



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Vickie L. Dankowski
716-686-3434

Tuesday, July 25, 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 25, 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
Robert Brandon, Zoning Board Chairman
Jillian Gorman-King, Executive Director - Youth Board
Melissa Reese, Deputy Town Attorney

V. Recognition

VI. Approve Minutes

Motion by Councilmember Adamczyk, Seconded by Councilmember Meyers to approve 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. Resolutions



1. RESOLUTION 2017-428

Transfer of Funds

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

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

CAPITAL

FROM: 500.8560.3500.5005 NYS Grant \$25,000.00

TO: 500.8560.4292.5005 Tree Management Plan Grant Expense \$25,000.00

RESULT: ADOPTED [UNANIMOUS]

MOVER: Diane Benczkowski, Supervisor

SECONDER: Timothy J. Meyers, Councilmember

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



2. RESOLUTION 2017-429

Warrant

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 25, 2017 are hereby approved and made part hereof;

GENERAL FUND	\$4,319,137.60
RISK RETENTION FUND	1,454,857.00
NYS HOME PROGRAM	0.00
DEBT	284,891.76
HUD HOUSING REHABILITATION FUND	3,100.00
SPECIAL DISTRICTS FUND	1,962,818.32
HIGHWAY FUND	960,869.84
CAPITAL FUND	200,097.67
TRUST & AGENCY FUND	6,778.90
HUD CDBG FUND	71,416.03
PART TOWN FUND	145,520.27
NYS AFFORDABLE HOUSING	4,650.00
	<hr/>
	\$9,414,137.39

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



3. RESOLUTION 2017-430

Amend Resolution for Award of Bid - Manhole/Catch Basin Frames & Covers (Bid #2017-11)

Sponsored By: Supervisor Benczkowski, Councilmember Kaminski

WHEREAS, a Notice to Bidders was duly published for receipt of bids for the furnishing of manhole/catch basin frames and covers, which bids were duly received and opened on March 8, 2017, AND

WHEREAS, three (3) bids were received and referred to the Town Engineer for analysis and tabulation, AND

WHEREAS, the bid for 400 sets of catch basin frames and covers was awarded to the Vellano Corporation, 10 Lancaster Parkway, Lancaster, NY 14086 for the price per set of \$153.75, AND

WHEREAS, the Town has received 192 of the 400 sets awarded to the Vellano Corporation, AND

WHEREAS, the Vellano Corporation abruptly ceased operations and is unable to fulfill the obligations of the awarded contract, AND

WHEREAS, written notice has been sent to the Vellano Corporation for Default of Contract, AND

WHEREAS, the second low bidder, K & S Contractors Supply, has been contacted and will honor their original bid price of \$153.89 per set for catch basin frames and covers, NOW, THEREFORE, BE IT

RESOLVED, that the balance of the original bid award for 208 catch basin frames and covers is hereby awarded to:

K & S Contractors Supply
1971 Gunnville Road
Lancaster, New York 14086

for their original bid amount of \$153.89 per set, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said catch basin frames and covers in Account #500-5141-9910-5631.

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



4. RESOLUTION 2017-431

Approval of Change Order No. 1 - Traffic Signal Replacements

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, at a Town Board Meeting held on April 4, 2016 the project to replace four (4) traffic signals at various locations throughout the Town was awarded to Ferguson Electric Construction Company, Inc., AND

WHEREAS, inadvertently, the contractor was unable to complete the project by the deadline date, AND

WHEREAS, liquidated damages for delay of the project are spelled out in the Contract Documents, AND

WHEREAS, the contractor has accepted responsibility for said construction delays in the form of a change order credit in the amount of \$13,097.50, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 in the amount of \$13,097.50 as a **deduction** to the contract of Ferguson Electric Construction Company, Inc., 333 Ellicott Street, Buffalo, New York 14203 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order documents on behalf of this Town Board.

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



5. RESOLUTION 2017-432

Approval of Change Order No. 1 - Equipment & Operators for Public Works Projects

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the contract for Equipment and Operators for Public Works Projects, based on hourly rates for certain pieces of equipment, was awarded by Town Board Resolution dated April 11, 2017 to C.M.H. Company, Inc., 12704 North Road, Alden, New York 14004, AND

WHEREAS, the Town has received additional Community Development Block Grant Funds, AND

WHEREAS, after discussions with the Director of Community Development and the Capital Improvements Committee, it has been recommended that these additional funds be utilized for the partial reconstruction and street-scaping of Greenleaf Lane and a section of Ridge Park Avenue, AND

WHEREAS, the Town Engineer has recommended that C.M.H. Company, Inc., under the aforesaid contract, perform the work necessary to complete the partial reconstruction and street-scaping of Greenleaf Lane and Ridge Park Avenue, AND

WHEREAS, materials will be purchased separately under County Contract, AND

WHEREAS, the additional cost to perform this work is estimated at \$250,000 beyond the original scope of the project as further detailed in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for Equipment and Operators for Public Works Projects in the amount of \$250,000, as an addition to the original contract for the aforementioned Public Works Projects, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that funding for said Change Order shall be appropriated from a budget line from the Director of Community Development, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to execute said Change Order No. 1.

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



6. RESOLUTION 2017-433

Approval of Change Order No. 1 - Concrete Installation

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the contract for Concrete Installation, based on square footage and lineal foot prices, was awarded by Town Board Resolution dated April 11, 2017 to Scott Lawn Yard Inc., 5552 Townline Road, Sanborn, New York 14132, AND

WHEREAS, the Town has received additional Community Development Block Grant Funds, AND

WHEREAS, after discussions with the Director of Community Development and the Capital Improvements Committee, it has been recommended that these additional funds be utilized for the partial reconstruction and street scaping of Greenleaf Lane and a section of Ridge Park Avenue, AND

WHEREAS, the Town Engineer has recommended that Scott Lawn Yard, Inc., under the aforesaid contract, perform the work necessary to complete the partial reconstruction and street scaping of Greenleaf Lane and Ridge Park Avenue, AND

WHEREAS, the additional cost to perform this work is estimated at \$200,000 beyond the original scope of the project as further detailed in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for Concrete Installation in the amount of \$200,000, as an addition to the original contract for the aforementioned Concrete Installation, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that funding for said Change Order shall be appropriated from a budget line from the Director of Community Development, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to execute said Change Order No. 1.

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



7. RESOLUTION 2017-434

Approval of Change Order No. 2 - Concrete Installation

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the contract for Concrete Installation, based on square footage and lineal foot prices, was awarded by Town Board Resolution dated April 11, 2017 to Scott Lawn Yard, Inc., 5552 Townline Road, Sanborn, NY 14132, AND

WHEREAS, the Town has received additional Community Development Block Grant Funds, AND

WHEREAS, after discussions with the Director of Community Development and the Capital Improvements Committee, it has been recommended that these additional funds be utilized for the replacement of sidewalks in the East Delavan neighborhood, AND

WHEREAS, the Town Engineer has recommended that Scott Lawn Yard, Inc., under the aforesaid contract, perform the work necessary to replace the aforementioned sidewalks, AND

WHEREAS, the additional cost to perform this work is estimated at \$425,000 beyond the original scope of the project as further detailed in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 for Concrete Installation in the amount of \$425,000, as an addition to the original contract for the aforementioned Concrete Installation, be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that funding for said Change Order shall be appropriated from a budget line from the Director of Community Development, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to execute said Change Order No. 2.

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



8. RESOLUTION 2017-435

Adopt Local Law No. 3 of the Year 2017 - A Local Law Relating to a Tax Exemption for Reconstructed, Altered or Improved 1, 2 & 3 Family Residences

Sponsored By: Supervisor Benczkowski, Councilmember Hammer

WHEREAS, Chapter 220 of the Code of the Town of Cheektowaga presently permits certain Persons with Disabilities, certain Senior Citizens, certain Veterans, certain Converted Condominiums and certain Cold War veterans to obtain partial tax exemptions and exclusions from real property they own in the Town of Cheektowaga, and

WHEREAS, the New York Legislature enacted Section 421-f of the Real Property Tax Law to authorize an exemption from taxation and special ad valorem levies under certain conditions to owners of 1, 2 or 3 family residential buildings reconstructed, altered or improved, and

WHEREAS, this Board feels that owners of such residential properties deserve to have such exemptions on their Town taxes, and

WHEREAS, the Town Attorney's Office has drafted a local law to permit such an exemption from Town taxes, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 27th day of June, 2017 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all interested parties were given an opportunity to be heard as to whether Local Law Intro No. 2017-6 of the Year 2017, entitled "A Local Law to Adopt a Tax Exemption for Reconstructed, Altered or Improved 1, 2 & 3 Family Residences", and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 2017 entitled "A Local Law to Adopt a Tax Exemption for Reconstructed, Altered or Improved 1, 2 & 3 Family Residences" which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 3 of the Year 2017 shall be effective immediately upon filing with the Secretary of State, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office, one (1) certified copy with the Secretary of State and one (1) certified copy with the New York State Office of Taxation and Finance.

Local Law No. 3 of the Year 2017

A Local Law to Adopt a Tax Exemption for Reconstructed, Altered or Improved 1, 2 or 3 Family Residences

This law authorizes a partial exemption from real property taxation of the increase in assessed value attributable to reconstruction, alterations or improvements made to residential property, as follows:

1. The property for which exemption is sought must be a one, two or three family residence;
2. The greater portion of the residence (as measured by square footage) after the capital improvement must be at least five years old;
3. The capital improvement must be commenced after the date this local law is enacted;
4. Unless limited by local law, the exemption applies to reconstruction, alterations or improvements; it does not apply to ordinary maintenance or repairs;
5. The value of such reconstruction, alteration or improvement must exceed the sum of \$10,000.00; and
6. A qualified reconstruction, alteration or improvement shall have increased the assessed value of the real property by at least \$10,000.00, with a maximum permitted exemption not to exceed \$150,000.00.
7. This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Motion by Supervisor Benczkowski, Seconded by Councilmember Rogowski to table item.
Motion Carried.

RESULT: **TABLED [UNANIMOUS] Next: 8/8/2017 7:00 PM**
MOVER: Diane Benczkowski, Supervisor
SECONDER: Linda Hammer, Councilmember
AYES: Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski



9. RESOLUTION 2017-436

Award of Bid - Firing Range Improvements (Bid #2017-27)

Sponsored By: Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Firing Range Improvements, which bids were duly received and opened on July 19, 2017, AND

WHEREAS, three (3) bids were received and referred to the Engineering Department and Popli Design Group, Project Engineers, for analysis, tabulation and report, which is contained in a letter from Popli Design Group, AND

WHEREAS, said letter recommends that the contract for Firing Range Improvements (deflecting baffles) be awarded to D.R. Chamberlain Corporation for their submission of the lowest bid meeting the requirements of the contract documents, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Firing Range Improvements be and hereby is awarded to:

D.R. Chamberlain Corporation
50 Simonds Street
Lockport, New York 14094

for the total bid price of \$112,754.00, AND, BE IT FURTHER

RESOLVED, that funding for said project be chargeable to the Asset Forfeiture Account #600-0600-0881.

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



10. RESOLUTION 2017-437

Award of Bid for Mailing of Town and County Tax Bills

Sponsored By: Councilmember Hammer, Councilmember Meyers

WHEREAS, the Town Clerk/Receiver of Taxes and Assessments is charged under State law with the collection of County, Town and School taxes; and

WHEREAS, it is necessary that the Town Clerk engage a firm to assist her with the mailing of tax bills and receipts; and

WHEREAS, on June 22, 2017, a Request for Proposals was prepared by the Town Clerk soliciting quotations for said services from several vendors for the mailing and related services for the 2018-2019 County/Town and School tax bills; and

WHEREAS, Applied Business Systems, Inc. (ABS) has submitted the lowest responsible proposal for said services; and

WHEREAS, said services includes postage for the mailing of said bills and receipts; NOW, THEREFORE, BE IT

RESOLVED, that Applied Business Services, Inc. (ABS) be retained to provide the services specified in the Request for Proposals to the Town Clerk/Receiver of Taxes and Assessments for the 2018-19 School and County/Town tax bills; and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes the payment in advance of audit of claims to Applied Business Systems, Inc. (ABS) for said services at a cost of \$1,810.00 per year with additional pick-ups (if needed) at \$25.00 each and additional pick-ups (same day, if needed) at \$69.00 each and the cost of postage for mailings estimated at approximately \$28,200.00 per year.

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



11. RESOLUTION 2017-438

Accept Proposal for a New Heating & Ventilation Unit for the Highway Garage

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

WHEREAS, at a Capital Improvements Meeting held earlier this year, a list of improvements were presented to the Capital Improvements Board that pertain to Town owned facilities, AND

WHEREAS, priorities were placed on these facilities in need of improvements over others, AND

WHEREAS, the existing Highway Garage heating system (adjacent to the office area) was in need of replacement due to the breakdown of the original heating system presently in place and continuously reported gas leaks throughout the garage and office area, AND

WHEREAS, through onsite investigation it was determined that several of the existing unit heaters are not operational and the garage itself offered little or no ventilation, AND

WHEREAS, through conversations with reputable contractors, it was suggested that a single 800,000 BTU heating and ventilation system should replace the existing system, AND

WHEREAS, three (3) contractors have submitted written proposals to perform this service with Northeast Mechanical, 139 Sawyer Avenue, Depew, New York 14043 being the lowest responsible bidder, NOW, THEREFORE, BE IT

RESOLVED, that the proposal for a new 800,000 BTU heating and ventilation unit for the existing highway garage (attached to the existing offices) be awarded to Northeast Mechanical for their proposal in the amount not to exceed \$29,995.00, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from Account #500-1910-2520-5728, said account derived from bonded monies designated for Capital Improvements.

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



12. RESOLUTION 2017-439

Notice to Bidders - Purchase of One (1) New and Unused 2018 Chevrolet Malibu (or Equivalent) Bid No. 2017-30 PD

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the purchase of One (1) New and Unused 2018 or Newer Chevrolet Malibu 4-door Sedan (or Equivalent) by the Cheektowaga Police Department as specified; and be it further

RESOLVED, that sealed bids will be received by the Town Clerk on the 9th day of August, 2017, at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.



NOTICE TO BIDDERS

Sealed proposals will be received and opened by the Town Clerk of the Town of Cheektowaga on **Wednesday, August 9, 2017 at 11:00 A.M.** in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of One (1) New and Unused 2018 or Newer Chevrolet Malibu 4-door Sedan (or Equivalent), BID 2017-30 PD, by the Cheektowaga Police Department as specified in the Bid Specifications.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted in a separate, sealed envelope plainly marked on the outside "Purchase of One (1) New and Unused 2018 or Newer Chevrolet Malibu 4-door Sedan (or Equivalent)" and submitted to the Town Clerk prior to bid opening.

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.

Vickie L. Dankowski
Town Clerk

Dated: 25 July 2017

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



13. RESOLUTION 2017-440

Approve Purchase of Four (4) New and Unused 2017 S650 T4 Bobcat Skid-Steer Loaders

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Highway Department currently owns four (4) 2016 S650 T4 Bobcat Skid-Steer Loaders purchased through New York State OSG Contract PC67141, AND

WHEREAS, said New York State OSG Contract PC67141 runs through October 21, 2018, AND

WHEREAS, Bobcat of Buffalo offers a one year trade-in program for said equipment as long as the New York State OSG Contract remains in effect, AND

WHEREAS, said trade-in program is based on the hours of use of equipment and any price increase in the New York State OSG Contract, AND

WHEREAS, the Highway Department has requested authorization to trade-in four (4) 2016 S650 T4 Bobcat Skid-Steer Loaders for four (4) New and Unused 2017 S650 T4 Bobcat Skid-Steer Loaders as specified under the terms of the Bobcat's trade-in program and New York State OSG Contract PC67141, AND

WHEREAS, funds for said purchase have been budgeted and are available under account number 300-5130-2407, NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the trade-in of four (4) 2016 S650 T4 Bobcat Skid-Steer Loaders for four (4) New and Unused 2017 S650 T4 Bobcat Skid Steer Loaders in the amount of \$14,661.12 from:

Bobcat of Buffalo, Lockport, NY
6511 South Transit Road
Lockport, NY 14094

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



14. RESOLUTION 2017-441

Authorize Municipal Cooperation Agreement with Village of Sloan

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Village of Sloan requested that the Town of Cheektowaga Highway Department assist them in the paving of Lovejoy Street in said municipalities, AND

WHEREAS, the Town of Cheektowaga Superintendent of Highways is willing to assist said municipalities as requested, AND

WHEREAS, Article 5-G of the General Municipal Law and Section 142-d of the Highway Law authorize this Town Board to enter into agreements with other municipalities to perform this work, NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute municipal cooperation agreements with the Village of Sloan to pave Lovejoy Street in said municipalities, AND BE IT FURTHER,

RESOLVED, that moneys received from said municipalities for the provision of the requested services shall be deposited into the proper accounts as determined by the Director of Administration and Finance.

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



15. RESOLUTION 2017-442

Authorize Auction of Surplus Vehicle and Equipment

Sponsored By: Councilmember Kaminski, Councilmember Magierski

WHEREAS, the Town wishes to dispose of a 1997 Zamboni Model 500, which is no longer functional or needed for Town use; and

WHEREAS, sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York; and

WHEREAS, Auctions International, Inc. will sell said 1997 Zamboni at an online auction; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 11167 Big Tree Road (20A), East Aurora, New York, 14052, to conduct a sale of the surplus vehicle to wit: One 1997 Zamboni, Model 500, at an online auction to be held on its website; and BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute an agreement with Auctions International, Inc., subject to approval by the Town Attorney, and any and all documents that may be required to effectuate the sale and/or transfer of said surplus vehicle and equipment.

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



16. RESOLUTION 2017-443

Authorize Supervisor to Execute Grant Application for Water Quality Improvement Program

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 85% 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, and

WHEREAS, WQIP grant funds may be used to help offset matching funds required as part of the Town's \$5 million grant and \$15 million no interest loan awarded through the New York State Environmental Facilities Corporation, and

WHEREAS, the Town intends to apply for an estimated \$5 million grant and,

WHEREAS, necessary matching funds in the amount of \$750,000 are available through budget line item 500.1440.4438.5531, 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.

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



17. RESOLUTION 2017-444

2018 Family Support Contract

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

BE IT RESOLVED that subject to approval by the Town Attorney the Supervisor be and hereby is authorized to execute the 2018 Family Support Service Contract in the amount of \$29,945.00, on behalf of the Department of Youth & Recreational Services and the New York State Office for People with Developmental Disabilities.

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



18. RESOLUTION 2017-445

SPECIAL EVENT - National Night Out

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

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

WHEREAS, the Cheektowaga Police Department - Neighborhood Watch Group has made application to hold its annual "National Night Out" in the Pavilion at Town Park on August 1, 2017 from 4:30 - 8:30 P.M.; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Police Department - Neighborhood Watch Group for its annual "National Night Out" at the Town Park Pavilion on August 1, 2017.

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



19. RESOLUTION 2017-446

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

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

POLICE DEPARTMENT Police Attendant \$17.35/hour effective 7/26/17
Michael R. Ceremuga, Cheektowaga, New York

BUILDING AND PLUMBING DEPARTMENT Sewer Inspector \$17.00/hour effective 7/26/17
Roy Weiglein, Cheektowaga, New York
Robert W. Latshaw, Cheektowaga, New York
Walter F. Weishaupt, Cheektowaga, New York

BUILDING AND PLUMBING DEPARTMENT Clerk \$12.00/hour effective 7/26/17
Garrett Pyc, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.70/hour effective 7/26/17
Michael V. Full, Cheektowaga, New York
Matthew J. Hooker, Cheektowaga, New York

TOWN CLERK'S OFFICE Clerk \$11.00/hour effective 7/26/17
Judy M. Leli, Cheektowaga, New York

SENIOR SERVICES Van Driver \$9.70/hour effective 7/26/17
Patricia L. Todaro, Cheektowaga, New York

BE IT RESOLVED, that the following individual be and hereby is hired as a **SEASONAL EMPLOYEE**, not to exceed five (5) months in a calendar year, in the department listed and in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

DEPARTMENT OF YOUTH AND RECREATIONAL SERVICES
Lifeguard - 7180.1903 - \$10.70/hour effective immediately
Colleen Wilkie, Cheektowaga, New York

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

POLICE DEPARTMENT
Robert J. Janik effective 6/6/17

BE IT RESOLVED, that the following part-time employee's hourly wage be adjusted as listed:

JUSTICE COURT Clerk \$9.70/hour to \$11.00/hour effective 6/27/17
Marcia A. Bolero, Cheektowaga, New York

Motion by Councilmember Rogowski, Seconded by Councilmember Adamczyk to waive the reading of names for Resolution 2017-446. Motion Carried.

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



20. RESOLUTION 2017-447

Appointment of Motor Equipment Operator - A (Non-Competitive/Permanent) Sanitation Department/Timothy T. Jaworowicz

Sponsored By: Councilmember Adamczyk, Councilmember Kaminski

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

WHEREAS, the Department was canvassed internally in accordance with an agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Timothy T. Jaworowicz, currently employed as a Motor Equipment Operator - B in the Sanitation Department, meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Timothy T. Jaworowicz of Lancaster, New York, be and hereby is appointed to the position of Motor Equipment Operator - A in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 17, 2017.

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



21. RESOLUTION 2017-448

Appointment to Board of Ethics

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, by resolution dated April 5, 1993, the Town Board adopted a Local Law establishing a Board of Ethics Committee (Local Law No. 1 of the year 1993), which was amended by the adoption on April 4, 1994 of a Local Law Amending the Board of Ethics Law (Local Law No. 1 of the year 1994); AND

WHEREAS, pursuant to such law, this Town Board appointed five (5) members to serve on the Board of Ethics Committee; AND

WHEREAS, a vacancy exists as a result of Dan Dallmann, whose term expires on July 31, 2017, is not interested in reappointment to said Board of Ethics; AND

WHEREAS, Brandon E. Schulz-Koller has expressed interest in serving on the Board of Ethics Committee, was interviewed and recommended for appointment by said Board of Ethics; NOW, THEREFORE BE IT

RESOLVED, that Brandon Schulz-Koller of Cheektowaga, NY be and hereby is appointed to the Board of Ethics Committee of the Town of Cheektowaga effective August 1, 2017; with said appointment terminating on July 31, 2022 and, BE IT FURTHER

RESOLVED, that said appointment is contingent upon execution of Agreement of Confidentiality; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement of Confidentiality subject to approval by the Town Attorney.

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



22. RESOLUTION 2017-449

Travel Authorization Police Department

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the Canadian Critical Incident Incorporated (CCII) Fall Seminar is being held November 12, 2017 through November 15, 2017 in Niagara Falls, Ontario; AND

WHEREAS, Police Officers Michael McDonough and Scott Scharlau have been recommended to attend said seminar; 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 \$1,697.96; AND

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

RESOLVED, that Police Officers Michael McDonough and Scott Scharlau be and hereby are authorized to attend the Canadian Critical Incident Incorporated (CCII) Fall Seminar being held November 12, 2017 through November 15, 2017 in Niagara Falls, Ontario.

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



23. RESOLUTION 2017-450

Travel Authorization Police Department

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the Remington Armorer School is being held September 12, 2017 through September 15, 2017 in Ilion, New York; AND

WHEREAS, Police Officers Jacob Gawronski and Kurt Spieler 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 \$2,319; AND

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

RESOLVED, that Police Officers Jacob Gawronski and Kurt Spieler be and hereby are authorized to attend the Remington Armorer School being held September 12, 2017 through September 15, 2017 in Ilion, New York.

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



24. RESOLUTION 2017-451

Travel Authorization Community & Economic Development

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the New York State Department of State Code Enforcement Basic Training Program is being held:

- August 22 through August 24, 2017
- September 19 through September 21, 2017
- October 17 through October 19, 2017
- November 14 through November 16, 2017

in Cheektowaga, New York; AND

WHEREAS, Assistant Code Enforcement Officer Christopher Krajewski has been recommended to attend said training program; AND

WHEREAS, Director of Community Development Richard Willis 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 \$224.88; AND

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

RESOLVED, that Assistant Code Enforcement Officer Christopher Krajewski be and hereby is authorized to attend the New York State Department of State Code Enforcement Basic Training Program is being held on the dates listed above in Cheektowaga, New York.

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



25. RESOLUTION 2017-452

Travel Authorization Building and Plumbing Department (Neighborhood Preservation/Fire Safety)

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the New York State Fire Prevention and Control Fire Marshals and Inspector Seminar is being held October 17, 2017 through October 20, 2017 in Montour Falls, New York; AND

WHEREAS, Fire Inspector Joseph Ehnes has been recommended to attend said seminar; AND

WHEREAS, Supervising Code Enforcement Officer Richard Coburn 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 \$334.01; AND

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

RESOLVED, that Fire Inspector Joseph Ehnes be and hereby is authorized to attend the New York State Fire Prevention and Control Fire Marshals and Inspector Seminar being held October 17, 2017 through October 20, 2017 in Montour Falls, New York.

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

IX. Suspension of Rules

Motion by Councilmember Adamczyk, Seconded by Councilmember Magierski to waive the rules to include the following Resolution: 2017-453. Motion Carried.



1. RESOLUTION 2017-453

Appointment of Town Attorney (John Dudziak)

Sponsored By: Benczkowski, Meyers, Kaminski, Rogowski, Adamczyk, Hammer, Magierski

WHEREAS, there is a vacancy in the position of Town Attorney; AND

WHEREAS, John Dudziak, Esq., has applied for such position; AND

WHEREAS, John Dudziak, Esq. meets all of the qualifications for such position; NOW, THEREFORE, BE IT

RESOLVED, that John Dudziak, Esq., currently of Lancaster, New York be and hereby is appointed to the position of Town Attorney part time at the annual rate of \$50,000.00 effective August 8, 2017

AND BE IT FURTHER

RESOLVED, that, Chapter 25-7 of the Town Code allows for the Town to relax residency restrictions for any position of employment requiring special skills, aptitude, and expertise, AND

WHEREAS, the above position requires special skills, aptitude, and expertise as per code 25-7, NOW, THEREFORE, BE IT

RESOLVED, that, based on the above, this Town Board hereby exempts the above position and individual from the Town residency requirement.

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

X. Communications

A. Departmental Communications

1. **Minutes: Town of Cheektowaga Emergency Services - April to June 2017**
2. **Minutes: Cheektowaga Planning Board - July 13, 2017**
3. **Minutes: Cheektowaga Traffic Safety Commission - July 18, 2017**

B. General Communications

1. **Notice of Claim: Niagara Mohawk Power Corp. d/b/a National Grid vs. Town of Cheektowaga**
2. **Notice of Claim: Rocco M. Santoro vs. Town of Cheektowaga**
3. **Notice of Claim: Jessica A. Ware vs. Town of Cheektowaga**
4. **Notice of Petition: Ronald and Lisa Bolognese vs. Town of Cheektowaga**
5. **Notice of Petition: 151 Bennett Road LLC, 225 Bennett Road LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and the Town of Cheektowaga, NY**
6. **Notice of Petition: Buffalo RHM Operating LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and the Town of Cheektowaga, NY**
7. **Notice of Petition: DIP Hospitality, LLC vs. The Board of Assessors and/or the Assessor of the Town of Cheektowaga and the Board of Assessment Review**
8. **Notice of Petition: G&I IX Empire Thruway Plaza LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and the Town of Cheektowaga, NY**
9. **Notice of Petition: Holland Motor Express vs. The Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga**
10. **Notice of Petition: ML-CFC 2007-8 Genesee Street, LLC vs. The Board of Assesors and/or the Assessor of the Town of Cheektowaga and the Board of Assessment Review**
11. **Notice of Petition: Penske Truck Leasing vs. The Assessor and the Board of Assessment Review of the Town of Cheektowaga, and the Town of Cheektowaga, County of Erie, New York**
12. **Notice of Petition: Pepsi Bottling Group vs. The Assessor and the Board of Assessment Review of the Town of Cheektowaga, and the Town of Cheektowaga, County of Erie, New York**
13. **Notice of Petition: R&F Walden Avenue, LLC vs. Town of Cheektowaga**
14. **Notice of Petition: Union Consumer Improvements, LLC vs. Assessor for the Town of Cheektowaga, NY, Board of Assessment Review for the Town of Cheektowaga, NY and the Town of Cheektowaga, NY**
15. **Notice of Petition: Walgreen Eastern Co., Inc. vs. The Assessor and the Board of Assessment Review of the Town of Cheektowaga**

XI. 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.

XII. Adjournment

Motion by Councilmember Hammer, Seconded by Councilmember Adamczyk to adjourn the meeting at 7:55 PM. Motion Carried.

Vickie L. Dankowski

Town Clerk