, Inc. development and conducted the wetland delineation on October 01, 1991. EDI utilized the methods specified by the *Corps of Engineers Wetlands Delineation Manual* (January 1987) employing the skill and experience of one EDI Soil Scientist and one EDI Wetland Ecologist. EDI identified a total of 0.08± acre of federally jurisdictional wetland as a result of it's investigation.

As always, EDI encouraged Hospice Buffalo, Inc. to avoid any unnecessary wetland impacts in designing their site plan for the proposed development. Hospice Buffalo, Inc. indicated that the proposed development would only occur within the northern half of the site, thus proposing no wetland impacts. On December 27, 1991, on behalf of Hospice Buffalo, Inc., EDI submitted the wetland delineation report to the U.S. Army Corps of Engineers (Corps) requesting a letter of no jurisdiction for the proposed development. Letters of no jurisdiction are issued by the Corps for projects within a site containing no federally jurisdictional wetlands and/or for projects proposing no impacts to wetlands on-site.

The Corps accepted EDI's wetland delineation and on March 30, 1992 issued Hospice Buffalo, Inc. a Letter of No Jurisdiction for the initiation and completion of the proposed development.



W25I91

The U.S. Army Corps of Engineers (Corps) typically allows for the filling of up to 0.99 acre of isolated wetland area located above headwaters utilizing a Department of the Army Nationwide 26 Permit. Therefore, it is the professional opinion of EDI that even if Hospice Buffalo, Inc. had proposed to impact the total $0.08 \pm$ acre of wetland present on-site they would be able to seek and obtain a Nationwide 26 permit authorizing such action.

If you have any questions or would like any additional information please contact myself or Don Owens at the above address or by calling 655-1717.

Sincerely,

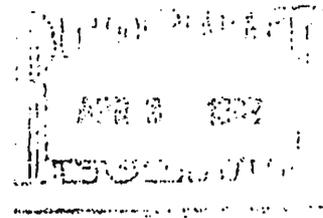
Traci L. Clever
Wetland Ecologist
Earth Dimensions, Inc.

enclosures: Letter of No Jurisdiction
8 1/2" x 11" wetland delineation map

cc: Mr. William Finn, Hospice Buffalo, Inc.

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1778 NIAGARA STREET
BUFFALO, NEW YORK 14207-3189



March 30, 1992

Regulatory Branch

SUBJECT: Determination of No Jurisdiction for Application
No. 92-976-95

Mr. William Finn
Hospice Buffalo Inc.
2929 Main Street
Buffalo, New York 14214

Site: Como Park Blvd/ Hawthorne Ave.
Town: Cheektowaga
County: Erie
State: New York

Dear Mr. Finn:

Under Section 404 of the Clean Water Act the Corps of Engineers regulates the discharge of dredged or fill material into "Waters of the United States", including wetlands. The information which accompanied your application indicates that the proposed work will not involve a discharge of dredged or fill material into "Waters of the United States". Therefore, we have determined that we have no jurisdiction over the proposal and a Department of the Army permit is not required. However, in the future if work is proposed on the remaining portion of the site, a Department of the Army permit will be required to fill the 0.08 acres of wetland.

Should you modify your proposal to entail a discharge of dredged or fill material into a "Water of the United States" you must contact this office regarding Department of the Army permit requirements.

You are encouraged to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

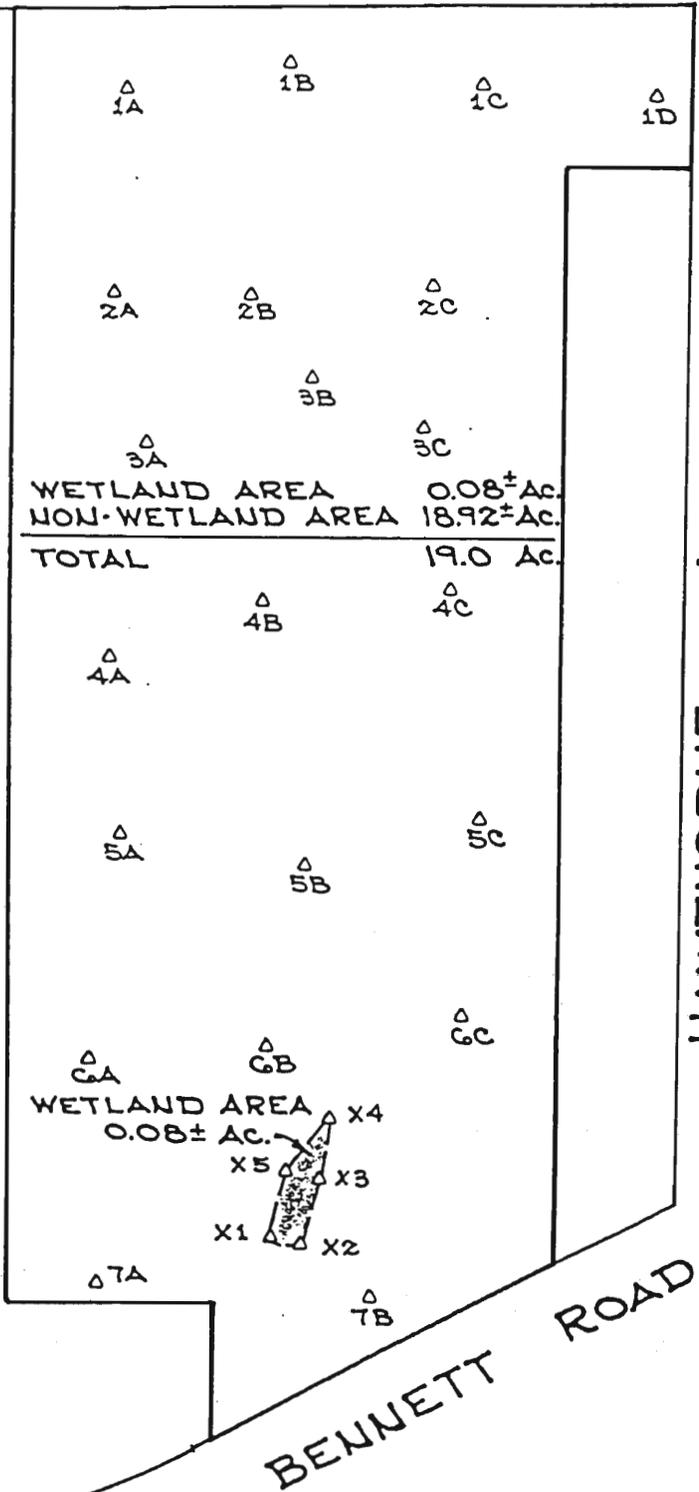
Questions pertaining to this matter should be directed to Ms. Bridget Fox, who may be contacted by calling 716-879-4415, or by writing to the above address.

Sincerely,

For
John W. Morris
Colonel, U.S. Army
Commanding

NOTE UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

COMO PARK BLVD.



HAWTHORNE AVENUE

BENNETT ROAD



WETLAND DELINEATION MAP FOR
HOSPICE BUFFALO, INC.
TOWN OF CHEEKTOWAGA, ERIE CO.,
NEW YORK

Pratt & Huth Associates
 Engineers — Surveyors — Planners
 60 Earhart Drive • Williamsville, New York 14221 • (716) 633-4844

NOV 29 1991

JOB NO. 01372 DATE: OCTOBER 31, 1991
SCALE: 1" = 200'

Chester L. Bryan, P.E.
Town Engineer



MEMO

TO: Councilman Thomas Johnson
Thomas Adamczak, Building Inspector

FROM: William R. Pugh

DATE: December 1, 1993

RE: Hospice Buffalo, Inc.

I am transmitting herewith a copy of Dwgs. No. L-2 and L-3 prepared by Wendel Engineers, last revision 11/23/93, on which the drainage related revisions requested by this department for the Hospice Project have been incorporated. The most significant revision (Dwg. L-3) provides for the piping of the proposed open ditch through the heavily treed southern portion of the property. It is our opinion that the installation of the 24" storm sewer in lieu of the initially proposed open ditch will result in a lesser degree of disturbance to the tree population and root systems, and which after installation will require little attention from a maintenance standpoint. The alignment of this section of pipeline is to be staked in the field and adjusted as necessary in order to preserve as many large specimen trees as possible.

Also being transmitted is a copy of Dwg. L-4, entitled Landscape & Tree Preservation Plan, which provides a detail of the tree protection barrier which as indicated on the plan view is to encircle all tree preservation areas.

WRP:dms
Enc.

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 6th day of December, 1993 at 7:30 o'clock P.M. Eastern Standard Time there were:

PRESENT: Supervisor Dennis H. Gabryszak Councilman Patricia A. Jaworowicz Councilman Richard B. Solecki Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr. Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Rogowski, seconded by Councilman Solecki

WHEREAS, Richard W. Dorss has petitioned for the rezoning from M1-Light Manufacturing District to R-Residence District of property owned by him and located on the north side of Schuster Avenue, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 15th day of November, 1993 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

- WHEREAS, the Cheektowaga Planning Board has reviewed such applications and has recommended approval thereof subject to the following conditions: 1. Approval of drainage by Engineering Department 2. Approval of improvements, if any, by the Highway Department and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby agrees with the recommendation made by the Environmental Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Richard W. Dorss for the rezoning from M1-Light Manufacturing District to R-Residence District of the property specified in the attached legal description be and the same is hereby approved subject to the aforementioned conditions recommended by the Town Planning Board, and BE IT FURTHER

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

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 11, Township 11, Range 7 of the Holland Land company survey and being further described as follows:

Being sublots 193 through 198 of Map Cover 293 as filed in the Erie County Clerks's Office.

Upon Roll call... Supervisor Gabryszak Voting AYE Councilman Jaworowicz Voting AYE Councilman Solecki Voting AYE Councilman Rogowski Voting AYE Councilman Blachowski Voting AYE Councilman Johnson Voting AYE Councilman Wielinski Voting AYE

AYES: 7 NAYES: 0 ABSENT: 0

STATE OF NEW YORK COUNTY OF ERIE

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

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on December 6, 1993, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 24a, inclusive, of said book.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 6th day of December, 1993.

RICHARD M. MOLESKI Town Clerk

PUBLISH: December 9, 1993

STATE OF NEW YORK COUNTY OF ERIE TOWN OF CHEEKTOWAGA

ss.

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for weeks: first publication..... December 9, 1993 ; last publication..... December 9, 1993 ; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 9th

day of December 1993

Margaret J. Bourdette

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

MARGARET J. BOURDETTE NOTARY PUBLIC STATE OF NEW YORK QUALIFIED IN ERIE COUNTY MY COMMISSION EXPIRES 12/11/95

MEETING NO. 26
December 6, 1993

Item No. 25 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski to adjourn this meeting.

Richard M. Moleski,
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 18th day of December, 1994 at 7:00 o'clock P.M., Eastern Standard Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer; Salvatore LaGreca; Chairman of Planning Board; Bruce Chamberlin, Chief of Police; Kenneth Kopacz, Executive Director of Youth and Recreational Services.

I. PUBLIC HEARINGS

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 69 of the Code of the Town of Cheektowaga, (Tax Exemption for Senior Citizens Ordinance) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

§69-2. Conditions for exemption.

B. Income range; applicability

(1) The percentage of exemption from town taxes shall be based on the maximum annual income range specified herein as follows:

<u>Income Range (Maximum)</u>	<u>Percentage of Exemption</u>
\$15,000.00	50%
\$15,600.00	45%
\$16,200.00	40%
\$16,800.00	35%
\$17,400.00	30%
\$18,000.00	25%
\$18,599.99	20%
\$19,200.00	15%
\$19,800.00	10%

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

II. RESOLUTIONS

Item No. 3 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated January 4, 1994, this Town Board established Town Board meeting dates for 1994, and

WHEREAS, this Town Board wishes to establish another Town Board meeting date for 1994 and the first Town Board meeting date for 1995, NOW, THEREFORE, BE IT

RESOLVED, that Town Board meeting shall be held on the following referenced dates at the following time in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York:

December 29, 1994 6:00 P.M.

January 3, 1995 7:00 P.M. (Public Comment 6:45 P.M.)

and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to give public notice of the times and places of such meetings to the news media at least one week prior to such meetings and to conspicuously post such public notice at least 72 hours before such meetings.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 4 Order calling for Public Hearing - Ellicott Road Water Improvement

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

At a meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, in said Town, on the 19th day of December, 1994.

PRESENT:

Hon. Dennis H. Gabryszak,	Supervisor
Patricia A. Jaworowicz,	Councilperson
Richard B. Solecki,	Councilperson
William P. Rogowski,	Councilperson
Jacqueline A. Blachowski,	Councilperson
Thomas M. Johnson, Jr.,	Councilperson
William L. Wielinski,	Councilperson

In the Matter	:
of the	:
Construction of Ellicott Road Water	:
Improvement in the Town of Cheektowaga, in	:
the County of Erie, New York pursuant	:
to Article 12-C of the Town Law	:

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
JANUARY 17, 1995

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has caused the Town Engineer, an engineer duly licensed by the State of New York, to prepare a general map, plan and report for the proposed construction of a total of approximately 1130 linear feet of 8-inch diameter water lines along the following roadways: Old Indian Road northerly from Broadway approximately 800 feet to Ellicott Road, Ellicott Road westerly from Old Indian Road approximately 330 feet to the

west boundary of property located at 500 Ellicott Road including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor (the "Water Improvement"), all within the unincorporated areas of the Town outside of any villages, pursuant to Article 12-C of the Town Law, and which map, plan and report have been heretofore duly filed in the office of the Town Clerk for public examination; and

WHEREAS, such Water Improvement, will benefit the area shown in Exhibit A attached hereto and made a part hereof, said area being hereby designated as the benefited area (the "Benefited Area"); and

WHEREAS, the Town Board has given due consideration to the impact that the Water Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the Water Improvement; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be

\$63,250, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Water Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Water Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the annual cost of operation and maintenance of said Water Improvement shall be a charge upon the entire area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it

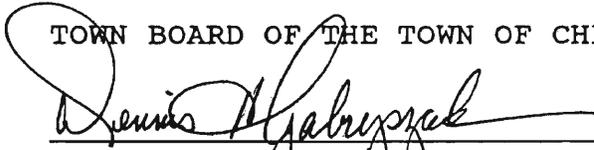
ORDERED, that the Town Board of the Town, meet and hold a public hearing at the Town Hall at 3301 Broadway, Cheektowaga, New York, on the 17th day of January, 1995, at 7:00 o'clock P.M. (Prevailing Time) to consider the construction of such Water Improvement, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, a newspaper having a general circulation

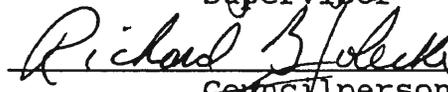
in the Town, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the bulletin board of the Town, maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

DATED: DECEMBER 19, 1994

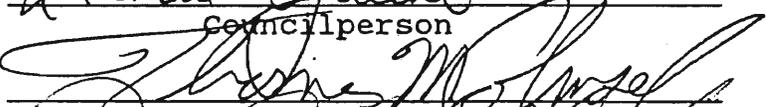
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA



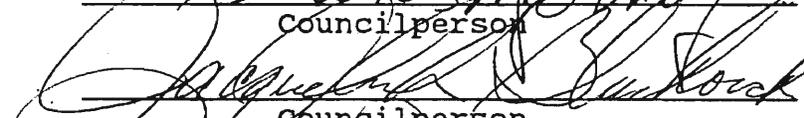
Supervisor



Councilperson

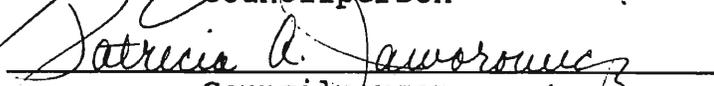


Councilperson

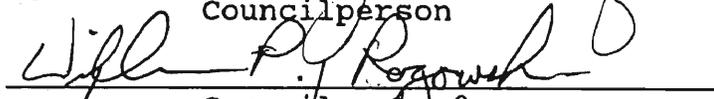


Councilperson

(SEAL)

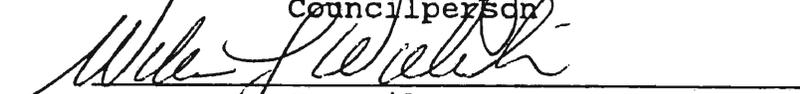


Councilperson



Councilperson

(SEAL)



Councilperson

Members of the Town Board of the Town of Cheektowaga, in the County of Erie, New York

STATE OF NEW YORK)
 : ss.
COUNTY OF ERIE)

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing duly adopted by the Town Board on December 19, 1994, with the original thereof filed in my office on the 19th day of December, 1994, and that same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 19th day of December, 1994.

(SEAL)

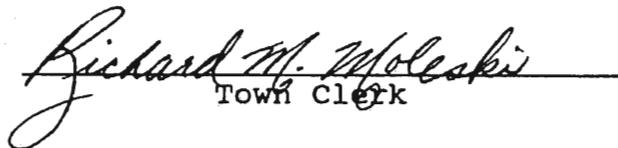

Town Clerk

EXHIBIT A

LEGAL DESCRIPTION

PART I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at the point of intersection of the center line of Old Walden Ave. with the westerly line of the Niagara Mohawk Power Corps. Transmission Right of Way.

Running thence northerly along the westerly line of said Transmission Right of Way to the southeasterly line of the West Shore Railroad.

Thence northeasterly along the southeasterly line of the West Shore R. R. to the center line of Scajaquada Creek.

Thence easterly along the center line of Scajaquada Creek to a point 1,000 feet westerly from the center line of Union Road measured at right angles therefrom.

Thence southerly, along a line parallel with the center line of Union Road and 1,000 feet westerly measured at right angles therefrom, to the northerly line of lands of the New York Central Railroad.

Thence westerly along the northerly line of lands of the New York Central Railroad to the easterly line of lands of the Lackawanna Steel Construction Corp.

Thence northerly along the easterly line of lands of the Lackawanna Steel Construction Corporation to the center line of Old Walden Avenue.

Thence westerly along the center line of Old Walden Ave. to the point or place of beginning.

PART II

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at a point in the northerly line of lands of the New York Central Railroad, said point being 1,000 feet easterly of the center line of Union Road, measured at right angles therefrom.

Running thence northerly along a line parallel with the center line of Union Road and 1,000 feet easterly measured at right angles therefrom, to the center line of Scajaquada Creek.

Thence easterly along the center line of Scajaquada Creek to the center line of Dick Road.

Thence southeasterly along the center line of Dick Road to the northerly line of lands of the New York Central Railroad.

Thence westerly along the northerly line of lands of the New York Central Railroad to the point or place of beginning.

MAP, PLAN AND REPORT
FOR
ELLCOTT ROAD WATERLINE IMPROVEMENTS
TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK
OCTOBER 1993
(REVISED NOVEMBER 1994)

DENNIS H. GABRYSZAK, SUPERVISOR

PATRICIA A. JAWOROWICZ, COUNCILMAN
RICHARD B. SOLECKI, COUNCILMAN
WILLIAM P. ROGOWSKI, COUNCILMAN
JACQUELINE A. BLACHOWSKI, COUNCILMAN
THOMAS M. JOHNSON, JR., COUNCILMAN
WILLIAM L. WIELINSKI, COUNCILMAN

RICHARD M. MOLESKI, TOWN CLERK

JAMES J. KIRISITS, TOWN ATTORNEY

CHESTER L. BRYAN, P.E., TOWN ENGINEER

ENGINEERING DEPARTMENT
275 ALEXANDER AVENUE
CHEEKTOWAGA, NEW YORK 14211

MAP, PLAN AND REPORT
FOR
ELLCOTT ROAD WATERLINE IMPROVEMENTS

GENERAL

The Town of Cheektowaga, encompassing an area of 29.23 miles, lies east of and adjacent to the City of Buffalo. See Exhibit "A". Major transportation corridors pass through the Town including several railroads and the New York State Thruway I-90. There are five (5) major interchanges or points of entrance and exit to the I-90 from within the Town. These include the Niagara Section of the New York State Thruway and the Kensington Expressway. Both of these arterials provide convenient access to downtown Buffalo. The Greater Buffalo International Airport is located at the northeast section of the Town.

The presence of the aforementioned major transportation facilities and the proximity to the City of Buffalo had a major influence on the development of the Town. The Town is about 90% developed and supports a balance of residential and commercial development. The growth of the Town was enhanced by the provision of services necessary to accommodate the development.

The Village of Sloan, encompassing an area slightly less than one (1) square mile, is located in the southwest area of the Town. The Village of Depew is located at the eastern part of Town and extends into the neighboring Town of Lancaster. See Exhibit "A".

BACKGROUND

Located within the corporate limits of the Town and exclusive of the Villages of Sloan and Depew are located nine (9) fire districts. See Exhibit "B". Each fire district is managed by an elected Board of Fire Commissioners who provide for fire protection needs of properties within their district.

The Board of Fire Commissioners of Forks Fire District No. 3 have identified an area within their district that is in need of fire protection. Said Board of Fire Commissioners requested the Town Board of the Town of Cheektowaga to assist them by providing water improvements in the vicinity of Indian Road and Ellicott Road. Such waterline improvements are to be provided together with hydrants to ensure proper fire protection for properties within the benefitting service area. This service area is shown in red on Exhibit "B".

The Erie County Water Authority (ECWA) owns and operates a water distribution system in the adjacent area and provides water service to properties along Broadway. The Town Board, by resolution dated March 15, 1993, has memorialized ECWA to extend its service area to include an Indian Road/Ellicott Road water line extension. See Exhibit "C". The ECWA has agreed to cooperate with the Town in extending water service as requested.

ELLICOTT ROAD WATERLINE IMPROVEMENTS

The area to be served is situated north of Broadway and is bounded by Amtrack Railroad at its north boundary. The proposed eight inch (8") diameter water line is to be extended along Indian Road from the ECWA Broadway water line northerly some 800± feet to Ellicott Road and thence westerly along Ellicott Road some 330± feet to its terminus approximately 15' west of the west boundary of 500 Ellicott Road which property is owned by Michael F. Sebastiano.

The Ellicott Road water improvement service area is that shown on attached Exhibit "D" which district includes the benefitted properties of:

<u>ADDRESS</u>	<u>PARCEL NO.</u>
500 Ellicott Road	103.14-1-2
510 Ellicott Road	103.14-1-3
520 Ellicott Road @ Indian Road	103.14-1-4
556 Ellicott Road @ Indian Road	103.14-2-1.2

and the northern portion of properties located at:

3828 Broadway	103-14-1-1
3848 Broadway @ Indian Road	103-14-1-5
3860 Broadway @ Indian Road	103.14-2-1.1

LEGAL AUTHORITY

The Town of Cheektowaga is authorized under Section 209-q of the Town Law of the State of New York to construct water improvements and assess the cost of such improvement against benefitted property owners.

Costs for the Ellicott Road water line will be assessed against the benefitting properties of Ellicott Road and Indian Road shown on Exhibit "D". The properties located at the two (2) corners of Broadway and Indian Road have access to an ECWA water line located on Broadway. These two (2) properties with addresses of 3848 and 3860 Broadway will only have their northern half assessed as benefitting from the water line along Indian Road.

The ECWA has agreed to assume responsibility for the construction and testing of this Ellicott Road water line including three (3) hydrant installations for the requested fire protection needs of the area. See Exhibit "E". The Town of Cheektowaga, on behalf of the benefitting property owners, is to reimburse the ECWA for all costs associated with the water line/hydrant installation work. The total estimated cost for construction and legal expenses is projected at \$63,250.

PROPERTY ASSESSMENT

All costs associated with the installation of the water line shall be borne by property owners benefitting by this work. The Town of Cheektowaga is financing the cost of construction for the benefitting property owners allocating repayment of costs to be spread over a fifteen (15) year period. The costs are to be apportioned on a benefit basis using the following format:

GENERAL ASSUMPTIONS

- 1) Two Tier Benefit - We are assuming that the immediately adjoining properties are receiving a direct benefit and therefore paying a significant portion of the cost (direct benefit assumed to be 35% of the cost). The indirectly benefited area (Hydrant District No. 3) will pay the remaining cost (65%) at a relatively low rate per parcel.
- 2) Bonding Life - Due to market realities we are assuming a 15 year bonding life with equal principal payments.
- 3) Interest Rate - We are using a 6.5% rate.
- 4) Project Scope - Water main extension from Broadway to Ellicott Road, then west on Ellicott Road approximately 330 feet and three hydrants. Cost \$63,250 (includes 15% administrative factor).
- 5) Indirect Benefited Area - Taxable valuation approximates \$255,000,000.
- 6) Basis of Benefit Based Tax - The allocation of tax is based on a property's proportion of assessed valuation to the total project's directly benefited assessed valuation. Parcels 1 and 5 building structures are serviced from Broadway, therefore, the assessed valuation of the buildings was not considered, 50% of the assessed valuation of the land was considered. Should buildings be constructed on this land area, the assessed valuation of such buildings will be considered in future tax levies. Furthermore, since approximately two thirds of the building structures on Parcel 1.1 are currently serviced from Broadway, only one third of the assessed valuation was considered in calculating its share of the tax.
- 7) The formula will provide for an annual adjustment to reflect changes in assessed valuation. Such formula will also provide for the recapture of original capital costs as a charge to any future extensions during the ten tax years following construction. The recapture of original capital costs would be credited to original taxpayers.

Town of Cheektowaga
 Old Indian Road Water Improvement
 Cost Per Property Based Upon Assessed Valuation

Direct Benefit Cost Per Property

Direct Benefit Annual Cost For:	Assessed Valuation	Year		
		1	8	15
Property # 1	\$5,900	\$22	\$17	\$12
# 2	35,700	135	104	73
# 3	60,400	229	176	123
# 4	50,200	190	146	103
# 5	4,000	15	12	8
# 1.1	417,000	1,580	1,216	852
# 1.2	196,300	744	572	401
Totals	\$769,500	\$2,915	\$2,243	\$1,572

Cost Per \$75,000 Property = Indirect Benefit

	Year		
	1	8	15
Indirect Charge	\$5,413	\$4,166	\$2,919
Rate Per \$1,000 Assessed Valuation (1994)	\$0.0212	\$0.0163	\$0.0114
Annual Charge (\$75,000 A.V)	\$1.59	\$1.22	\$0.86

THE TOWN OF CHEEKTOWAGA ERIE COUNTY, N.Y.

FIRE
911

POLICE
911



PREPARED BY CHEEKTOWAGA
ENGINEERING DEPARTMENT
1993

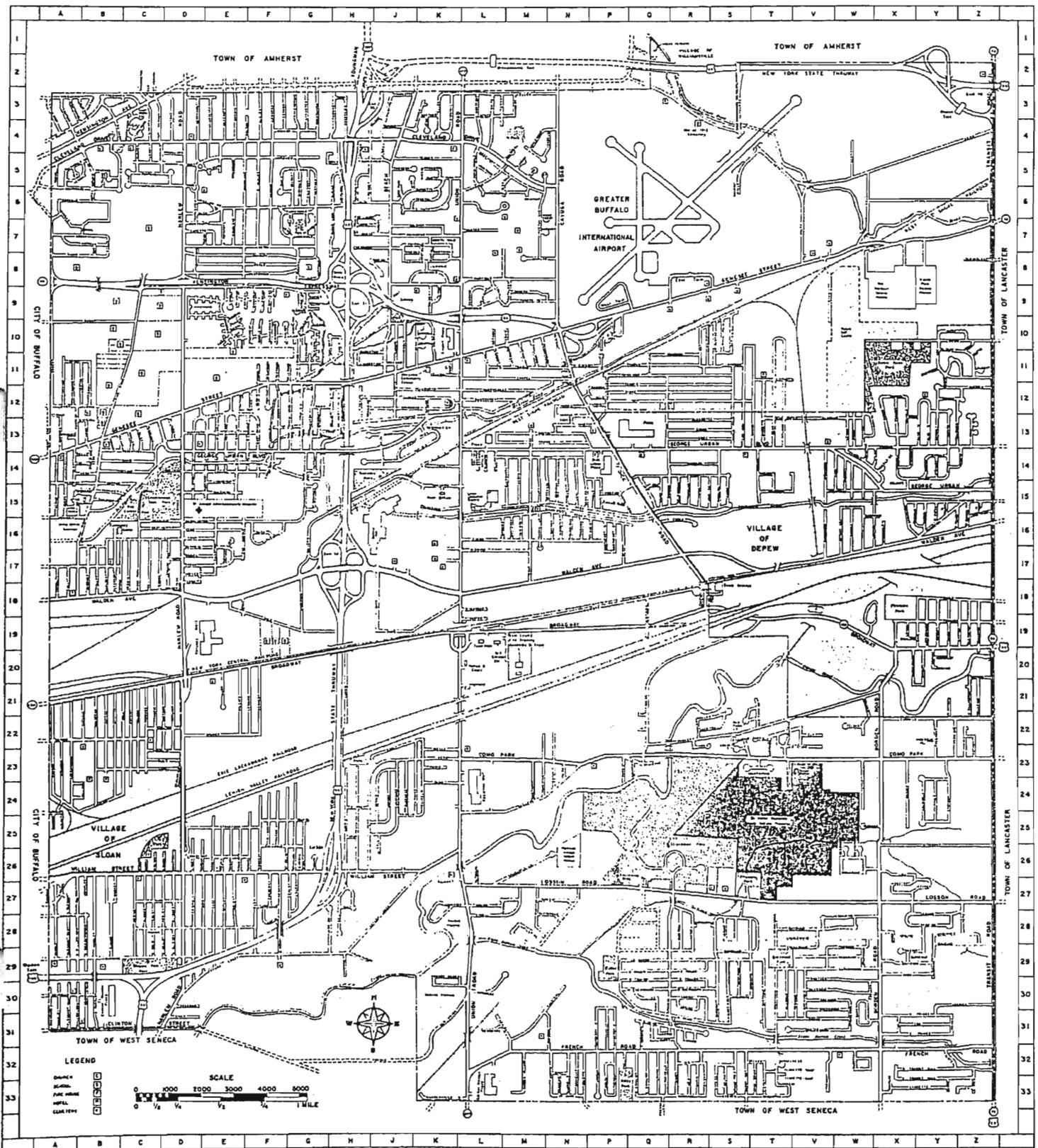


EXHIBIT "A"

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 15th day of March, 1993 at 7:30 o'clock p.m. Eastern Standard Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.

ABSENT: 0

Motion by Councilman Johnson seconded by Councilman Blachowski

WHEREAS, the Erie County Water Authority ("ECWA") operates and maintains water lines and mains within various water districts within the Town, and

WHEREAS, the area located between Ellicott Road and Broadway near (Old) Indian Road in the Town is not located within any water district, and

WHEREAS, The ECWA owns and operates a water distribution system adjacent to this area, and

WHEREAS, there is a need to have ECWA extend its water district into the Ellicott Road/Broadway area for the following reasons:

1. Development is occurring in this area.
2. Forks Fire District feels that public safety demands that there be water lines and fire hydrants in this area to protect homes and businesses.
3. Development is discouraged in this area because there is no water service available.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the ECWA to extend its adjacent water district into the Ellicott Road/Broadway area as soon as possible and to take all steps to provide water service to this area, and BE IT FURTHER

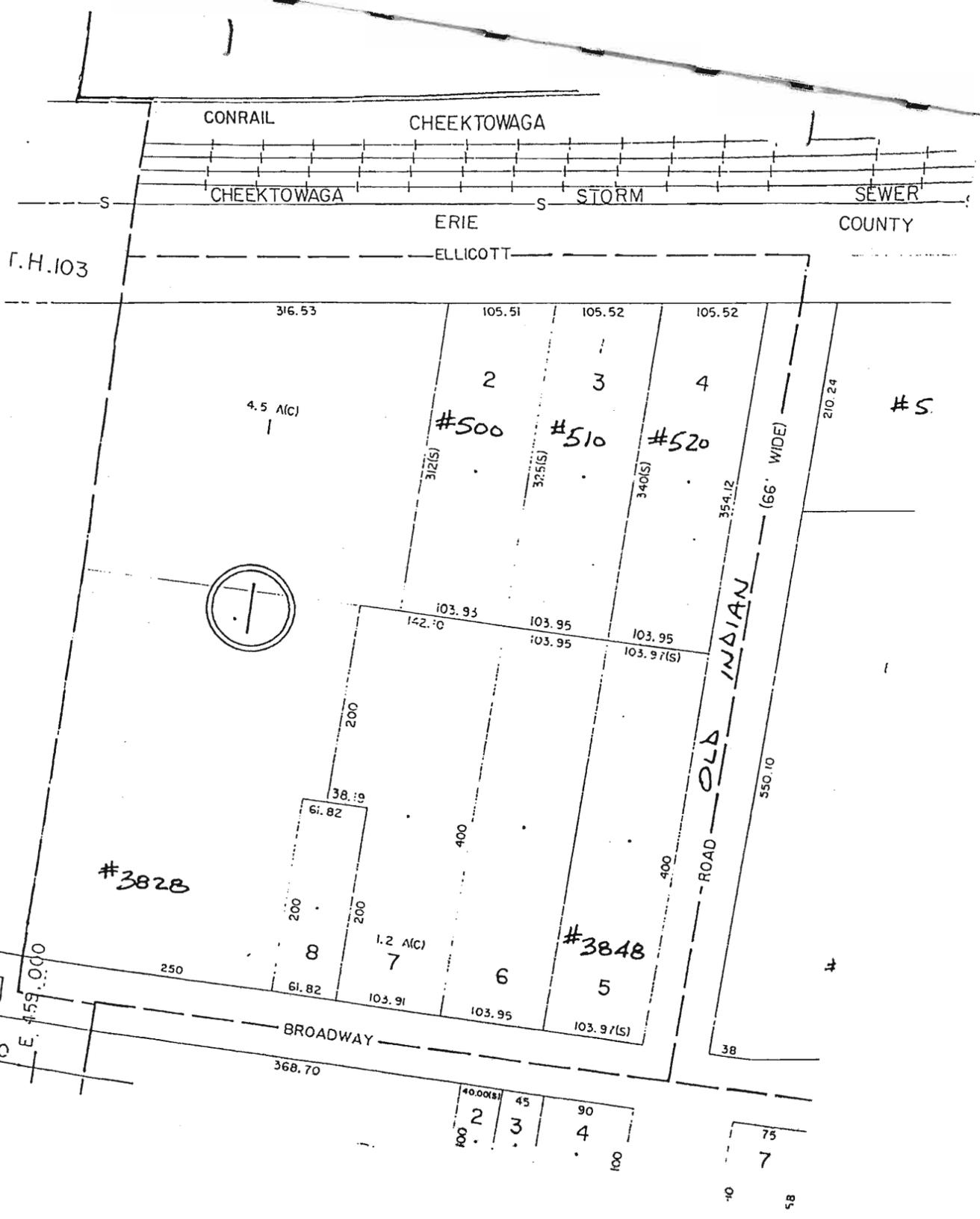
RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the ECWA.

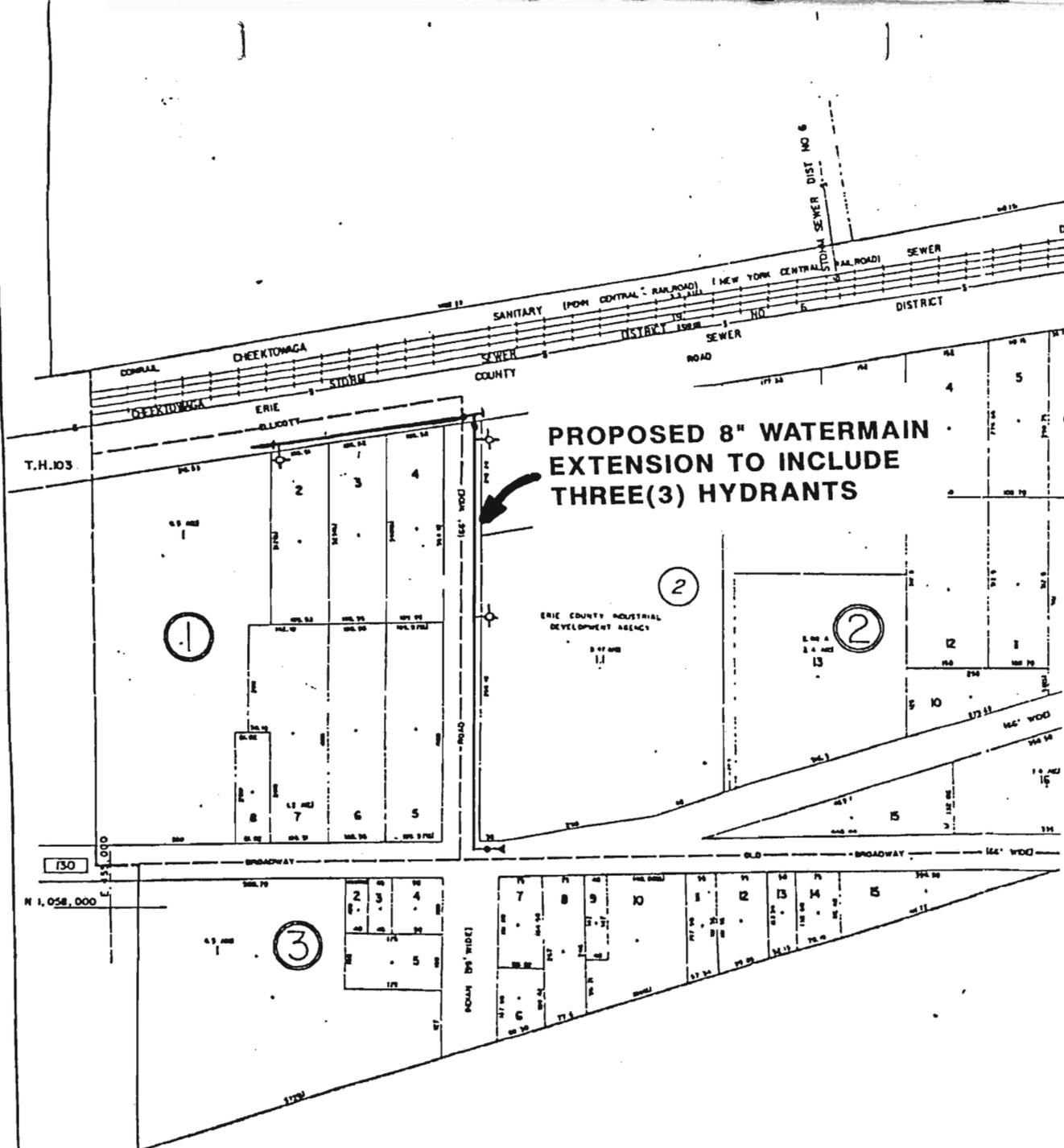
Upon roll call....

Supervisor Swiatek	Voting	AYE
Councilman Jaworowicz	Voting	AYE
Councilman Gabryszak	Voting	AYE
Councilman Solecki	Voting	AYE
Councilman Rogowski	Voting	AYE
Councilman Blachowski	Voting	AYE
Councilman Johnson	Voting	AYE

AYES: 7
NAYES: 0
ABSENT: 0

EXHIBIT "C"





THIS MAP WAS PREPARED FOR TAX PURPOSES ONLY AND IS NOT TO BE REPRODUCED OR USED FOR SURVEYING OR CONVEYANCING



PREPARED BY
AERO SERVICE
 DIVISION OF
INVESTMENT & PROPERTY TAX SERVICES

REVISION TABLE		
DATE	MADE BY	CHANGES OR ADDITIONS
01-11-70	J.S.S.	NEW 1.0000 11.11
02-11-70	J.S.S.	NEW 2.0000 11.11
03-11-70	J.S.S.	NEW 3.0000 11.11

REVISION TABLE		
DATE	MADE BY	CHANGES OR ADDITIONS
04-11-70	J.S.S.	NEW 4.0000 11.11
05-11-70	J.S.S.	NEW 5.0000 11.11
06-11-70	J.S.S.	NEW 6.0000 11.11

SPECIAL DISTRICT			
NO.	NAME	DATE	REMARKS
1
2

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

.....Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication January 5, 1995..... ;
last publication January 5, 1995..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this5th.....

day ofJanuary....., 19..95..

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/9 5

LEGAL NOTICE

At a meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, in said Town, on the 19th day of December, 1994.

PRESENT:

Hon. Dennis H. Gabryszak, Supervisor
Patricia A. Jaworowicz, Councilperson
Richard B. Solecki, Councilperson
William P. Rogowski, Councilperson
Jacqueline A. Blachowski, Councilperson
Thomas M. Johnson, Jr., Councilperson
William L. Wielinski, Councilperson

In the Matter of the
Construction of Ellicott Road Water
Improvement in the Town of Cheek-
towaga, in the County of Erie, New
York pursuant to Article 12-C of the
Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON JANUARY 17, 1995

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has caused the Town Engineer, an engineer duly licensed by the State of New York, to prepare a general map, plan and report for the proposed construction of a total of approximately 1130 linear feet of 8-inch diameter water lines along the following roadways: Old Indian Road northerly from Broadway approximately 800 feet to Ellicott Road, Ellicott Road westerly from Old Indian Road approximately 330 feet to the west boundary of property located at 500 Ellicott Road including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor (the "Water Improvement"), all within the unincorporated areas of the Town outside of any villages, pursuant to Article 12-C of the Town Law, and which map, plan and report have been heretofore duly filed in the Office of the Town Clerk for public examination; and

WHEREAS, such Water Improvement, will benefit the area shown in Exhibit A attached hereto and made a part hereof, said area being hereby designated as the benefited area (the "Benefited Area"); and

WHEREAS, the Town Board has given due consideration to the impact that the Water Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the Water Improvement; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$63,250, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Water Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Water Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable and

WHEREAS, the annual cost of operation and maintenance of said Water Improvement shall be a charge upon the entire area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it
ORDERED, that the Town Board of the Town, meet and hold a public hearing at the Town Hall at 3301 Broadway, Cheektowaga, New York, on the 17th day of January, 1995, at 7:00 o'clock P.M. (Prevailing Time) to consider the construction of such Water Improvement, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, a newspaper having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication, and

post conspicuously on the bulletin board of the Town, maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

DATED: DECEMBER 19, 1994

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Dennis H. Gabryszak, Supervisor
Richard B. Solecki, Councilperson
Thomas M. Johnson, Jr., Councilperson
Jacqueline A. Blachowski, Councilperson
Patricia A. Jaworowicz, Councilperson
William P. Rogowski, Councilperson
William L. Wielinski, Councilperson
Members of the Town Board of the Town of Cheektowaga, in the County of Erie, New York

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing duly adopted by the Town Board on December 19, 1994, with the original thereof filed in my office on the 19th day of December, 1994; and that same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 19th day of December, 1994.

Richard M. Moleski
Town Clerk

EXHIBIT A LEGAL DESCRIPTION

PART I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at the point of intersection of the center line of Old Walden Ave. with the westerly line of the Niagara Mohawk Power Corps. Transmission Right of Way.

Running thence northerly along the westerly line of said Transmission Right of Way to the southeasterly line of the West Shore Railroad.

Thence northeasterly along the southeasterly line of Scajaquada Creek.

Thence easterly along the center line of Scajaquada Creek to a point 1,000 feet westerly from the center line of Union Road measured at right angles therefrom.

Thence southerly, along a line parallel with the centerline of Union Road and 1,000 feet westerly measured at right angles therefrom, to the northerly line of lands of the New York Central Railroad.

Thence westerly along the northerly line of lands of the New York Central Railroad to the easterly line of lands of the Lackawanna Steel Construction Corp.

Thence northerly along the easterly line of lands of the Lackawanna Steel Construction Corporation to the center line of Old Walden Avenue.

Thence westerly along the center line of Old Walden Ave. To the point or place of beginning.

PART II

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at a point in the northerly line of lands of the New York Central Railroad, said point being 1,000 feet easterly of the center line of Union Road, measured at right angles therefrom.

Running thence northerly along a line parallel with the center line of Union Road and 1,000 feet easterly measured at right angles therefrom, to the center line of Scajaquada Creek.

Thence easterly along the center line of Scajaquada Creek to the center line of Dick Road.

Thence southeasterly along the center line of Dick Road to the northerly line of lands of the New York Central Railroad.

Thence westerly along the northerly line of lands of the New York Central Railroad to the point or place of beginning.

PUBLISH: January 5, 1995

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

Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
clerk
..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication January 5, 1995..... ;
last publication January 5, 1995..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this5th.....

day ofJanuary....., 19...95.

Margaret J. Bourdette
.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE

At a meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, in said Town, on the 19th day of December, 1994.

PRESENT:

Hon. Dennis H. Gabryszak, Supervisor
Patricia A. Jaworowicz, Councilperson
Richard B. Solecki, Councilperson
William P. Rogowski, Councilperson
Jacqueline A. Blachowski, Councilperson
Thomas M. Johnson, Jr., Councilperson
William L. Wielinski, Councilperson

In the Matter of the Construction of Ellicott Road Water Improvement in the Town of Cheektowaga, in the County of Erie, New York pursuant to Article 12-C of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON JANUARY 17, 1995

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has caused the Town Engineer, an engineer duly licensed by the State of New York, to prepare a general map, plan and report for the proposed construction of a total of approximately 1130 linear feet of 8-inch diameter water lines along the following roadways: Old Indian Road northerly from Broadway approximately 800 feet to Ellicott Road, Ellicott Road westerly from Old Indian Road approximately 330 feet to the west boundary of property located at 500 Ellicott Road including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor (the "Water Improvement"), all within the unincorporated areas of the Town outside of any villages, pursuant to Article 12-C of the Town Law, and which map, plan and report have been heretofore duly filed in the Office of the Town Clerk for public examination; and

WHEREAS, such Water Improvement will benefit the area shown in Exhibit A attached hereto and made a part hereof, said area being hereby designated as the benefited area (the "Benefited Area"); and

WHEREAS, the Town Board has given due consideration to the impact that the Water Improvement may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the Water Improvement; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$63,250, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of special assessments from the several lots and parcels of land within the Benefited Area which the Town Board shall determine to be especially benefited by said Water Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Water Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable and

WHEREAS, the annual cost of operation and maintenance of said Water Improvement shall be a charge upon the entire area of the Town outside of any villages and shall be levied and collected in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it

ORDERED, that the Town Board of the Town, meet and hold a public hearing at the Town Hall at 3301 Broadway, Cheektowaga, New York, on the 17th day of January, 1995, at 7:00 o'clock P.M. (Prevailing Time) to consider the construction of such Water Improvement, at which all persons interested in the subject thereof may be heard concerning the same, and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Cheektowaga, New York, a newspaper having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the bulletin board of the Town, maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated herein for said public hearing as aforesaid.

DATED: DECEMBER 19, 1994

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Dennis H. Gabryszak, Supervisor
Richard B. Solecki, Councilperson
Thomas M. Johnson Jr., Councilperson
Jacqueline A. Blachowski, Councilperson
Patricia A. Jaworowicz, Councilperson
William P. Rogowski, Councilperson
William L. Wielinski, Councilperson
Members of the Town Board of the Town of Cheektowaga, in the County of Erie, New York

I RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing duly adopted by the Town Board on December 19, 1994, with the original thereof filed in my office on the 19th day of December, 1994, and that same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the corporate seal of said Town this 19th day of December, 1994.

Richard M. Moleski
Town Clerk

EXHIBIT A

LEGAL DESCRIPTION

PART I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at the point of intersection of the center line of Old Walden Ave. with the westerly line of the Niagara Mohawk Power Corps. Transmission Right of Way.

Running thence northerly along the westerly line of said Transmission Right of Way to the southeasterly line of the West Shore Railroad.

Thence northeasterly along the southeasterly line of Scajaquada Creek.

Thence easterly along the center line of Scajaquada Creek to a point 1,000 feet westerly from the center line of Union Road measured at right angles therefrom.

Thence southerly, along a line parallel with the centerline of Union Road and 1,000 feet westerly measured at right angles therefrom, to the northerly line of lands of the New York Central Railroad.

Thence westerly along the northerly line of lands of the New York Central Railroad to the easterly line of lands of the Lackawanna Steel Construction Corp.

Thence northerly along the easterly line of lands of the Lackawanna Steel Construction Corporation to the center line of Old Walden Avenue.

Thence westerly along the center line of Old Walden Ave. To the point or place of beginning.

PART II

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being more particularly described as follows:

BEGINNING at a point in the northerly line of lands of the New York Central Railroad, said point being 1,000 feet easterly of the center line of Union Road, measured at right angles therefrom.

Running thence northerly along a line parallel with the center line of Union Road and 1,000 feet easterly measured at right angles therefrom, to the center line of Scajaquada Creek.

Thence easterly along the center line of Scajaquada Creek to the center line of Dick Road.

Thence southeasterly along the center line of Dick Road to the northerly line of lands of the New York Central Railroad.

Thence westerly along the northerly line of lands of the New York Central Railroad to the point or place of beginning.

PUBLISH: January 5, 1995

Item No. 5a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Bid Proposals were received for the furnishing of Athletic White Stripe for the Facilities Department on November 30, 1994, 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 awards said Bid for Athletic White Stripe to:

Scranton's Thruway Builders Supplies Corp.
3360 Walden Avenue
Depew, New York 14043

for

Athletic White Stripe @ \$.059 per lb. (\$2.95 per 50 lb. bag)

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5b Motion by Councilman Rogowski, Seconded by Councilman Wielinski

WHEREAS, Bid Proposals were received for Softball and Hardball Diamond Supplies on November 30, 1994, and

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

RESOLVED, that the Cheektowaga Town Board hereby awards said Bid for Softball and Hardball Diamond Supplies to:

Jim Ludtka Sporting Goods, Inc.
3383 Harlem Road
Cheektowaga, New York 14225

for

Item #I - Hardball Bases (set of three) - \$48.95 per set
Item #IV - Pitcher's Plates - \$ 8.95 per unit

and

Laux Sporting Goods, Inc.
25 Pineview Drive
Amherst, New York 14228

Item #III - Softball Bases (set of three) - \$22.95 per set
Item #IV - Home Plates - \$10.95 per unit
Item #II - Nylon Hardball Base (set of 3) - \$31.95 per set

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5c Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on November 30, 1994 at a meeting held for said purpose, and

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

RESOLVED, that that Cheektowaga Town Board hereby awards said Bid for Pool Maintenance Chemicals to:

Leslie's Swimming Pool Supplies
3820 Sheridan Drive
Amherst, New York 14225

for

Item I	Bromine	@ \$2.29 per lb.
Item II	Diatomaceous Earth	@ \$.20 per lb.
Item III	Sodium Bicarbonate	@ \$.27 per lb.
Item IV	Soda Ash	@ \$.19 per lb.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 6a Motion by Councilman Blachowski, Seconded by Councilman Solecki

WHEREAS, the Town is in need of senior citizen vans to be used by the Senior Services Department for transportation services for Senior Citizens, and

WHEREAS, 1994 Community Development Block Grant funds were budgeted for the purchase of such a van, and

WHEREAS, State Senator William Stachowski has provided local initiative funding to the Town for the purchase of such a van, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA TIMES, the BUFFALO NEWS and the BUFFALO CHALLENGER, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is designated as the official to open bids for such vans on January 11, 1995 at 11:00 A.M., in the Town Hall Council Chambers.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga for the purchase of two (2) new and unused 1995 Vans for use by the Senior Services Department.

Plans and specifications may be obtained from the Town Clerk's Office at Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York during regular business hours.

The Envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VANS FOR SENIOR SERVICES DEPARTMENT", and be delivered to the Town Clerk's Office no later than 11:00 A.M. on January 11, 1995.

Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on January 11, 1995 at 11:00 A.M.

Item No. 6a cont'd

The Town Board reserves the right to reject any and all bids and to waive any informalities if it is deemed to be in the best interest of the Town.

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

RICHARD M. MOLESKI
Town Clerk

Dated: December 19, 1994

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

**LEGAL NOTICE
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga for the purchase of two (2) new and unused 1995 Vans for use by the Senior Services Department.

Plans and specifications may be obtained from the Town Clerk's Office at Cheektowaga Town Hall, Broadway and Union Rds., Cheektowaga, New York, during regular business hours.

The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VANS FOR SENIOR SERVICES DEPARTMENT", and be delivered to the Town Clerk's Office no later than 11:00 A.M. on January 11, 1995.

Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on January 11, 1995 at 11:00 A.M.

The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.

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

Richard M. Moleski
Town Clerk

Dated: December 19, 1994

PUBLISHED: December 22, 1994

of TWENTY-NINE (29) pages printed on

23
1099

...Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication.....December 22, 1994.....; last publication.....December 22, 1994.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this22nd.....

day ofDecember....., 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

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

....Melissa Gugliuzza....., of the town
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 towaga Times, a public newspaper published
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 first publication...December 22, 1994..... ;
 last publication...December 22, 1994..... ;
 and that no more than six days intervened be-
 tween publications.

43
1699

Melissa Gugliuzza

Sworn to before me this22nd.....

day ofDecember....., 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

LEGAL NOTICE
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Plans and specifications may be obtained from the Town Clerk's Office at Cheektowaga Town Hall, Broadway and Union Rds., Cheektowaga, New York, during regular business hours.

The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VANS FOR SENIOR SERVICES DEPARTMENT", and be delivered to the Town Clerk's Office no later than 11:00 A.M. on January 11, 1995.

Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on January 11, 1995 at 11:00 A.M.

The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.

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

Richard M. Moleski
 Town Clerk

Dated: December 19, 1994

PUBLISH: December 22, 1994

RENEE SPATES

NOTICE TO BIDDERS
 NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga for the purchase of two (2) new and unused 1995 Vans for use by the Senior Services Department.
 Plans and specifications may be obtained from the Town Clerk's Office at Cheektowaga Town Hall, Broadway and Union Rds., Cheektowaga, New York, during regular business hours.
 The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VANS FOR SENIOR SERVICES DEPARTMENT", and be delivered to the Town Clerk's Office no later than 11:00 A.M. on January 11, 1995.
 Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on January 11, 1995 at 11:00 A.M.
 The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.
 By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
 Richard M. Moiasia
 Town Clerk
 Dated: December 19, 1994

of the City of Buffalo, New York, being duly sworn, deposes and says that she/he is Principal Clerk of THE BUFFALO NEWS, DIV. OF BERKSHIRE HATHAWAY INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein 1 time, the insertion being on the 22nd day of December 1994

Renee Spates

Dates Ad Ran : 12/22

Sworn to before me this 23RD day

of DECEMBER 19 94

Barbara Anne Juszwiak
 Notary Public, Erie County, New York
Barbara

BARBARA ANNE JUSZWIAK
 Notary Public, State of New York
 Appointed in Niagara County
 My Commission Expires 12/31/96

RENEE SPATES

of the City of Buffalo, New York,
being duly sworn, deposes and says
that she/he is Principal Clerk of THE
BUFFALO NEWS, DIV. OF BERKSHIRE HATHAWAY
INC., Publisher of THE BUFFALO NEWS, a
newspaper published in said city,
that the notice of which the annexed
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Renee Spates

Dates Ad Ran : 12/22

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Plans and specifications may be obtained from the Town Clerk's Office at Cheektowaga Town Hall, Broadway and Union Rds., Cheektowaga, New York, during regular business hours.
The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VANS FOR SENIOR SERVICES DEPARTMENT", and be delivered to the Town Clerk's Office no later than 11:00 A.M. on January 11, 1995.
Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on January 11, 1995 at 11:00 A.M.
The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.
By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
Richard M. Maleski
Town Clerk
Dated: December 19, 1994

rn to before me this 23RD day

DECEMBER 19 94

Barbara Anne Juzniak
Notary Public, Erie County, New York
[Signature]

BARBARA ANNE JUZNIAK
Notary Public, State of New York
Appointed in Niagara County
My Commission Expires 12/31/96

Item No. 6b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of football equipment for the Town of Cheektowaga Department of Youth and Recreational Services. Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on January 9, 1995 at 11:00 A.M., Eastern Standard Time at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 9, 1995, at 11:00 A.M., Eastern Standard Time at Town Hall, corner of Broadway and Union Road for football equipment.

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

The bidder agrees to make every attempt to deliver all contracted items in SIXTY (60) DAYS OR LESS from the date of order and to notify the Town of Cheektowaga Department of Youth and Recreational Services at once in the event the manufacturer or supplier causes a delay and bidder cannot comply. Bidder may be requested to present in writing reasons for delays.

The Town of Cheektowaga reserves the right to request samples of any or all items which are bid as "equals" to the item originally designated. For any item which is bid as equal, bidder must submit documentation to prove EQUALITY OF the item. Said documentation must be submitted along with the bid.

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

Further, the Town of Cheektowaga reserves the right to reduce quantities, increase quantities and delete certain items if it deems necessary.

Please keep in mind that other departments within the Town of Cheektowaga may wish to order from this football equipment list

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

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE

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

Further, the Town of Cheektowaga reserves the right to reduce quantities, increase quantities and delete certain items if it deems necessary.

Please keep in mind that other departments within the Town of Cheektowaga may wish to order from this football equipment list.

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

Richard M. Moleski
 Town Clerk

PUBLISH: December 22, 1994

.....Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication.....December 22, 1994.....; last publication.....December 22, 1994.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this22nd.....

day ofDecember....., 19⁹⁴.....

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

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

LEGAL NOTICE

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 9, 1995 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for football equipment.

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

The bidder agrees to make every attempt to deliver all contracted items in SIXTY (60) DAY'S OR LESS from the date of order and to notify the Town of Cheektowaga Department of Youth and Recreational Services at once in the event the manufacturer or supplier causes a delay and bidder cannot comply. Bidder may be requested to present in writing reasons for delays.

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Further, the Town of Cheektowaga reserves the right to reduce quantities, increase quantities and delete certain items if it deems necessary.

Please keep in mind that other departments within the Town of Cheektowaga may wish to order from this football equipment list.

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

Richard M. Moleski
 Town Clerk

PUBLISH: December 22, 1994

57
2252

.....Melissa Gugliuzza....., of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
clerk..... of the Cheek-
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Melissa Gugliuzza

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Margaret J. Bourdette

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

MARGARET J. BOURDETTE
 NOTARY PUBLIC STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/95

Item No. 6c Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised to cover the purchase of Police Vehicles for the Police Department, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase of Police Vehicles, 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 December, 1994 at 10:00 A.M., Eastern Standard Time at a public bid opening to be held in the Cheektowaga Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on December 29th, 1994 at 10:00 A.M., Eastern Standard Time at Town Hall, corner of Broadway and Union Roads, for the purchase of police vehicles as specified.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town. One bid is to be submitted for all Nine (9) vehicles listed in the bid specifications. The bid is to include trade-in allowances, listed for each individual vehicle for the ten (10) vehicles listed in the bid package, date and location for inspection of trade-ins listed in Bid Conditions.

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

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

RICHARD M. MOLESKI
Town Clerk

Dated: December 19, 1994

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

...Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication...December 22...1994..... ;
last publication...December 22, 1994..... ;
and that no more than six days intervened be-
tween publications.

LEGAL NOTICE
NOTICE TO BIDDERS
Sealed proposals will be received by the Town of Cheektowaga on December 29th, 1994 at 10:00 A.M. Eastern Standard Time at Town Hall, corner of Broadway and Union Roads, for the purchase of police vehicles as specified.
Information for bidders and specifications may be obtained from the Town Clerk at this office in said Town. One bid is to be submitted for all Nine (9) vehicles listed in the bid specifications. The bid is to include trade-in allowances, listed for each individual vehicle for the ten (10) vehicles listed in the bid package, date and location for inspection of trade-ins listed in Bid Conditions.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town or reject any or all bids.
By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
Richard M. Moleski
Town Clerk
Dated: December 19, 1994
PUBLISH: December 22, 1994

40
1560

Melissa Gugliuzza.....

Sworn to before me this22nd.....

day ofDecember....., 19⁹⁴.....

Margaret J. Bourdette.....

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

MARGARET J. BOURDETTE
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/95

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

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 By order of the Town Board of the Town of Cheektowaga, Erie County, New York.
 Richard M. Moleski
 Town Clerk
 Dated: December 19, 1994
 PUBLISH: December 22, 1994

40
1580

Item No. 7 Motion by Councilman Rogowski, Seconded by Councilman Wielinski

WHEREAS, Thomann & Loewer Asphalt Paving Corp. has submitted a Requisition for Final Payment for Tennis and Basketball Court Reconstruction at various Town of Cheektowaga Parks, Contract No. 1, and

WHEREAS, Darryl L. Jones, RLA and the Facilities Department Director have reviewed and approved the Contractor's Certificate of Substantial Completion establishing November 14, 1994 as the date of commencement for applicable warranties, Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavits of Release of Liens, Consent of Surety Company to Final Payment, Wage and Supplement Affidavit, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Final Payment in the amount of \$18,362.00 for Tennis and Basketball Court Reconstruction at Various Town of Cheektowaga Parks, Contract No. 1 to Thomann & Loewer Asphalt Paving Corp., 340 Harris Hill Road, Williamsville, New York, 14221, and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5309-7110-9375.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8a Motion by Councilman Wielinski, Seconded by Councilman Rogowski
Councilman Johnson

WHEREAS, this Town Board feels there is a traffic safety problem on Genesee Street west of Transit Road in front of the entrances/exits to Sky Harbor Mobile Home Park, Hatch Mobile Home Park and Calla Point Mobile Home Park, and

WHEREAS, according to the owner and residents of such Mobile Home Parks, there have been traffic accidents resulting from people entering and exiting such mobile home parks, and

WHEREAS, since Genesee is a State Highway, the New York State Department of Transportation ("DOT") was requested to perform a traffic study in this area to determine if a traffic signal is warranted at this location, and

WHEREAS, the DOT determined that a traffic signal is not warranted at this location at the present time, and

WHEREAS, this Board is very concerned about alleged traffic safety problems in this area, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the DOT to re-investigate the need for a traffic signal on Genesee Street at Harmony Lane or Tadio Parkway in front of the above mentioned Mobile Home Parks, and to report its findings to this Town Board, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the DOT, Buffalo Office, and to State Assemblyman Paul A. Tokasz and State Senator William Stachowski and Senator Dale Volker.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz
Councilman Johnson

WHEREAS, amendments to the Federal Clean air Act of 1990 were recently enacted which, as of January 1, 1995, require the sale of Reformulated Gasoline ("RFG") in areas where smog and ozone problems are considered "severe", and

WHEREAS, the Federal list of cities with "severe" problems specifically designates New York City, Los Angeles, Philadelphia and Chicago, but not Buffalo or the Erie County region, and

WHEREAS, the City of Buffalo appears on a list of cities with "marginal" smog and ozone problems, and

WHEREAS, such designation of Buffalo as a "marginal" region is based on testing done in 1990; furthermore, the New York State Department of Environmental Conservation ("DEC") has indicated that it planned to remove Buffalo from the list of "marginal" regions, and

WHEREAS, the State of New York, on its own initiative and without any mandate from the Federal government, decided to expand the list of regions where RFG must be exclusively sold to those regions with a smog/ozone status of "marginal", thereby including Buffalo and Erie County as regions where RFG must be sold exclusively, and

WHEREAS, the mandated use of RFG in Erie County is of concern to this Town Board due to the following factors:

1. RFG is more expensive than regular unleaded gasoline; gasoline prices are expected to rise up to five (5) cents per gallon;
2. RFG has a higher oxygen content which may result in the clogging of fuel systems and other related damage to automobiles;
3. The higher cost of RFG and cost of damage to automobiles will have a negative impact on the economy in Erie County.

and BE IT FURTHER

RESOLVED, that this Town Board hereby expresses its opposition to the decision made by the State of New York to include Buffalo and Erie County on the list of regions where the exclusive sale of RFG is required, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the New York State Legislature and Governor Mario Cuomo to take whatever action necessary to delay and/or stop the implementation of this policy in Erie County, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Mario Cuomo, Governor-elect George Pataki, the Commissioner of the DEC, State Senator William Stachowski and State Assemblyman Paul Tokasz.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building permits, 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

Item No. 9 cont'd

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 Michael Muscarello to construct a 4500 square foot addition to Modern Lino Incorporated at 2463 Union Road, and

WHEREAS, the applicant has met with the EAC, and Planning Board to discuss the proposal, and

WHEREAS, the Advisory Committee, at its meeting held on November 30, 1994 rendered the determination shown on the attached memo dated December 1, 1994, and

WHEREAS, no further comments were received by the Town regarding this application, and

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environment Advisory Committee, 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 S.E.Q.R.A.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 10a Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, the New York State Department of Environmental Conservation has cited the Town's Highway Department for maintaining an unpermitted trash land-fill and the Sanitation Department for maintaining an unpermitted composting facility behind the highway garage at 3175 Union Road, Cheektowaga, New York, and

WHEREAS, the aforesaid complaints have been investigated and adjusted by the Supervisor and Town Attorney, and

WHEREAS, the New York State Department of Environmental Conservation has prepared a Short Form Order on Consent on the aforementioned matters, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and he hereby is authorized and directed to sign the Short Form Order on Consent on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the money required to be paid by said Order to the Department of Environmental Conservation of the State of New York be appropriated as follows: \$500.00 from line item 1500-8173-4475 and \$500.00 from line item 0300-8540-4572.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, the NYS Department of Environmental Conservation, in conjunction with the U.S. Small Business Administration offers a grant program to provide local governments with monies to purchase trees to be planted on municipally owned property; and

WHEREAS, the Town wishes to plant additional trees to enhance the environmental and aesthetic quality of municipally owned property; and

WHEREAS, based on population, the Town is eligible for a maximum award of \$15,000 which must be matched with in-kind services and cash totaling at least \$15,000; of the \$15,000, \$1,500 in cash is payable to the NYS Department of Environmental Conservation within thirty days of the grant award; NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Environmental Conservation for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, the Town's share of required matching funds, in an amount not to exceed \$15,000, is available from Capital Improvements, budget line #5005-8560-0700 and Seasonal Tree Maintenance, budget line #0100-7110-1493; the remaining matching funds to be contributed will be in the form of in-kind services, 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, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

THIS AGREEMENT, made and entered into the 19 of December 1994, by and between the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at Broadway and Union Road, Cheektowaga, New York 14227, hereinafter referred to as the "TOWN" and MITCHELL SKATING, INC., a domestic corporation duly organized under the laws of the State of New York (a partnership) (an individual) (an unincorporated association), having its principal office for the transaction of business at 9 Halstead Parkway, East Amherst, New York 14051.

WITNESSETH:

WHEREAS, the TOWN is the owner of the Cheektowaga Recreation Center located at 2600 Harlem Road in Cheektowaga Town Park, Cheektowaga, New York 14225, and

WHEREAS, the LICENSEE is desirous of renting the ice skating rink located in the Cheektowaga Recreation Center.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO:

1. PREMISES: The TOWN hereby grants a license to the LICENSEE to use the ice skating rink, located in the Cheektowaga Recreation Center, on an exclusive basis, for each date and time that this license is in effect.

In addition, this license shall include the non-exclusive use of the lobby, vestibule and other public facilities, including parking areas, as any or all of the foregoing are appropriate to the particular use of the said Recreation Center as herein permitted.

2. RENT: The LICENSEE agrees to pay to the TOWN a rental fee of \$85.00 per instructional hour which sum shall be paid thirty (30) days from the date of this contract (see addendum). Total fee \$2040.00

In addition, individuals enrolled in said programs living outside the Town of Cheektowaga are required to have a non-resident identification card. The cost of the card is \$15 for adults 16 years of age or older, \$10 for youth 7 to 15 years of age, and \$5 for those under 7 years of age. Non resident, participant identification cards can be purchased using the same procedure as the resident identification cards.

MITCHELL'S SKATING will substantiate all non-residents enrolled by providing the Department of Youth and Recreational Services with class rosters which will include the name, the address, the age, and, if applicable, the guardian of each registrant.

In the event that any of the above mentioned rental payments are not made at the time specified for such payment, the TOWN shall have the right to cancel this license without notice to the LICENSEE.

3. USE OF PREMISES:
 - a) The License's use of the said Recreation Center is limited to figure and instructional skating only.
 - b) The LICENSEE shall cause any spectators to sit in such areas as may be designated by the TOWN.
 - c) The LICENSEE shall keep the areas used in good and clean condition, and shall not permit the accumulation of rubbish or debris on the PREMISES.
 - d) The LICENSEE shall return to PREMISES, at the termination of this license, in the same condition as at the commencement of the term of this license, normal wear and tear expected; and shall be responsible for all damages which are caused by or through the acts or omissions of the LICENSEE, its agents, employees, and/or invitees.
 - e) No alcoholic beverages will be allowed on the PREMISES.
 - f) The LICENSEE shall comply with all laws, rules and regulations of any municipal authority, including police, fire, safety and health regulations and the reasonable requirements of the TOWN.
 - g) The LICENSEE shall not assign, convey, transfer, sublet or otherwise dispose of this license to any other person, organization, firm or corporation without first obtaining the written consent of this TOWN and/or the Parks, Recreation and Youth Committee of the Town of Cheektowaga. In addition to the rent listed above, in the event the LICENSEE and/or its invitees do not vacate the PREMISES by 10:50 p.m. on the day of the rental, LICENSEE shall reimburse the TOWN for the following expenses within fourteen (14) days of demand thereof by the TOWN:

- a) Personnel costs (i.e. overtime or additional salaries paid) for TOWN employees who remained on the PREMISES.
 - b) Additional rent at the rental rate of \$100 per hour for the additional time LICENSEE and/or its invitees remained on the PREMISES.
4. UTILITIES AND ICE CLEANING SERVICES: The TOWN shall provide all water, heat, as oil and electrical current for the usage of the LICENSEE in the areas assigned herein. In addition, the TOWN shall provide for the cleaning of the ice facilities and the rink for snow removal in the parking areas; however, the TOWN shall not be liable for any interruption or delay in any of the above mentioned services.
 - a) The LICENSEE shall be responsible for on-PREMISES crowd control while it is renting the PREMISES.
5. INSURANCE: The LICENSEE shall procure and pay for General Liability insurance in the amounts of \$500,000 each occurrence and \$1,000,000 aggregate for bodily injury and property damage combined with such insurance to cover participants for any activities performed on TOWN premises . The TOWN, its agents and employees shall be named as additional insureds under such policy or policies and such insurance shall be primary to any other insurance protecting the TOWN. The LICENSEE shall provide the Town with a Certificate of Insurance which states the TOWN shall be given at least thirty (30) days advance written notice of cancellation, non-renewal, or material change of the insurance required of the LICENSEE. In the event of cancellation, non-renewal, or material change of such insurance, the TOWN shall have the right to cancel this license.
6. NON-LIABILITY OF OWNER: This license is made upon the express condition that the TOWN shall be free from all liabilities in claims for damages and/or lawsuits for or by reason of any injury or injuries to any person or property of any kind whatsoever, from any cause or causes whatsoever while in or upon said premises during the term of this license or occasioned by any occupancy or use of said premises or any activity carried on by LICENSEE in connection herewith, and LICENSEE hereby covenants and agrees to indemnify and hold harmless the TOWN from all liabilities, charges, claims, expenses (including attorney fees) and costs on account of or by reason of such injuries, liabilities, claims, lawsuits or losses however occurring and damages arising from the same.

7. FORCE MAJEURE: In the event of total or partial destruction of the Recreation Center by fire or other peril, or by any act of nature, during the term of this license or subsequent to its execution, the TOWN shall have the option of terminating this license by giving the LICENSEE written notice to that effect or by repairing the premises with due diligence and continuing this license in effect. Should the TOWN decide to repair the damage with due diligence, the rent for the period required for such repair shall be equitably reduced in proportion to the reduction, if any, in usable space of the premises.

Other peril, as above mentioned, shall be interpreted to include power failure, compressor failure and Zamboni failure.

In addition, no claim shall be made by the LICENSEE against the TOWN based upon any shutdown of the Recreation Center caused by inclement weather, faulty construction of equipment, or for any other reason whatsoever other than the gross negligence of the TOWN.

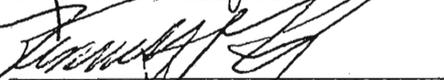
8. MISCELLANEOUS PROVISIONS: This license agreement contains the entire agreement between the parties hereto, and there are no understandings, agreements or representatives, expressed or implied, not specified herein respecting this license.

The rights of the parties hereto shall be deemed cumulative and not alternative. Waiver strict compliance or performance of any term or condition hereto shall not be deemed a waiver of any other provisions of this license and any waiver or any breach of any term or condition hereto shall not be deemed to extend to any other breach of any subsequent breach of the same or any other term, condition or provision.

IN WITNESS WHEREOF, the parties have hereunto executed this license agreement as of the day and year first written above.


MITCHELL SKATING INC.


TOWN OF CHEEKTOWAGA


EXECUTIVE DIRECTOR
CHEEKTOWAGA YOUTH AND
RECREATION

ADDENDUM

CHEEKTOWAGA YOUTH AND RECREATIONAL SERVICES DEPARTMENT
ICE TIME REQUEST

NAME OF ORGANIZATION MITCHELL'S SKATING CENTER, INC.
NAME OF INDIVIDUAL TO CONTACT DON MITCHELL
ADDRESS OF ABOVE P.O. BOX 1235, WILLIAMSVILLE, NY 14231
HOME PHONE 636-7401 BUSINESS PHONE 636-7401

RENTAL REQUESTS

FROM: (DATE) JANUARY 9, 1995 TO MARCH 13, 1995
DAY OR DAYS* MONDAY, THURSDAY, SUNDAY
TIME MON AND THURS 4:00PM - 5:00 PM SUN 2:00 PM - 2:50 PM
TOTAL HOURS PER WEEK THREE (3) HOURS INSTRUCTIONAL
COMMENTS: NOTE: Ice resurfacing included in rental time.
DATES 1/9, 1/12, 1/15, 1/19, 1/22, 1/23, 1/26, 1/29, 1/30, 2/2, 2/5, 2/6, 2/9,
2/13, 2/19, 2/23, 2/26, 2/27, 3/2, 3/5, 3/6, 3/9, 3/12, AND 3/13.

CERTIFICATE OF INSURANCE

147070

ISSUE DATE (MM/DD/YY)
4/11/94

PRODUCER
K & K Insurance Agency, Inc.
1712 Magnavox Way
P.O. Box 2338
Fort Wayne, In 46801

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A** TRANSAMERICA INSURANCE
COMPANY LETTER **B**
COMPANY LETTER **C**

SURED
PROFESSIONAL SKATERS GUILD OF AMERICA
P.O. BOX 5904
ROCHESTER, MN 55903

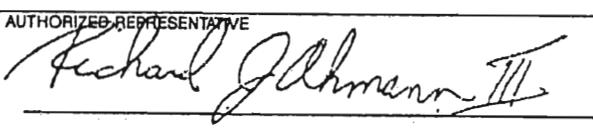
COVERAGES
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO. TR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS (in thousands)	
A	General Liability <input checked="" type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims Made <input checked="" type="checkbox"/> Occur. <input type="checkbox"/> Owner's & Contractors Prot. <input type="checkbox"/> _____	SSP36 210322	12:01AM 4/30/94	12:01AM 4/30/95	General Aggregate	\$ NONE
					Products-Comp/Ops Aggregate	\$ 1000
					Personal & Advertising Injury	\$ 1000
					Each Occurrence	\$ 1000
					Fire Damage (Any one fire)	\$ 50
					Medical Expense (Any one person)	\$ 5
					Participant Legal Liability	\$ 1000
	Automobile Liability <input type="checkbox"/> Any auto <input type="checkbox"/> All owned autos <input type="checkbox"/> Scheduled autos <input type="checkbox"/> Hired autos <input type="checkbox"/> Non-owned autos <input type="checkbox"/> Garage Liability <input type="checkbox"/> _____				Combined Single Limit	\$
					Bodily Injury (per person)	\$
					Bodily Injury (per accident)	\$
					Property Damage	\$
	Excess Liability <input type="checkbox"/> <input type="checkbox"/> Other than Umbrella form				Each Occurrence	Aggregate
					\$	\$
	Workers' Compensation and Employers' Liability				Statutory	
					\$	Each Accident
					\$	Disease-Policy Limit
	Participant Accident				\$	Disease-Each Employee
					\$	AD&D
					\$	Primary Medical
					\$	Excess Medical
					\$	Weekly Indemnity
					\$	X

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS
 LOCATIONS: SABRELAND
 INSTRUCTOR EFF. DATE: 10-20-94
 CERTIFICATE HOLDER IS AN ADDITIONAL NAMED INSURED. (SEE ATTACHED CERTIFICATE ADDENDUM FOR ADDITIONAL INSURED LISTINGS).

CERTIFICATE HOLDER

 DONALD J. MITCHELL
 96 HALSTON PARKWAY
 EAST AMHERST, NY 14051

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.
 AUTHORIZED REPRESENTATIVE


CERTIFICATE ADDENDUM
PROFESSIONAL SKATERS GUILD OF AMERICA

POLICY #SSP-36099066

ADDITIONAL NAMED INSURED: DONALD J. MITCHELL

EFF. DATE: 10-20-94

WITH RESPECT TO ENDORSEMENT CG2011, ADDITIONAL INSUREDS-MANAGERS OR LESSORS OF PREMISES, IT IS UNDERSTOOD AND AGREED THAT THE FOLLOWING ARE/IS ADDED TO THE POLICY AS AN ADDITIONAL INSURED BUT ONLY WITH RESPECT TO THE OPERATIONS OF THE NAMED INSURED:

SABRELAND PARTNERSHIP
WHEATFIELD, NY

TOWN OF CHEEKTOWAGHA
CHEEKTOWAGHA, NY

Item No. 10c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Department of Youth and Recreational Services entered into an agreement with Mitchell's Skating Center, Inc. at the October 3, 1994 Town Board meeting, to conduct the Figure Skating and Learn to Skate programs, and

WHEREAS, Mitchell's Skating is entering into it's second phase of the program, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute the attached agreement between the Department of Youth and Recreational Services and Mitchell's Skating for the period of January 9, 1995 through March 13, 1995.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 11 Adopt Policy regarding Absenteeism and Tardiness
This item was withdrawn.

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, Diane Heubusch, a Senior Clerk in the Police Department, has exhausted all of her earned leave time, and

WHEREAS, Diane Heubusch is currently under doctor's care and has requested a six (6) month medical leave of absence, NOW, THEREFORE, BE IT

RESOLVED, that Diane Heubusch be and hereby is granted a six (6) month medical leave of absence, effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 13 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that Walter S. Nestorowich be terminated as an employee in the Department of Senior Services, and BE IT FURTHER

RESOLVED, that Beverly Kelly, West Seneca, NY
14224 be hired as a Part-Time Ceramic Teacher at a rate of \$6.00 per hour not to exceed 19 hours (Job Class 0100) in the Department of Senior Services.

Funding Source: 0100-7620-1639

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilman Rogowski, Seconded by Councilman Solecki

BE IT RESOLVED that Lisa DeMont of Cheektowaga, New
York, be and hereby is hired as a Seasonal Clerk in the Town Clerk's Office, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed 24 weeks in a calendar year, and BE IT FURTHER

RESOLVED, that said appointment is made effective January 1, 1995 and the salary for said position, \$8.00 per hour, will be compensated by the S.A.R.A. Grant line #0100-1415-1400.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 15 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the terms of five (5) members of the Cheektowaga Traffic Safety Commission will be expiring on December 31, 1994, and

WHEREAS, such members have expressed a willingness and desire to continue to serve on such commission, NOW, THEREFORE, BE IT

Item No. 15 cont'd

RESOLVED, that the following individuals be and hereby are reappointed to the Cheektowaga Traffic Safety Commission for a term expiring on December 31, 1997:

Michael McGuire	74 Betty Lou Lane
David W. Metz	45 Denise Drive
Richard Zynda	63 Croydon Drive
Carl Perlino	263 Zoerb Avenue
James Makowski	129 Fairelm Lane

Motion by Councilman Jaworowicz, Seconded by Councilman Wielinski to table the above item and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
 NAYES: 0
 ABSENT: 0

The above item was tabled.

Item No. 16 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the New England Interstate Environmental Training Center is sponsoring a two-day workshop at the Town of Tonawanda Wastewater Facility, Tonawanda, New York on January 18-19, 1995, and

WHEREAS, the Superintendent and the Assistant Superintendent of the Wastewater Pump Station have requested permission to attend this environmental conference, which conference will enhance their recertification as NYSDEC licensed wastewater treatment plant operators, NOW, THEREFORE, BE IT

RESOLVED, that Lawrence Golas and Thomas Skowronski be and hereby are authorized to attend said two-day workshop and to utilize a Town vehicle to travel to and from such conference, and BE IT FURTHER

RESOLVED, that the registration fee of \$165.00 per person shall be paid out of Plant No. 5 budget line item #2500-8135-4087.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
 NAYES: 0
 ABSENT: 0

Item No. 17 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

FROM: 0100-7140-1602	Recreation Specialist-Youth & Recreation	\$ 1,000.00
0100-7310-1802	YCC Supervisor-Youth & Recreation	500.00
0100-7310-4085	NYS-CC-Youth & Recreation	300.00
0100-7140-4611	Transportation-Youth & Recreation	125.00
0100-7140-4611	Transportation-Youth & Recreation	4.93
0100-7140-4527	Soccer-Youth & Recreation	1.21
0100-1110-4591	Juror Fees-Justice	275.00
0100-1110-4082	Business Travel-Justice	425.00
0100-1110-4001	Office Supplies-Justice	300.00

Item No. 17 cont'd

	0100-3610-4086	Association Membership-Traffic Safety	\$ 72.50
	0100-3610-4261	Postage-Traffic Safety	97.50
	0100-1430-4013	Reference Library-Personnel	100.00
TO:	0100-7140-1630	Gymnastics-Youth & Recreation	\$ 1,000.00
	0100-7310-1374	Account Clerk-Youth & Recreation	500.00
	0100-7310-4001	Office Supplies -Youth & Recreation	300.00
	0100-7140-4491	Special Events-Youth & Recreation	125.00
	0100-7140-4509	Crab Apple Run-Youth & Recreation	4.93
	0100-7140-4530	Tennis-Youth & Recreation	1.21
	0100-1110-4592	Contractual Expenses-Justice	275.00
	0100-1110-4592	Contractual Expenses-Justice	425.00
	0100-1110-4592	Contractual Expenses-Justice	300.00
	0100-3610-4001	Office Supplies-Traffic Safety	72.50
	0100-3610-4001	Office Supplies-Traffic Safety	97.50
	0100-1430-4752	Pre-Employment Physical Personnel	100.00

PART TOWN FUND

FROM:	0800-3620-4321	Computer Expense	\$ 800.00
TO:	0800-3620-4191	Miscellaneous Expense	\$ 800.00

SPECIAL DISTRICTS

FROM:	2500-8125-1492	Seasonal Laborers-Sewer Maintenance	\$ 1,650.00
	2500-8125-1492	Seasonal Laborers-Sewer Maintenance	12,000.00
	2500-8125-4217	Utilities	6,000.00
	2500-8135-1301	Assistant Superintendent	1,500.00
TO:	2500-8125-1374	Clerk Typist-Sewer Maintenance	\$ 1,650.00
	2500-8125-1444	Meo "A"-Sewer Maintenance	12,000.00
	2500-8125-4438	Sewer Repair-Sewer Maintenance	6,000.00
	2500-8135-1451	Senior Pump Station Operator	1,500.00
FROM:	1500-8173-4071	Uniforms-Recycling	\$ 2,000.00
	1500-8173-1409	Recycling Laborers	8,000.00
	1500-8173-1492	Recycling-Seasonal	34,900.00
	1500-8160-1124	General Foreman-Sanitation	4,000.00
	1500-8160-4475	Consultants-Sanitation	4,000.00
	1500-8160-1205	Assistant Foreman-Sanitation	32,000.00
	1500-8160-4453	Building Repair-Sanitation	2,000.00
	1500-8160-1391	Part-time Clerical-Sanitation	6,000.00
	1500-8160-1412	MEO "A"-Sanitation	144,000.00
	1500-8160-4160	Diesel Fuel-Sanitation	8,000.00
TO:	1500-8173-1410	Recycling Drivers	\$ 15,200.00
	1500-8173-4444	Tipping Fees-Recycling	4,000.00
	1500-8160-1414	MEO "B"-Sanitation	12,500.00
	1500-8160-4469	Landfill Costs-Sanitation	209,200.00
	1500-8160-1492	Seasonal Laborers	4,000.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No.18 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to December 16th, 1994 are hereby approved and made a part hereof:

Item No. 18 cont'd

GENERAL FUND	\$2,031,267.11
HIGHWAY FUND	543,834.78
TRUST & AGENCY FUND	34,066.47
CDBG HUD FUND	26,110.06
PART TOWN FUND	80,211.40
RISK RETENTION FUND	115,333.49
DEBT SERVICE FUND	288,442.00
NYS HOME PROGRAM FUND	34,812.20
HUD HOUSING REHABILITATION FUND	13,383.00
SPECIAL DISTRICTS FUND	2,223,505.00
CAPITAL FUND	860,648.09
	<u>\$6,251,613.60</u>

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 19a Minutes of Cheektowaga Planning Board - November 10, 1994
Received and Filed.

Item No. 19b Minutes of Cheektowaga Traffic Safety Commission -
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 20a N.Y.S. Dept. of Trans. - Designation of Restricted Highway-Portion of
Walden Avenue
Received and Filed.

Item No. 20b N.Y.S. Dept. of Trans. - Notice of Order - Cancel permit on Broadway
at former ARO Corp
Copies were sent to: Supervisor Dennis Gabryszak; Town Board
Members; Highway Department; Chief of Police; Cheektowaga Traffic
Safety Commission
Received and Filed.

Item No. 21a Notice of Claim - Donna Trautman & Infant Nicole Trautman vs Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 21b Notice of Claim - Charles Jack, Jr. vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 21c Notice of Claim - Deborah A. Piatek vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 21d Notice of Claim - F. Jerry Kuo vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department; Sewer Department; ALLIED CLAIMS
Insurance Carrier.
Received and Filed.

Item No. 21e Notice of Claim - Michael Zagoria vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Chief of Police; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Johnson, Seconded by Councilman Solecki
to suspend the rules to include the following items and the voting
was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the
Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various
applications for building permits, 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 instan-
ces, and

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

WHEREAS, an application was submitted by Benderson Development
Incorporated to expand the BuffTech facility at 2525 Walden Avenue by 14,700 square
feet, and

WHEREAS, the applicant, as part of the conversion, would install a
yard fire hydrant, and

WHEREAS, the Advisory Committee, at its meeting held on December 15,
1994 rendered the determination shown on the attached memo dated December 16, 1994,
and

WHEREAS, this Town Board has reviewed the application submitted and
the recommendations made by the Environmental Advisory Committee, 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 S.E.Q.R.A.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski,
Johnson and Wielinski
NAYES: Councilman Solecki
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - December 15, 1994
December 16, 1994
Page: 4

ITEM VI 2525 Walden Avenue - 14,700 Sq. Ft. Addition to BuffTech

Applicant: Benderson Development

The committee was awaiting the plan showing a yard hydrant for the site. The applicant indicated they would be forthcoming showing a yard hydrant approximately half-way down on an 8 inch water line. As part of the plan they will be laying out new fire lanes for easier access to the facility. The EAC would recommend that a Negative Declaration be issued for the project.

ITEM VII Dick Road - Proposed Hotel and Townhouses

Applicant: C & S Engineers

The applicant submitted the traffic study for the project. This traffic study will be forwarded to the various reviewing groups including the Erie County Department of Environment and Planning and Town Traffic Safety Commission.

Comment is still open on this proposal and therefore this item will remain tabled.

Attachments

**THE NEXT MEETING OF THE ENVIRONMENTAL
ADVISORY COMMITTEE WILL BE HELD
ON WEDNESDAY, JANUARY 11, 1995 AT 9:30 A.M. IN
THE TOWN HALL COUNCIL CHAMBERS.**

No. 28

Item No. 23 Motion by Councilman Johnson, Seconded by Councilman

WHEREAS, Official Drainage Systems Maps were adopted by the Town Board on April 17, 1978 for the southeast area of the Town of Cheektowaga, and

WHEREAS, there is need to update the Southeast Section Drainage Study report and individuals maps to include developments, wetland areas, the Union/Losson hazardous waste site and drainage recommendations especially in anticipation of the scheduled 1997 Transit Road Improvement Project by the New York State Department of Transportation, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. dated December 15, 1994 as submitted to the Town Engineer be and hereby is approved and accepted on recommendation of the Town Engineer, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Nussbaumer & Clarke, Inc. for updating the southeast drainage maps and issuing a supplementary report, and BE IT FURTHER

RESOLVED, that funding not to exceed \$9,100.00 for said professional services is to be charged to the Storm Drainage District Budget

4000-8140-4581	\$2,500.00
5312-1440-9342	\$1,476.75
5308-1440-9371	\$5,123.25

* * * * *

Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz to table the above item and voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

* * * * *

The above resolution was tabled.

Item No. 24 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson to adjourn the meeting in memory of Theodore Kurk, member of Cheektowaga Traffic Safety Commission for many years.

RICHARD M. MOLESKI
Town Clerk

No. 28

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 29th day of December, 1994 at 6:00 o'clock P.M., Eastern Standard Savings Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: Councilman Richard B. Solecki

Also present were: Richard M. Moleski, Town Clerk; Chester Bryan, Town Engineer; Robert Kaczmarek, Supervising Accountant; Len Szymanski, Foreman in Facilities Department.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the Town's Amusement Arcades Ordinance (Chapter 5 of the Town Code) provides procedures and regulations for obtaining a license from the Town to operate an amusement arcade, and authorizes the Town Clerk to approve and deny such a license, and

WHEREAS, Discovery Zone applied for an amusement arcade license for premises located at 3755 Union Road and the Town Clerk denied such license based on his finding that the premises are within 500 feet of a R District boundary, and

WHEREAS, pursuant to Section 5-12 of the Town Code, Discovery Zone applied to this Town Board for a review/appeal of the Town Clerk's decision, NOW, THEREFORE, BE IT

RESOLVED, that a hearing on the aforementioned appeal under the Amusement Arcades Ordinance shall be held on the 3rd day of January, 1995 at 7:00 P.M. in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution of Mark A. Pascuzzi, General Manager, Discovery Zone, 3755 Union Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Solecki

Item No. 3 Reaffirm Negative Declaration regarding 219 Bennett Road
This item was withdrawn.

Item No. 4 Negative Declaration for S.E.Q.R.A. - 4900 Transit Road
This item was withdrawn.

Item No. 5 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Bernard & DeSimone, Architects (agent for Lovejoy Gospel Church) has applied to the Town of Cheektowaga for an environmental review of its request to construct a 23,120 square foot, 800 seat church on 3.8 acres of land located at 5050 Genesee Street, pursuant to the State Environmental Quality Review Act, and

WHEREAS, the appropriate governmental agencies (State, County and Town) have been solicited by the town for lead agency status and their comments, and

WHEREAS, there has been agreement by such agencies that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning this church, and

WHEREAS, this Town Board, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, feels that the following significant environmental effects relating to this project are present and should be addressed by the applicant in greater detail:

1. Cultural resources (archaeological)
2. Impact of project on the Ellicott Creek floodway/floodplain
3. Impact of project on adjacent New York State and Federal wetlands
4. Potential soil contamination and its potential impact on Ellicott Creek

NOW, THEREFORE, BE IT

RESOLVED, that the Town Building Inspector, as Intake Officer for the Town, notify Bernard & DeSimone and other interested and involved agencies of this requirement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski,
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Solecki

Item No. 6 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, American Paving & Excavating has submitted requisition for Final Payment for Tennis and Basketball Court Reconstruction, Phase II, and

WHEREAS, Darryl L. Jones, Registered Landscape Architect and the Facilities Department Director have reviewed and approved the Certificate of Substantial Completion listing October 31, 1994 as commencement date for applicable warranties required by the Contract Documents, Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Consent of Surety Company to Final Payment, Wage and Supplement Affidavit, Application & Certificate for Payment, Certified Check in the amount of \$500.00 issued to the Town of Cheektowaga for uncompleted work to be completed at a later date, and BE IT FURTHER

RESOLVED, that the Cheektowaga Town Board hereby approve Final Payment to American Paving and Excavating, Inc., 5880 Thompson Road, Clarence, New York, 14032 in the amount of \$9,221.90 for Tennis and Basketball Court Reconstruction, Phase II, and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5402.7110.9405.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski,
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Solecki

Item No. 7 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

FROM:	0100-1330-4431	Equipment Repair-Tax	\$ 219.00
	0100-1355-4575	Contracted Appraisals	600.00
	0100-1640-1391	Part Time Clerical	5,000.00
	0100-1640-4161	Gasoline	2,000.00
	0100-1640-4161	Gasoline	500.00
TO:	0100-1330-4001	Office Supplies-Tax	219.00
	0100-1355-4561	Contracted Legal	600.00
	0100-1640-1442	Auto Mechanic	5,000.00
	0100-1640-1442	Auto Mechanic	2,000.00
	0100-1640-1202	Auto Mechanic-Crew Chief	500.00

PART TOWN FUND

FROM:	0800-3620-4321	Computer Expense	\$ 800.00
TO:	0800-3620-4411	Permit Refunds	800.00

SPECIAL DISTRICT

FROM:	2500-8135-4356	Buffalo Sewer Authority	\$22,000.00
	2500-8135-4356	Buffalo Sewer Authority	4,000.00
TO:	2500-8125-4543	Contracted Sewer Repairs	22,000.00
	2500-8125-4702	Buffalo Sewer Charges	4,000.00

CAPITAL

FROM:	5312-1910-9399	Administrative Expense	\$35,000.00
TO:	5312-1440-9338	System Study	35,000.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski, Johnson and Wielinski
 NAYES: 0
 ABSENT: Councilman Solecki

Item No. 8 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to December 16, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$102,500.42
HIGHWAY FUND	2,541.62
TRUST & AGENCY FUND	686.44
PART TOWN FUND	317.24
RISK RETENTION FUND	12,834.80
DEBT SERVICE FUND	260,249.00
SPECIAL DISTRICTS FUND	46,049.85
CAPITAL FUND	425,566.66
	<u>\$850,746.03</u>

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski, Johnson and Wielinski
 NAYES: 0
 ABSENT: Councilman Solecki

Item No. 9

Motion by Councilman Jaworowicz, Seconded by Councilman Johnson
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk