



Town of Cheektowaga

Regular Meeting

~ Agenda ~

Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Vickie L. Dankowski
716-686-3434

Tuesday, July 10, 2018

7:00 PM

Council Chambers

I. Pledge of Allegiance

II. Moment of Silence for Our Veterans

III. Invocation

IV. Call to Order

7:00 PM Meeting called to order on July 10, 2018 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Present	Absent	Late	Arrived
Councilmember Christine Adamczyk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilmember Linda Hammer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilmember Gerald Kaminski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilmember Timothy J. Meyers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilmember Brian Nowak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilmember James P. Rogowski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Supervisor Diane Benczkowski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

V. Recognition

VI. Approve Minutes

VII. Presentation

Citizens Budget Advisory Committee Presentation

VIII. Public Comment Period

Pursuant to Town Policy adopted April 18, 1994, this is an opportunity for residents to comment on items appearing on the AGENDA of the Town Board meeting. The public comment period should last 15 minutes maximum. Each speaker may speak only once. Each speaker shall be limited to a maximum of 3 minutes speaking time.

IX. Resolutions



1. RESOLUTION 2018-348

Transfer of Funds

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following transfer is hereby approved and made part hereof;

GENERAL

FROM: 100.1625.2303 Over the Road Vehicles \$25,000.00

TO: 100.1625.4432 Repairs and Maintenance \$25,000.00



2. RESOLUTION 2018-349

Warrant

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 10, 2018 are hereby approved and made part hereof;

GENERAL FUND	\$246,504.99
RISK RETENTION FUND	17,176.28
DEBT	279,072.00
HUD HOUSING REHABILITATION FUND	5,840.00
SPECIAL DISTRICTS FUND	278,802.70
HIGHWAY FUND	29,243.16
CAPITAL FUND	326,170.26
TRUST & AGENCY FUND	3,647.00
HUD CDBG FUND	6,398.29
PART TOWN FUND	25,403.22
NYS AFFORDABLE HOUSING	8,960.00
	<hr/>
	\$1,227,217.90



3. RESOLUTION 2018-350

Amend Resolution (2018-331) To Accept Site Plan- 4990 Transit Road

Sponsored By: Councilmember Rogowski, Councilmember Hammer

WHEREAS, by resolution dated June 26, 2018 (Resolution No. 2018-331), pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law this Town Board approved the proposed site plan for 4990 Transit Road subject to:

1. The Assistant Town Engineer reviewing/approving the grading drainage plan.
2. The Town Planner reviewing/approving a landscaping plan and photometric plan for exterior lighting.

WHEREAS, the subject site plan includes a small addition to 4990 Transit Road and an additional parking lot that is shared as per "Shared Easement Agreement" by and between the owners Beck & Valazza, LLC and 4982 Transit Road, LLC, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to provide for a third condition as follows:

3. Beck & Valazza, LLC and 4982 Transit Road, LLC providing documentation or proof that Shared Easement Agreement between the parties dated June 12, 2018 has been duly recorded with the Erie County Clerk's Office.



4. RESOLUTION 2018-351

Authorize Supervisor to Execute Application for Grants Through the Water Quality Improvement Program (WQIP)

Sponsored By: Councilmember Meyers, Councilmember Kaminski

WHEREAS, the New York State Department of Environmental Conservation offers grants through the Water Quality Improvement Program (WQIP), to assist municipalities with funds to improve Wastewater Treatment Plants and problems associated with treatment plants including CSO/SSO projects, and

WHEREAS, WQIP offers grants of up to \$5 million to pay 75% of the construction costs associated with CSO/SSO projects, and

WHEREAS, the Town of Cheektowaga seeks grant funding to help fund necessary improvements as mandated by the New York State Department of Environmental Conservation Order On Consent, including sewer lining and manhole rehabilitation in Sewer Shed #8, and

WHEREAS, the Town intends to apply for a maximum grant of \$5 million and,

WHEREAS, the Cheektowaga Town Board hereby commits matching funds in an amount not to exceed \$1.25 million will be made available through reserve funds and/or bonds;
NOW, THEREFORE BE IT

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

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



5. RESOLUTION 2018-352

Public Safety Dispatcher Appointee's Name Spelling Correction (Renaë R. Cortright)

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, Renaë R. Cortright was appointed to the position of Public Safety Dispatcher in the Police Department at the Town Board Meeting of June 26, 2018, effective June 27, 2018; AND

WHEREAS, Renaë R. Cortright's last name was incorrectly spelled as Renaë R. Cortwright on the Town Board Resolution of her appointment to the title of Public Safety Dispatcher in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Public Safety Dispatcher Renaë R. Cortright's name be and hereby is corrected from Renaë R. Cortwright to Renaë R. Cortright.



6. RESOLUTION 2018-353

Youth & Recreation Termination

Sponsored By: Supervisor Benczkowski, Councilmember Hammer

BE IT RESOLVED that the individuals listed below be and herby are terminated in the Department of Youth & Recreational Services effective as indicated:

Mitchell Dietl	05/30/18	14225
Maelynn Johnson	Never worked	14215



7. RESOLUTION 2018-354

Youth & Recreation Hire/Transfer

Sponsored By: Supervisor Benczkowski, Councilmember Hammer

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

Lifeguard - 7180.1903 - \$11.25 - Part-time

Joe Weber 14225

Recreation Attendant - 7310.1801 - \$10.40 - Seasonal

Marcianna Cardona 14227

Laborer "Bathhouse Attendant" - 7180.1901 - \$10.40 - Seasonal

Devin Golovin 14225

BE IT FURTHER RESOLVED that the individual listed below be and hereby is transferred, as indicated, in the Department of Youth & Recreational Services, effective immediately:

Recreation Aide to Recreation Attendant - 7140.1611, 7140.1640 & 7310.1816 - Regular Part-time

Gregory Gyalog



8. RESOLUTION 2018-355

Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

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

POLICE DEPARTMENT
Matthew J. Hockwater effective 7/7/18



9. RESOLUTION 2018-356

Authorization of Student Interns (Police Department)

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, Madison E. Dobbs of Lancaster, New York, and Colleen Wilkie of Depew, New York, both students at Hilbert College, have requested to participate in the student internship program at the Police Department; AND

WHEREAS, Brianna Kaitanowski of Depew, New York, and Katherine A. Trowbridge of Buffalo, New York, both students at Bryant and Stratton College, have also requested to participate in the student internship program at the Police Department; AND

WHEREAS, these individuals have been interviewed by the Department and the Department is willing to afford them the opportunity to intern there; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned students be and hereby are authorized to participate as unpaid interns in the Department, subject to their execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that said student internships be and hereby are effective July 11, 2018, through December 31, 2018; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate this student internship in the Department.



10. RESOLUTION 2018-357

Travel Authorization Police Department

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the International Association of Law Enforcement Firearms Instructors Master Instructors School is being held on August 1, 2018, through August 3, 2018, in Erie County, New York; AND

WHEREAS, Sergeant Nathan Frank and Police Officer Darryl Leszkowicz have been recommended to attend said school; AND

WHEREAS, Police Chief David Zack has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$830; AND

WHEREAS, these expenses have been budgeted by the Department; NOW, THEREFORE, BE IT

RESOLVED, that Sergeant Nathan Frank and Police Officer Darryl Leszkowicz be and hereby are authorized to attend the International Association of Law Enforcement Firearms Instructors Master Instructor School being held on August 1, 2018, through August 3, 2018, in Erie County, New York.

X. Suspension of Rules



1. RESOLUTION 2018-358

Award of Bid -Condensing Unit & Evaporator Coil at the JBR Library Meeting Room

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, The NYS Education Department, Division of Library Development Construction Grant has provided funding for various improvements at the Julia Boyer Reinstein Library, 1030 Losson Road, Cheektowaga, NY 14227, AND

WHEREAS, the request for bids for the removal and replacement of a condensing unit and an evaporator coil in the meeting room at the Julia Boyer Reinstein Library, AND

WHEREAS, four (4) bidders were petitioned and two (2) bids were received and referred to the Engineering Department for analysis and review, NOW, THEREFORE, BE IT

RESOLVED, that the removal and replacement of a condensing unit and an evaporator coil in the meeting room at the Julia Boyer Reinstein Library contract be awarded to:

Greater Niagara Mechanical Inc.
7311 Ward Road
North Tonawanda, NY 14120

in the amount of \$31,800.00, of which \$23,850.00 will be funded through the New York State Education Department, Division of Library Development Construction Grant (Alternate No. 1 and No. 2 not accepted), AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute a contract with said firm and any other documents necessary to effectuate completion of this project, AND, BE IT FURTHER

RESOLVED, that funding for said project, the balance of \$7,950.00, shall be chargeable to Account #500-1910-2520-5728.



2. RESOLUTION 2018-359

Authorization To Extend Time for Determination of Up State Tower Company, LLC and Buffalo-Lake Erie Wireless System's Application to Construct and Operate a Wireless Telecommunications Tower

Sponsored By: Councilmember Rogowski, Councilmember Meyers

WHEREAS, Up State Tower Co. LLC ("Up State"), in conjunction with Buffalo-Lake Erie Wireless Systems ("Blue Wireless"), submitted a special use permit application dated October 17, 2016 (the "Application") to the Town of Cheektowaga ("Town") for approval to construct and operate a public utility wireless telecommunications tower on the property located at 294 N. Seine Drive, Cheektowaga, New York, which is further identified as tax map number 125.07-14-34; and

WHEREAS, on November 18, 2009, the Federal Communications Commission ("FCC") issued a ruling requiring that a reviewing authority (*i.e.*, the Town) has 150 days from the date of application for a new tower to render a decision on the application (see FCC Declaratory Ruling, 24 FCC rcd. 13994, 14006 (¶ 45) (2009); and

WHEREAS, Up State and the Town acknowledge that the 150 day period within which the Town was required to complete its review of the Application and issue a determination was previously extended until June 20, 2017; and

WHEREAS, to provide Up State and Blue Wireless an opportunity to evaluate various alternate site proposals presented by the Town on May 30, 2017 concerning the location of a wireless telecommunications facility(ies) in the Town, the parties executed an agreement ("Agreement"), dated June 22, 2017, under which the parties extended the applicable review period until July 25, 2017; and

WHEREAS, the parties executed an agreement ("Agreement"), under which the parties again extended the applicable review period until December 1, 2017; and

WHEREAS, the parties further executed an agreement ("Agreement"), under which the parties again extended the applicable review period until March 15, 2018; and

WHEREAS, the parties further executed an agreement ("Agreement"), under which the parties again extended the applicable review period until May 1, 2018; and

WHEREAS, the parties further executed an agreement ("Agreement"), under which the parties again extended the applicable review period until May 31, 2018; and

WHEREAS, Up State and the Town continue to discuss alternate site proposals, the pursuit of which will require the execution of a lease agreement with and the receipt of zoning approval from the Town for each site; and

WHEREAS, the parties acknowledge and agree that additional time is required to complete the lease and zoning processes for each alternate site agreed to by the parties, and the parties therefore wish to further extend the applicable review period until September 30, 2018; and BE IT FURTHER

RESOLVED, that subject to review and approval by the Town Attorney the Supervisor be and hereby is directed and authorized to execute the agreement for additional time.



3. RESOLUTION 2018-360

Appointment of Acting Detective

(Christopher Lovallo)

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

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

WHEREAS, Police Officers assigned to the Detective Bureau must fulfill a six (6) month probationary period and complete an Intern Program; NOW, THEREFORE BE IT

RESOLVED, that Christopher Lovallo of Cheektowaga, New York, be and hereby is assigned to the rank of Acting Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective July 11, 2018.

XI. Communications

A. Departmental Communications

1. Minutes: Environmental Advisory Committee - May 30, 2018
2. Minutes: Planning Board - June 14, 2018
3. Minutes: Traffic Safety Commission - June 19, 2018

B. General Communications

1. Notice of Claim: Velma J. Parmer vs. Town of Cheektowaga
2. Notice of Claim: Jeremy R. Pukalo vs. Town of Cheektowaga
3. Notice of Claim: Barbara Whitehead vs. Town of Cheektowaga

XII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

Pursuant to Town Policy adopted April 18, 1994, this is an opportunity for residents to comment on matters involving Cheektowaga other than those pertinent to Public Hearings that day. The public comment period should last 15 minutes maximum. Each speaker may speak only once. Each speaker shall be limited to a maximum of 3 minutes speaking time.

XIII. Adjournment