



Town of Cheektowaga

Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

<http://www.town.cheektowaga.ny.us>

Vickie L. Dankowski
716-686-3434

Tuesday, July 11, 2017

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 11, 2017 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Diane Benczkowski	Town of Cheektowaga	Supervisor	Present	
James P. Rogowski	Town of Cheektowaga	Councilmember	Present	
Gerald Kaminski	Town of Cheektowaga	Councilmember	Present	
Timothy J. Meyers	Town of Cheektowaga	Councilmember	Present	
Christine Adamczyk	Town of Cheektowaga	Councilmember	Present	
Linda Hammer	Town of Cheektowaga	Councilmember	Present	
Alice Magierski	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Patrick Bowen, Town Engineer
Brian Krause, Director of Finance and Administration
Karen Marchese, Coordinator of Employee Relations
Jill Oxley, Assessor
Kevin Schenk, Town Attorney

V. Recognition

VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Rogowski to approve the minutes. Motion Carried.

VII. 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.

VIII. Presentation

IX. Resolutions



1. RESOLUTION 2017-413

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: 100.1910.2680 Insurance Recoveries \$18,021.00

TO: 100.1640.4447 Collision Repairs \$18,021.00

RESULT: ADOPTED [UNANIMOUS]

MOVER: Diane Benczkowski, Supervisor

SECONDER: Timothy J. Meyers, Councilmember

AYES: Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



2. RESOLUTION 2017-414

Warrant

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 11, 2017 are hereby approved and made part hereof;

GENERAL FUND	\$271,973.72
RISK RETENTION FUND	32,459.00
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	2,970.00
SPECIAL DISTRICTS FUND	97,351.74
HIGHWAY FUND	51,445.36
CAPITAL FUND	273,179.05
TRUST & AGENCY FUND	3,293.40
HUD CDBG FUND	69,528.77
PART TOWN FUND	5,135.20
NYS AFFORDABLE HOUSING	200.00
	<hr/>
	\$807,536.24

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Diane Benczkowski, Supervisor
SECONDER:	Timothy J. Meyers, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



3. RESOLUTION 2017-415

Notice to Bidders - Demolition with Asbestos Abatement of 17 Yvette Drive (BID# 2017-28 LAW)

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, it is in order that bids be advertised for the demolition and asbestos abatement of structures located at 17 Yvette Drive, Cheektowaga, New York; and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office;
NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders (BID# 2017-28 LAW) for the demolition and asbestos abatement of structures located at 17 Yvette Drive, Cheektowaga, New York, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on **Wednesday, July 26, 2017, at 11:00 A.M.**



NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on **WEDNESDAY, JULY 26, 2017 at 11:00 A.M.** at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition and asbestos abatement of **17 Yvette Drive** situate in the Town of Cheektowaga, New York.

Information for bidders and specifications may be obtained from the Town Clerk at her 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 specification and contract documents, and may waive any informalities, make an award to other than the low bidder, or reject any or all bids should it be in the best interest of the Town.

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

Vickie L. Dankowski, Town Clerk

Dated: 11 July 2017

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Hammer, Councilmember
SECONDER:	Diane Benczkowski, Supervisor
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



4. RESOLUTION 2017-416

Notice to Bidders for the Purchase of Copy Paper and Envelopes (Bid No. 2017-29 LAW)

Sponsored By: Councilmember Magierski, Supervisor Benczkowski

WHEREAS, it is in order that bids be advertised for the purchase of copy paper and envelopes for the Town; and

WHEREAS, specifications for same have been prepared by the Town Attorney's Office; NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders (BID# 2017-29 LAW) for the Purchase of Copy Paper and Envelopes, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on **WEDNESDAY, JULY 26, 2017 at 11:00 A.M.**



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on **Wednesday, July 26, 2017 at 11:00 am**, at the Town Clerk's Office in the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the purchase of copy paper and envelopes (BID# 2017-29 LAW) for all Town of Cheektowaga departments for the remainder of the 2017 calendar year.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Purchase of Copy Paper and Envelopes" and submitted to the Town Clerk prior to bid opening.

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

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

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

Vickie L. Dankowski
Town Clerk

DATED: July 11, 2017

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Alice Magierski, Councilmember
SECONDER:	Diane Benczkowski, Supervisor
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



5. RESOLUTION 2017-417

Cleveland Hill Usage of Town Park

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

WHEREAS, The Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 14, 2017 to October 20, 2017 for practices and for its home cross-county track team meets, and

WHEREAS, the General Crew Chief of the Facilities Department has reviewed such request and has no objection to same, and

WHEREAS, the Cleveland Hill Union Free School District has provided the Town with the necessary insurance coverage for such track meets, and

WHEREAS, Cleveland Hill Union Free School District shall be responsible to utilize individuals to provide traffic control to monitor students crossing the roadways for their track meets and practices, and

WHEREAS, this Town Board, in the spirit of cooperation, wishes to approve this request, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approve the use of Cheektowaga Town Park from August 14, 2017 to October 20, 2017 for the Cleveland Hill Cross Country Track team practices, and BE IT FURTHER

RESOLVED, that the Director of Athletics of the Cleveland Hill School shall coordinate with the General Crew Chief of the Facilities Department concerning these track meets.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	James P. Rogowski, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



6. RESOLUTION 2017-418

Creation of Three (3) Van Drivers (Non-Competitive/Part Time) and Three (3) Sewer Inspectors (Non-Competitive/Part-Time)

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that this Town Board hereby creates three (3) Van Driver (Part Time) positions and three (3) Sewer Inspector (Part Time) positions pursuant to Civil Service Laws and Rules effective July 12, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Diane Benczkowski, Supervisor
SECONDER:	Timothy J. Meyers, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



7. RESOLUTION 2017-419

Extension of Residency Provision (Peter A. Johnston)

Sponsored By: Councilmember Meyers, Councilmember Kaminski

WHEREAS, Peter A. Johnston was appointed to the provisional position of Assistant Town Engineer by Town Board Resolution effective June 13, 2016; AND

WHEREAS, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Mr. Johnston was ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of his appointment; AND

WHEREAS, the Erie County Civil Service examination has not been scheduled for the Assistant Town Engineer Position and Peter Johnston has requested an extension of the residency requirement, the Board hereby determines that Peter Johnston's special skills, aptitude and expertise are sufficient reasons therefore to extend the residency requirement; NOW, THEREFORE, BE IT

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Peter A. Johnston of Williamsville, New York, is hereby granted an additional six (6) months from the expiration of the prior resolution until December 31, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Timothy J. Meyers, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



8. RESOLUTION 2017-420

Youth & Recreation Terminations

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

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

Danielle Szymkowiak

8/15/16

14227

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the reading of names for the following Resolutions: 2017-420, 2017-421, 2017-422. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Gerald Kaminski, Councilmember

SECONDER: James P. Rogowski, Councilmember

AYES: Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



9. RESOLUTION 2017-421

Youth & Recreation Transfer

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED that the following individuals be transferred effective immediately:

Recreation Aide to Recreation Attendant - 7140.1630 - \$9.70 - Regular Part-time
Mackenzie Stroud

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gerald Kaminski, Councilmember
SECONDER:	James P. Rogowski, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



10. RESOLUTION 2017-422

Termination of Part-Time/Seasonal Appointments

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

Brenda L. Benkleman effective 6/22/17

OFFICE OF THE TOWN CLERK

Linda Karaszewski effective 7/8/17

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Diane Benczkowski, Supervisor
SECONDER:	Timothy J. Meyers, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



11. RESOLUTION 2017-423

Appointment of Senior Assessment Clerk (Non-Competitive Promotional) Office of the Town Assessor/Michael G. Milks

Sponsored By: Councilmember Magierski, Councilmember Hammer

WHEREAS, there is a vacancy in the title of Senior Assessment Clerk in the Office of the Town Assessor; AND

WHEREAS, Assessment Clerk Michael G. Milks has been approved for a non-competitive promotion by the Erie County Department of Personnel to the title of Senior Assessment Clerk; NOW, THEREFORE, BE IT

RESOLVED, that Michael G. Milks of Cheektowaga, New York, be and hereby is appointed to the position of Senior Assessment Clerk in the Office of the Town Assessor in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 12, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Alice Magierski, Councilmember
SECONDER:	Linda Hammer, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



12. RESOLUTION 2017-424

Appointment to Cheektowaga Economic Development Corporation Directors

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town Board of the Town of Cheektowaga previously created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging economic development within the Town, and

WHEREAS, By Resolution dated February 7, 1983 the Town Board approved the By-Laws of the Cheektowaga Economic Development Corporation which provide that the Directors of the Cheektowaga Economic Development Corporation be appointed by resolution of the Cheektowaga Town Board, and

WHEREAS, the Cheektowaga Economic Development Corporation Board of Directors has unanimously recommended the re-appointment of the individual listed below to the Board of Directors of the Cheektowaga Economic Development Corporation for a term of three years, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation, effective immediately for a term of three years, said term expiring at the time of reappointment to said Board of Directors positions in 2020, but no later than June 30, 2020:

James Antkowiak
Stephen L. Bojdak
Denis Serugendo.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Hammer, Councilmember
SECONDER:	Diane Benczkowski, Supervisor
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



13. RESOLUTION 2017-425

Travel Authorization Police Department

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the International Association of Chiefs of Police (IACP) Annual Conference is being held October 20, 2017 through October 24, 2017, in Philadelphia, Pennsylvania; AND

WHEREAS, Police Chief David Zack, Captain Michael Isbrandt, Lieutenant Thomas Wentland, and Sergeant Lawrence Bauer have been recommended to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$7,349.28; AND

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

RESOLVED, that Police Chief David Zack, Captain Michael Isbrandt, Lieutenant Thomas Wentland, and Sergeant Lawrence Bauer be and hereby are authorized to attend the International Association of Chiefs of Police (IACP) Annual Conference being held October 20, 2017 through October 24, 2017, in Philadelphia, Pennsylvania.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christine Adamczyk, Councilmember
SECONDER:	Linda Hammer, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



14. RESOLUTION 2017-426

Travel Authorization Police Department

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, a TASER Instructor Course is being held July 27, 2017 in Binghamton, New York; AND

WHEREAS, Police Officer Kurt Spieler has been recommended to attend said course; 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 \$433; AND

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

RESOLVED, that Police Officer Kurt Spieler be and hereby is authorized to attend a TASER Instructor Course being held July 27, 2017 in Binghamton, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christine Adamczyk, Councilmember
SECONDER:	Linda Hammer, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski

X. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to waive the rules to include the following Resolution: 2017-427. Motion Carried.
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1. RESOLUTION 2017-427

Support for AT & T Wireless Workers

Sponsored By: Councilmember Rogowski, Councilmember Kaminski

WHEREAS, twenty-one thousand (21,000) AT & T wireless workers across 36 states and Washington, DC, represented by the Communications Workers of America ("CWA"), are engaged in negotiations with AT & T for a new contract, and

WHEREAS, since 2011, AT & T has eliminated 12,000 Call Center jobs in the United States, and has sent these jobs overseas to third party vendors in other countries, and

WHEREAS, AT & T has begun utilizing third-party dealers for their authorized retail stores rather than utilizing AT & T workers, and

WHEREAS, this outsourcing of union and United States workers has resulted in a diminishment of quality service to customers of AT & T Wireless, and

WHEREAS, AT & T workers are continuing their fight for a fair contract that protects good jobs at America's largest telcom company and are fighting for the following:

- Wage increases that cover rising healthcare costs and inflation;
- Protections for retail worker compensation preventing management from unilaterally changing commission plans to cut wages by thousands of dollars each year;
- Basic job security in the face of rampant outsourcing;
- Affordable health care for all employees, including new hires;
- A fair scheduling policy that allows workers to use their earned sick time.

, and

WHEREAS, this Board is concerned about the loss of American jobs by AT & T and the outsourcing of work to other countries, and

WHEREAS, this Board wishes to express its support for AT & T employees and the CWA's attempts to secure a new and fair contract for its members, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby expresses its support for AT & T employees and CWA members in their attempt to obtain a new and fair contract, and BE IT FURTHER

RESOLVED, that this Town Board hereby request A T & T to approve a fair agreement with its AT & T wireless workers and to cease outsourcing of American jobs to other countries, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to AT & T, the CWA, Senator Timothy Kennedy and Assemblywoman Monica Wallace.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Rogowski, Councilmember
SECONDER:	Gerald Kaminski, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski

XI. Communications

A. Departmental Communications

B. General Communications

1. **Notice of Claim: Linda Martell vs. Town of Cheektowaga**
2. **Notice of Petition: Kurt B. & Joanne M. Kojm vs. Town of Cheektowaga**
3. **Notice of Petition: Paul F. & Linda L. Schnitzler vs. Town of Cheektowaga**
4. **Notice of Petition: Holland Motor Express vs. The Board of Assessors and the Board of Assessment Reviews of the 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

Motion by Councilmember Rogowski, Seconded by Councilmember Meyers to adjourn the meeting at 7:31 PM. Motion Carried.

Daniel Gniewecki

Deputy Town Clerk