



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Tuesday, August 8, 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 August 8, 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	Excused	
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  
John Dudziak, Town Attorney

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Meyers, Seconded by Councilmember Hammer 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. From the Table



## 1. RESOLUTION 2017-435

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### **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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk

## IX. Resolutions



## 1. RESOLUTION 2017-454

### 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:	100.1410.2201	Office Equipment	\$171.00
	100.1410.4088	Travel/Training/Conference	500.00
TO:	100.1410.4001	Office Supplies	\$671.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 2. RESOLUTION 2017-455

### Warrant

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 8, 2017 are hereby approved and made part hereof;

GENERAL FUND	\$2,735,756.24
RISK RETENTION FUND	1,080,464.17
NYS HOME PROGRAM	0.00
DEBT	2,528,945.21
HUD HOUSING REHABILITATION FUND	10,000.00
SPECIAL DISTRICTS FUND	725,017.52
HIGHWAY FUND	525,009.15
CAPITAL FUND	241,349.22
TRUST & AGENCY FUND	16,049.59
HUD CDBG FUND	64,797.58
PART TOWN FUND	113,554.17
NYS AFFORDABLE HOUSING	750.00
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	\$8,041,692.85

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



### 3. RESOLUTION 2017-456

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## Amendment - Accept Site Plan- 35,45 & 101 French Road Garden Village Plaza Redevelopment - Modification of Condition Number 9.

**Sponsored By:** Councilmember Rogowski, Supervisor Benczkowski

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

WHEREAS, the Town Board, pursuant to section 260-47.1C of the Zoning Law of the Town of Cheektowaga is vested with the authority to approve site plans and modify or reject any recommendation submitted to it by its advisory committees, AND

WHEREAS, Benderson Development Company, LLC submitted a development review application for the re-development of an existing retail plaza at 35,45 and 101 French Road, which includes the demolition of (2) existing automotive use buildings at 35 French Road and the demolition of 87,916 s.f. of an existing 117,754 s.f retail plaza building; and the construction of three (3) new warehouse /office buildings, AND

WHEREAS, 89,838 s.f. of the existing retail plaza building will be re-purposed for warehouse/office uses, and the three (3) new warehouse /office buildings will be 94,794 s.f., 26,712 s.f. and 143,669 s.f. respectively in area for a total combined building area of 355,013 s.f., AND

WHEREAS, the Town of Cheektowaga Planning Board, Cheektowaga Conservation Advisory Council , Environmental Advisory Committee and the Traffic Safety Committee have reviewed and commented on the Application and have recommended approval thereof, AND

WHEREAS, the project requires an area variance, for a proposed (10) ten foot high fence along the east property line, AND

WHEREAS, the height of the proposed fence is necessary, to mitigate potential noise impacts associated with the loading facilities along the east wall of the easterly proposed building, NOW THEREFORE BE IT

RESOLVED, that pursuant to Section 260-47-1 of the Code of the Town of Cheektowaga and Section 274-a of New York State Town Law that this Town Board approves the proposed site plan and hereby renders the following determinations with respect to the Applicant's request for Site Plan Approval for the Project:

- a. That the Site arrangement, size, design, lighting, and compatibility of buildings will function well both internally and with respect to surrounding uses and the community; and
- b. That the Project's vehicular access and circulation, including intersections, roadways,



- pavement surfaces, dividers and traffic controls appear to function efficiently if mitigation in the form of a public betterment is implemented by the applicant by reconstructing the traffic signals at the intersection of French Road and Scrivner Road and his/her easterly driveway long French Road; and
- c. That the proposed site provides for 388 off street parking spaces and, which will accommodate a maximum of 258 employees based on the town's parking requirements for warehouses/industrial uses; and
  - d. That the proposed pedestrian walkways when amended in the site plan will maximize the safety and efficiency of pedestrian movements on the Site; and
  - e. That the site's proposed drainage facilities appear to meet the demands of the Project; based on an initial review by the Town's Assistant Engineer; and
  - f. That water supply and sewage disposal facilities appear to meet the demands of the Project; based on an initial review by the Town's Assistant Engineer; and
  - g. That the Project incorporates adequate vegetation and trees when amended in the site plan; and
  - h. That the fire lanes and emergency access zones and provision of fire hydrants appear acceptable after an initial review by the Town Fire Inspector; and
  - i. That the drainage plans for the Project Site will minimize the likelihood of ponding, flooding and/or erosion; and
  - j. That the Project is not anticipated to generate significant vibration that could be detected by adjacent property owners; and
  - k. That the project is not anticipated to generate air pollution or objectionable odors; and
  - l. That the quality of surface water and sanitary sewer discharges will not be degraded as a result of the project; and
  - m. The Project will be both compatible with surrounding uses and is a significant improvement over existing conditions and the project is generally consistent with the Town's comprehensive plan.

In addition to the foregoing and as part thereof, the Town Board places the following conditions on the site plan approval:

1. The Town Engineering Department approve any amended final civil plans for which a preliminary review has already been done.
2. That 5 foot wide concrete sidewalks be installed along the French Road right of way; from the applicant's east property line to his/her west property line.
3. That an internal connecting walks be provided to the new French Road sidewalk and to the existing walk along Union Road, near the Union Road driveway.
4. The Cheektowaga Zoning Board of Appeals grants the necessary area variance for the project.

5. Additional trees be provided as requested by the Town Planner along the east yard, interior islands and westerly yards.
6. A refuse containment plan be provided for review by the Town Planner.
7. A truck circulation plan be provided with truck turning templates for review by the Town Planner.
8. That all improvements proposed within the Town of West Seneca be reviewed and approved by the Town of West Seneca.
9. ~~The applicant provide a traffic signal design for improving the intersection of Scrivner Road and French Road and file a permit with Erie County Highway Department for such signal construction work within 6 months of occupying 50% of the first building constructed.~~  
  
***The applicant provide a traffic signal design plan for improving the intersection of Scrivner Road and French Road and file a permit with the Erie County Highway Department for such signal construction work within 6 months of occupying 50% of the newly constructed 143,689 s.f. building. The applicant will not be required to meet this condition if the applicant secures access for the project to the existing traffic signal located at the intersection of Union Road and Gardenville Parkway.***
10. If the applicant desires to utilize the premises for light manufacturing activities, including food processing that an updated air resource study and acoustical evaluation be provided to the Town for review and concurrence.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



#### 4. RESOLUTION 2017-457

### Approval of Change Order No. 1 - Professional Services for Traffic Signal Improvements

**Sponsored By:** Supervisor Benczkowski, Councilmember Hammer

WHEREAS, the contract to perform professional services for the design of new traffic signals was awarded to DiDonato Associates, P.E., P.C., 689 Main Street, Buffalo, New York 14203 by Town Board Resolution dated November 3, 2014, AND

WHEREAS, additional site inspections beyond the original scope of the project, in the amount of \$13,097.50, were conducted due to construction delays caused by the contractor, Ferguson Electric Construction Company, AND

WHEREAS, by Town Board Resolution dated July 25, 2017, Change Order No. 1 (Ferguson) was approved, **crediting the Town \$13,097.50**, the value of the additional site inspections caused by contractor delays, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (DiDonato) in the amount of \$13,097.50 as an addition to the contract of DiDonato Associates P.E., P.C. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that said Change Order No. 1 (DiDonato) is at **no additional cost to the Town** due to credit from contractor delays (Change Order No. 1 Ferguson), 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 5. RESOLUTION 2017-458

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### Approval of Change Order No. 3 - Concrete Installation

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**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, as part of the original scope of work in said contract sidewalks were replaced along Shanley Street, Pleasant Parkway, Willowlawn Parkway, Meadowbrook Parkway and Griswold Street, AND

WHEREAS, these aforementioned sidewalks are located within a HUD determined income eligible area and as a result, the improvements were funded with Community Development Block Grant Funds, AND

WHEREAS, the replacement work came in under budget, AND

WHEREAS, numerous calls came in from two (2) adjoining streets, i.e., Cochrane Street and Clinton Street from Meadowbrook Parkway to Cochrane Street, requesting sidewalk improvements along these streets as well, AND

WHEREAS, both Cochrane Street and the segment of Clinton Street fall within the HUD determined income eligible target area, AND

WHEREAS, after discussions with the Director of Community Development and the Capital Improvements Committee, it has been recommended that the savings from the original work coming in under budget be utilized for the additional work on Cochrane Street and various portions of Clinton Street from Meadowbrook Parkway to Cochrane Street, 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 original cost to perform this work was budgeted at \$320,000.00 with Community Development Block Grant Funds, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 for Concrete Installation in the amount of \$1,137.20, as a deduction to the original contract for the aforementioned Concrete Installation be and hereby is approved, 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. 3.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 6. RESOLUTION 2017-459

### Approval of Change Order No. 4 - 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, part of the original scope of work was for shelter pad replacement at Nokomis and Hanley Parks, AND

WHEREAS, the Anna Reinstein Memorial Library is a building owned and maintained by the Town of Cheektowaga, AND

WHEREAS, the Director of the Buffalo and Erie County Public Library contacted the Town about the condition of the existing concrete entrance to the Anna Reinstein Memorial Library, AND

WHEREAS, it was determined that the concrete entrance to the Anna Reinstein Memorial Library was in need of replacement, AND

WHEREAS, the concrete replacement work at the Anna Reinstein Library would replace the proposed shelter pad replacement in the original contract scope of work for concrete installation, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 4 for the sidewalk replacement at the Anna Reinstein Memorial Library in the amount of \$11,252.40 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 General Crew Chief of the Facilities Department, 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. 4.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 7. RESOLUTION 2017-460

### Approval of Change Order No. 1 (Final) Town Records Center

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the proposal to perform masonry restoration at the Town Records Center was awarded by Town Board Resolution dated May 23, 2017 to FSR Contracting, 3737 Lakeshore Road, Blasdell, New York 14219 in the amount of \$20,860.00, AND

WHEREAS, upon further investigation, while the contractor was on site, additional repairs needed to be addressed near the existing roof overhangs beyond the original scope of the project, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 (Final) for the masonry restoration to the Town Records Center, as an addition to the contract in the amount of \$1,800.00 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute said Change Order No. 1 (Final) documents on behalf of this Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 8. RESOLUTION 2017-461

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### Award of Bid - Entry Gate at the Firing Range

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**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Police Firing Range, located on Scott Place, is in need of a new entry gate at the site entrance, AND

WHEREAS, the existing gate has deteriorated to a level that site security has become a concern, AND

WHEREAS, two (2) written estimates have been received to provide two (2) new aluminum rolling gates with barbed wire to replace the existing gates, NOW, THEREFORE, BE IT

RESOLVED, that the contract for two (2) new 12' aluminum rolling gates with barbed wire be awarded to Excel Fence, Inc., 10760 Alleghany Road, Darien Center, New York 14040, for the total price of \$8,180.00 for material and installation, AND, BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk





## 9. RESOLUTION 2017-462

### **Award of Bid for Demolition and Asbestos Abatement of 17 Yvette Drive (BID 2017-28 LAW)**

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, a Notice to Bidders was advertised for the Demolition and Asbestos Abatement of structures at **17 Yvette Drive (BID 2017-28 LAW)**; and

WHEREAS, bid proposals were received and opened on **July 26, 2017** for said demolition and asbestos abatement; and

WHEREAS, the proposals were reviewed by the Town Attorney's Office and based on the proposals submitted, they have recommended that this Town Board award the bid for the demolition and asbestos abatement of the structures at **17 Yvette Drive to Apollo Dismantling Services, LLC**; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition and asbestos abatement of structures located at **17 Yvette Drive** to

**Apollo Dismantling Services, LLC  
4511 Hyde Park Boulevard  
Niagara Falls, New York 14305**

for the bid price of **\$48,800.00**, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with **Apollo Dismantling Services, LLC**. for the aforesaid services; and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 0800-800-0440.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 10. RESOLUTION 2017-463

### Accept Proposal for Variable Frequency Drive (VFD) Installation at the Roycroft Pump Station

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, the new monitoring system at the Roycroft Pump Station has shown that the station is experiencing an increase in power demand when sanitary pumps #1 and #2 start and engage, and it is known that the pumps, check valves and piping experience a hammer effect at start-up and stopping, AND

WHEREAS, the replacement of the two (2) existing size 3 motor starters with two (2) new 20 hp variable frequency drive controls will reduce the power demand at start-up, eliminate the hammer on the pumps, valves and piping, and provide flexibility in controlling flows, AND

WHEREAS, the pump manufacturer, Xylem Water Solutions USA, Inc. has submitted a proposal to install the new VFD controls and perform related work, NOW, THEREFORE, BE IT

RESOLVED, that the bid submitted by Xylem Water Solutions USA, Inc., 600 Mile Crossing Boulevard, Suite 3, Rochester, New York 14624 be and hereby is accepted for an amount not to exceed \$15,522.52, AND, BE IT FURTHER

RESOLVED, that funding for said controls installation shall be chargeable to Account No. 255-8125-2550.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 11. RESOLUTION 2017-464

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### Call for Public Hearing - Rezoning Request - 4714,4720 &4728 Transit Road

**Sponsored By:** Councilmember Rogowski, Councilmember Meyers

WHEREAS, Young Development Inc. has made application with the permission of the land owners, David E. Knauss and Gene Di Rosa and has requested the rezoning of 4714, 4720 and 4728 Transit Road from NS- Neighborhood Services to RA- Apartment District for the construction of four (4) ten unit apartment buildings , NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 22, 2017 at 6:45 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.



#### Notice of Public Hearing

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, 3301 Broadway corner of Union Road on the 22<sup>nd</sup> day of August, 2017 at 7:00 o'clock P.M., of said day for the purpose of considering the application of:

Young Development Inc.

For the rezoning of 4714, 4720 and 4728 Transit Road from NS- Neighborhood Services to RA- Apartment District for the construction of four (4) ten unit apartment buildings.

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, Town of Cheektowaga, NY

VICKIE L. DANKOWSKI, TOWN CLERK



All that tract or parcel of land situate in Town of Cheektowaga, County of Erie, and State of New York, being part of Lot Number 42, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

Beginning at a point in the center line of Transit Road, said center line being the east line of Lot Number 42, at a point 225.0 feet north of the south line of Lot Number 42; Thence westerly along a line parallel to the south line of said Lot, a distance of 50.01 to the True Point and Place of Beginning said point being on the westerly line of Transit Road; Thence continuing westerly along a line parallel to the south line of said Lot, a distance of 384.55 feet to the

southeasterly corner of lands on map file in Erie County Clerk's Office under Cover Number 2273; Thence northerly along the easterly line of said subdivision map, a distance of 549.20 feet to a point; Thence easterly along the southerly line of said subdivision map, a distance of 385.0 feet to a point on the westerly line of Transit Road; thence southerly and along the westerly line of Transit Road, a distance of 547.87 feet to the point and place of beginning; Parcel containing 4.845 acres of land, more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Rogowski, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 12. RESOLUTION 2017-465

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### **Call for Public Hearing Local Law Intro No. 2017-8 of the Year 2017 - A Local Law to Amend and Replace Peddling and Soliciting Law**

**Sponsored By:** Councilmember Hammer, Councilmember Meyers

WHEREAS, Chapter 179 of the Code of the Town of Cheektowaga, entitled "Peddling and Soliciting" was adopted by the Town Board on October 21, 1985, and

WHEREAS, said law requires any Peddler or Solicitor to obtain a permit from the Town Clerk and to otherwise comply with the other provisions of said law, and

WHEREAS, the Town Board has recommended that this law be amended and replaced and that a new "Peddling, Soliciting, Transient Business and Mobile Food Vending" Law be enacted, and

WHEREAS, the Town Attorney's Office has drafted a new Peddling, Soliciting, Transient Business and Mobile Food Vending Law , and, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 22nd day of August, 2017 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2017-8 of the Year 2017 entitled "A Local Law to Amend and Replace the Peddling and Soliciting Law" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.



#### **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, 3301 Broadway, Cheektowaga, New York, on the 22nd day of August, 2017 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2017-8 of the Year 2017, entitled "A Local Law to Amend and Replace the Peddling and Soliciting Law". A summary of such Local Law is as follows:

**LOCAL LAW INTRO NO. 2017-8 OF THE YEAR 2017****A LOCAL LAW TO AMEND AND REPLACE THE PEDDLING AND SOLICITING LAW**

This local law would amend and replace the existing Peddling and Soliciting Law and replace it with a new "Peddling, Soliciting, Transient Businesses and Mobile Food Vending Law" which would generally require Peddler's and Solicitor's which operate in the Town of Cheektowaga to obtain permits from the Town Clerk, to pay the requisite fees for said permits and to otherwise comply with the provisions of said law.

A copy of the entire text of the proposed new "Peddling, Soliciting, Transient Businesses and Mobile Food Vending" Law" is on file in the Town Clerk's Office, where the same can be viewed during regular business hours.

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

Vickie L. Dankowski,  
Town Clerk

DATED: August 8, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



13. RESOLUTION 2017-466

**Notice to Bidders - Reroofing the Julia Boyer Reinstein Library (Bid #2017-31)**

**Sponsored By:** Councilmember Kaminski, Councilmember Rogowski

WHEREAS, it is in order that bids be advertised for Reroofing the Julia Boyer Reinstein Library, 1030 Losson Road, Cheektowaga, NY, AND

WHEREAS, the Cheektowaga Engineering Department has prepared specifications for the aforesaid project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Reroofing the Julia Boyer Reinstein Library, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 6th day of September, 2017 at 11:00 am at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

\* \* \* \* \*

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 am on the 6th day of September, 2017. All bids will be publicly opened and read at 11:00 am at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, labor and incidentals required for the Reroofing of the Julia Boyer Reinstein Library, 1030 Losson Road, Cheektowaga, NY 14227, and all related work, complete in place, tested and ready for use in accordance with the contract documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Vickie Dankowski, Town Clerk, and marked as "Reroofing the Julia Boyer Reinstein Library".

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be secured at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227.

The work shall be completed within 30 consecutive calendar days, to begin five (5) days after the "Notice to Proceed" has been issued.

**A pre-bid inspection will be held at the site at 10:00 am on Thursday, August 31, 2017. Due to existing conditions, it is strongly recommended Contractor's be present at pre-bid inspection.**

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Owner and in accordance with law, are herewith reserved.

Vickie Dankowski  
Town Clerk

DATED: August 8, 2017

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gerald Kaminski, Councilmember
<b>SECONDER:</b>	James P. Rogowski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk





## 14. RESOLUTION 2017-467

### Approve Purchase of One (1) 14' Dump Body, Sides-54 Gate

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, The Highway Department has requested authorization to purchase One (1) 14' Dump Body, 48" Sides-54 Gate, AND

WHEREAS, General Municipal Law 103 (16) permits the purchase of equipment, etc. through the use of a contract led by a political subdivision of New York State if such political subdivision's contract was let in a manner that constitutes competitive bidding consistent with New York State law and is made available for use by other governmental entities, AND

WHEREAS, as specified in the Oneida County Contract, Bid Results Contract Number 1889, Item Number 5 making its bidding procedures available to other governmental entities in accordance with General Municipal Law Section 103 (16), AND

WHEREAS, the Cheektowaga Highway Department has reviewed the bidding materials and procedures compiled by the Oneida County Contract, and have determined that same are compliant with New York State law including General Municipal Law 103, NOW THEREFORE BE IT,

RESOLVED, that the Town Board hereby authorizes the purchase of One (1) 14' Dump Body, 48" Sides-54 Gate in the amount of \$21,500.00 from Valley Fab and Equipment, Inc., 9766 Trevett Road, P.O. Box 380, Boston, NY 14025, where funds for said purchase have been budgeted and is available under account number 300.5130.2407.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 15. RESOLUTION 2017-468

### Authorize Supervisor to Execute Agreement with Erie County Water Authority for Waterline Replacement Along Woodbine Pl. and Evergreen Pl.

**Sponsored By:** Councilmember Meyers, Councilmember Kaminski

WHEREAS, Woodbine Place and Evergreen Place are Town highways maintained by the Town Highway Department, and

WHEREAS, the Town Highway Department will be reconstructing Woodbine Place and Evergreen Place in 2017, and

WHEREAS, the Erie County Water Authority (ECWA) intends to replace waterlines along said roads, and

WHEREAS, rather than install the waterlines itself, the ECWA has offered to remit the sum of \$415,000 to the Town if the Town, or its contractor, installs the waterlines along Woodbine and Evergreen Place while the Town reconstructs said roads, and

WHEREAS, the attorney for the ECWA has prepared a Municipal Cooperation Agreement for said project; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement on behalf of the Town, subject to approval by the Town Attorney's Office.

Motion by Councilmember Magierski, Seconded by Councilmember Meyers to amend the Resolution to change Clover Place to Evergreen Place in second paragraph. Motion Carried.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 16. RESOLUTION 2017-469

### Authorize Supervisor to execute Municipal Cooperation Agreement For The Sharing Of Attorneys To Defend Assessment Challenges

**Sponsored By:** Councilmember Magierski, Councilmember Hammer

WHEREAS, the Assessor of the Town of Cheektowaga has authority to assess certain real property located within the boundaries of the Town of Cheektowaga, including the Villages of Sloan and Depew, for real property tax purposes, and

WHEREAS, the SCHOOL DISTRICT obtains tax revenue from properties located within the SCHOOL DISTRICT boundaries, which boundaries are contained within the Town of Cheektowaga, and

WHEREAS, owners of properties located in the SCHOOL DISTRICT boundaries may make legal challenges to the assessment of their properties, and

WHEREAS, the TOWN and SCHOOL DISTRICT retain attorneys to defend the SCHOOL DISTRICT and the TOWN on these assessment challenges, and

WHEREAS, the TOWN and SCHOOL DISTRICT (collectively referred to as the "Parties") wish to enter into a municipal cooperation agreement to share legal services relating to defending assessment challenges to properties within the SCHOOL DISTRICT boundaries, and

WHEREAS, the Agreement between both parties has been prepared to accomplish this, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Agreement between the Town of Cheektowaga and the Cheektowaga Central School District through June 30, 2018 subject to approval by the Town Attorney.

Motion by Councilmember Magierski, Seconded by Councilmember Hammer to change Resolution to reflect the date 6/30/2018 in last paragraph. Motion Carried.

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



## 17. RESOLUTION 2017-470

### SPECIAL EVENT - Infant of Prague Church Lawn Fete

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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, Infant of Prague Church has made application to hold its annual Church Lawn Fete on Friday, August 25th (4:00 p.m. - 12:00 a.m.) and Saturday, August 26th, 2017 (12:00 p.m. - 12:00 a.m.) on Church grounds; and, as a result of this Lawn Fete, they are also requesting a street closing of Foisset Avenue from Cleveland Drive to end of Church property, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Highway Department and 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:

- 1) Submittal of plan for sanitary facilities;
- 2) Submittal of site plan;
- 3) Requirement that application be made at least 60 days prior to the date of the special event;
- 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 Infant of Prague Church for said Lawn Fete and street closing on Friday, August 25th and Saturday, August 26th, 2017 as stated above; AND BE IT FURTHER

RESOLVED, that the Town Clerk shall forward a copy of this resolution to the Chief of Police Dave Zack.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 18. RESOLUTION 2017-471

### **SPECIAL EVENT - Federation of German-American Societies**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

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 Federation of German-American Societies has made application to hold its annual German Fest at Cheektowaga Town Park on Saturday, September 2nd, 2017 and Sunday, September 3rd, 2017 (1:00 p.m. to 10:00 p.m.); and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Federation of German-American Societies for the aforementioned German Fest to be held in Cheektowaga Town Park on Saturday, September 2nd and Sunday, September 3rd, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 19. RESOLUTION 2017-472

### SPECIAL EVENT - Energy for Life Walkathon

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, by resolution dated May 1, 1995, the Town Board adopted a Special Events policy, which requires any one 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 United Mitochondrial Disease Foundation has made application to hold its "Energy for Life Walk-a-thon" at Cheektowaga Town Park Lions Pavilion on Saturday, September 16th, 2017 starting at 1 p.m., and

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

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

- Submittal of plan for sanitary facilities;
- Submittal of site plan;
- Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the United Mitochondrial Disease Foundation for the aforementioned "Energy for Life Walk-a-thon" at the Cheektowaga Town Park Lions Pavilion to be held on Saturday, September 16th, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 20. RESOLUTION 2017-473

### **SPECIAL EVENT - Cheektowaga Police Charity Softball Tournament**

**Sponsored By:** Councilmember Meyers, Supervisor Benczkowski

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 has made application to hold its Charity Softball Tournament in Stiglmeier Park on Saturday, September 23rd, 2017 starting at 9:00 a.m., and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Facilities Department and Youth & Recreational Services Department, and

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

- Submittal of plan for sanitary facilities;
- Submittal of site plan;
- Submittal of Security Plan;
- 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 for the aforementioned Charity Softball Tournament to be held on Saturday, September 23rd, 2017 in Stiglmeier Park.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Timothy J. Meyers, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 21. RESOLUTION 2017-474

### 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 8/9/17  
Jonathan D. Senn, Depew, New York

JUSTICE COURT Clerk \$9.70/hour effective 8/23/17  
Diane Blake, Cheektowaga, New York; AND

WHEREAS, the Town has received a grant from Local Initiatives Support Corporation (LISC) for "Zombie and Vacant Properties Remediation and Prevention Initiatives" and as part of the grant there is a need to hire a part-time Assistant Code Enforcement Officer; NOW, THEREFORE

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department listed 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:

OFFICE OF COMMUNITY DEVELOPMENT Assistant Code Enforcement Officer \$17.00/hour effective 8/14/17 (Line to be charged 100.1910.4722)  
Michael A. Sisti, Cheektowaga, New York; AND

BE IT RESOLVED, that the following individual be and hereby is hired as a **REGULAR PART-TIME EMPLOYEE** in the department listed 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:

OFFICE OF THE TOWN CLERK (Tax Office) Clerk \$16.00/hour effective 8/14/17  
Alexandra M. Wachowski, Cheektowaga, New York; AND

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

POLICE DEPARTMENT  
Mark J. Dyl effective 8/2/17

FACILITIES DEPARTMENT  
Jessica J. Full effective 7/10/17  
Ryan E. Pocobello effective 5/14/17

SANITATION DEPARTMENT



Michael J. Cristina effective 7/15/17

Motion by Councilmember Rogowski, Seconded by Councilmember Magierski to waive the reading of names for the following Resolution: 2017-474. Motion Carried.

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



## 22. RESOLUTION 2017-475

### **Appointment of Electrician (Non-Competitive/Permanent) Facilities Department (Building and Grounds Division) David Saskowski**

**Sponsored By:** Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the title of Electrician in the Facilities Department (Buildings and Grounds Division); AND

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

WHEREAS, David P. Saskowski, currently employed as a Motor Equipment Operator - B in the Sanitation Department, bid on said position and is eligible for appointment; NOW, THEREFORE, BE IT

RESOLVED, that David P. Saskowski of Cheektowaga, New York, be and hereby is appointed to the position of Electrician in the Facilities Department (Buildings and Grounds Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective August 9, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Timothy J. Meyers, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 23. RESOLUTION 2017-476

### **Appointment of Motor Equipment Operator - B (Non-Competitive/Permanent) Sanitation Department/Marc P. Beang**

**Sponsored By:** Supervisor Benczkowski, Councilmember Kaminski

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

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

WHEREAS, Marc P. Beang, of Cheektowaga, New York, currently a Laborer in the Sanitation Department, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Marc P. Beang of Cheektowaga, New York, be and hereby is appointed to the position of Motor Equipment Operator - B 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 August 9, 2017.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Gerald Kaminski, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk



## 24. RESOLUTION 2017-477

### Travel Authorization Building & Plumbing Department

**Sponsored By:** Councilmember Hammer, Supervisor Benczkowski

WHEREAS, New York State Code Enforcement Basic Training is being held in Cheektowaga, New York; AND

WHEREAS, Part-Time Sewer Inspector Robert Latshaw, Assistant Code Enforcement Officer Kyle Henrikson and Part-Time Sewer Inspector Walter Weishaupt have been recommended to attend said training on the following dates:

Robert Latshaw	September 19, 2017 - September 21, 2017
Kyle Henrikson	August 22, 2017 - August 24, 2017 September 19, 2017 - September 21, 2017 October 17, 2017 - October 19, 2017 November 14, 2017 - November 16, 2017
Walter Weishaupt	August 22, 2017 - August 24, 2017; 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, there shall be no cost to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Part-Time Sewer Inspector Robert Latshaw, Code Enforcement Officer Kyle Henrikson and Part-Time Sewer Inspector Walter Weishaupt be and hereby are authorized to attend the New York State Code Enforcement Basic Training being held on the dates enumerated above in Cheektowaga, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Linda Hammer, Councilmember
<b>SECONDER:</b>	Diane Benczkowski, Supervisor
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk

## **X. Suspension of Rules**

Motion by Councilmember Rogowski, Seconded by Councilmember Hammer to waive the rules to include the following Resolution: 2017-478. Motion Carried.



## 1. RESOLUTION 2017-478

### Satisfaction of Mortgage - Accept Settlement Proposal

**Sponsored By:** Supervisor Benczkowski, Councilmember Hammer

WHEREAS, on May 13, 1996 Warren B. Steinthal and Lorrie A. Steinthal (Mortgagor) of 43 Christa Place, Cheektowaga, NY executed a mortgage in favor of the Town of Cheektowaga (Mortgagee) in the amount of \$23,391.00; and

WHEREAS, the interest rate on this deferred-payment loan is 0.0% while the loan is deferred; and

WHEREAS, said mortgage became due and payable in the event of the sale of said premises, foreclosure, or any transfer of title to the premises; and

WHEREAS, Warren B. Steinthal is now deceased and Lorrie A. Steinthal, through her attorney Nancy W. Saia has represented to the Town of Cheektowaga that due to the severely dilapidated state of the premises at 43 Christa Place she is unable to sell the property to cover all outstanding liens; and

WHEREAS, Lorrie A. Steinthal, through her attorney Nancy W. Saia, has offered the Town of Cheektowaga the sum of \$17,071.01 toward full satisfaction of said mortgage to be paid directly out of the proceeds of the sale; and

WHEREAS, Town of Cheektowaga Deputy Attorney Melissa A. Reese, Esq. has recommended that the Town of Cheektowaga settle this matter, and

WHEREAS, this settlement is in the best interest of the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that the Town Board accepts the above settlement proposal and the Supervisor be and hereby is authorized to execute and procure all papers necessary to effectuate said payment of the above mentioned mortgage.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Diane Benczkowski, Supervisor
<b>SECONDER:</b>	Linda Hammer, Councilmember
<b>AYES:</b>	Benczkowski, Rogowski, Kaminski, Meyers, Hammer, Magierski
<b>EXCUSED:</b>	Christine Adamczyk

## **XI. Communications**

### ***A. Departmental Communications***

1. **Supervisor's Statement of Funds: May 2017**
2. **Supervisor's Statement of Funds: June 2017**
3. **Minutes: Cheektowaga Conservation Advisory Council - July 7, 2017**

### ***B. General Communications***

1. **Request to Speak: Kim Spence, 51 Bahama Lane Cheektowaga NY - Concern of water problems on Bahama Lane**
2. **Notice of Claim: Brian Botens vs. Town of Cheektowaga**
3. **Notice of Claim: William Martin vs. Town of Cheektowaga**
4. **Summons and Complaint: Kathleen Czerniejewski vs. Town of Cheektowaga**
5. **Summons: Wells Fargo Bank, N.A. vs. Marie Osika a/k/a Marie T. Osika, Town of Cheektowaga, Etal Premises: 116 Autumn Lea Road**
6. **Notice of Petition: 80 Sonwil, LLC vs. Town of Cheektowaga**
7. **Notice of Petition: 3100 Genesee Street, LLC vs. Town of Cheektowaga**
8. **Notice of Petition: 3500 Genesee Associates, LLC vs. Town of Cheektowaga**
9. **Notice of Petition: 3770 Union Road, LLC a/k/a North Brunswick Route 1, LLC vs. Town of Cheektowaga**
10. **Notice of Petition: 5579 East River Road, LLC vs. Town of Cheektowaga**
11. **Notice of Petition: ATA Associates vs. The Board of Assessment Review for the Town of Cheektowaga, the Assessor of the Town of Cheektowaga and the Town of Cheektowaga, New York**
12. **Notice of Petition: Bhavani Group, Inc. vs. Town of Cheektowaga**
13. **Notice of Petition: Margaret M. Brezowski vs Town of Cheektowaga**
14. **Notice of Petition: Buffalo WVP Associates, LLC vs. The Town of Cheektowaga, New York and its Assessor and Board of Assessment Review**
15. **Notice of Petition: John C. Deinhart vs. Town of Cheektowaga**
16. **Notice of Petition: Derrick Corporation/Vacant vs. Town of Cheektowaga**
17. **Notice of Petition: Derrick Corporation vs. Town of Cheektowaga**

18. Notice of Petition: G&I IX Empire Thruway Plaza, LLC c/o Wal-Mart Real Estate Trust vs. Board of Assessment Review and/or Assessor of the Town of Cheektowaga and the Town of Cheektowaga, County of Erie, New York
19. Notice of Petition: Garden Village vs. Town of Cheektowaga
20. Notice of Petition: Goldi Group, Inc. vs. Town of Cheektowaga
21. Notice of Petition: HD Development of Maryland Inc. vs. Board of Assessment Review and/or Assessor of the Town of Cheektowaga and the Town of Cheektowaga, County of Erie, New York
22. Notice of Petition: Idylwood LLC and Morgan Management for itself and as agent-in-fact for Idylwood LLC vs. The Board of Assessment Review for the Town of Cheektowaga; the Assessor of the Town of Cheektowaga and the Town of Cheektowaga, New York
23. Notice of Petition: Idylwood Land Corp. vs. Board of Assessment Review and Assessor of the Town of Cheektowaga and the Town of Cheektowaga
24. Notice of Petition: Ingersoll Rand Company vs. The Assessor for the Town of Cheektowaga, the Board of Assessment Review for the Town of Cheektowaga and the Town of Cheektowaga in the County of Erie, New York
25. Notice of Petition: Ingersoll Rand Company vs. The Assessor for the Town of Cheektowaga, the Board of Assessment Review for the Town of Cheektowaga and the Town of Cheektowaga in the County of Erie, New York
26. Notice of Petition: Intelligent Financial Systems F/K/A P. Ledoux, Inc. vs. Town of Cheektowaga
27. Notice of Petition: KQ Bell Towers of Erie LLC and MM Bell Towers of Erie LLC vs. Board of Assessment Review and Assessor of the Town of Cheektowaga and the Town of Cheektowaga
28. Notice of Petition: Kabir's LLC vs. Town of Cheektowaga
29. Notice of Petition: Daniel and Pamela Koscielny vs. Town of Cheektowaga
30. Notice of Petition: LoVullo Associates, Inc. & Marauder Enterprises LLC vs. Town of Cheektowaga
31. Notice of Petition: M & A United, Inc. vs. Town of Cheektowaga
32. Notice of Petition: James A. Maguire, Jr. vs. The Board of Assessment Review for the Town of Cheektowaga; the Assessor of the Town of Cheektowaga and the Town of Cheektowaga, New York
33. Notice of Petition: McDonald's USA, LLC vs. Town of Cheektowaga
34. Notice of Petition: Montante Properties LLC a/k/a 3959 Union Road vs. Town of Cheektowaga
35. Notice of Petition: Tyson R. Prince vs. Town of Cheektowaga
36. Notice of Petition: RMF Holding, Inc. vs. Town of Cheektowaga



37. **Notice of Petition: Rite Aid Corporation/Eckerd Corporation vs. Town of Cheektowaga Board of Assessment Review and Assessor of the Town of Cheektowaga and the Town of Cheektowaga, Erie County, New York**
38. **Notice of Petition: Matt Robel vs. Town of Cheektowaga**
39. **Notice of Petition: Rotor Motion, Inc. vs. Town of Cheektowaga**
40. **Notice of Petition: Sonwil Real Estate Inc. a/k/a 50-60 Sonwil Drive vs. Town of Cheektowaga**
41. **Notice of Petition: Sonwil Real Estate Inc. a/k/a 100 Sonwil Drive vs. Town of Cheektowaga**
42. **Notice of Petition: Sonwil Distribution Center a/k/a 150 Sonwil Drive vs. Town of Cheektowaga**
43. **Notice of Petition: Sonwil Distribution Center a/k/a 200 Sonwil Drive vs. Town of Cheektowaga**
44. **Notice of Petition: Sonwil Distribution Center Inc. a/k/a 250 Sonwil Drive vs. Town of Cheektowaga**
45. **Notice of Petition: Urbandale Development vs. Town of Cheektowaga**
46. **Notice of Petition: Walmart Real Estate Business Trust #6673 vs. Board of Assessment Review and/or Assessor of the Town of Cheektowaga and the Town of Cheektowaga, County of Erie, New York**
47. **Notice of Petition: Williamstowne Senior Apartments 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**

Motion by Councilmember Hammer, Seconded by Councilmember Meyers to enter into Executive Session at 8:10 PM. Motion Carried.

Vickie L. Dankowski

Town Clerk