



Town of Cheektowaga

Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski
716-686-3434

Tuesday, September 26, 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 September 26, 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	Excused	

2. Additional Attendees

Raymond Bobeck, General Crew Chief, Sewer Department
Patrick Bowen, Town Engineer
Robert Brandon, Zoning Board Chairman
John Jaroszewski, General Crew Chief, Parks Division
Stanley Kaznowski, III, Planning Board Chairman
Brian Krause, Director of Finance and Administration
Karen Marchese, Coordinator of Employee Relations
Jill Oxley, Assessor
Kerry Peek, Senior Services Director
John Dudziak, Town Attorney
Mark Wegner, Highway Superintendent

V. Recognition

VI. Approve Minutes

Motion by Councilmember Meyers, Seconded by Councilmember Hammer to approved the minutes. Motion Carried.

VII. Public Comment Period

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

VIII. Presentation

Budget Advisory Committee

IX. Resolutions



1. RESOLUTION 2017-528

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:	100.1410.4431	Equipment Maintenance	\$1,500.00
	100.7310.1901	Regular Payroll	4,174.00
	100.1355.4411	Petition Filing Refunds	500.00
	100.7310.1971.1811	Conservation Corps. Supervisors	6,000.00
	100.7310.1971.1811	Conservation Corps. Supervisors	6,000.00
	100.7310.1971.1811	Conservation Corps. Supervisors	5,000.00
	100.7140.1971.1646	Sports Camps	3,500.00
	100.7140.1971.1632	Dartwood Camp Salaries	1,841.00
	100.7180.1971.1901	Bathhouse Attendants	1,000.00
	100.3120.4321	Data Processing Services	3,350.00
TO:	100.1410.4001	Office Supplies	\$1,500.00
	100.7310.4475	Consultants	4,174.00
	100.1355.4082	Seminars, Memberships, Training	500.00
	100.7180.1971.1902	Supervisors-Pool	6,000.00
	100.7180.1971.1903	Lifeguard-Pool	6,000.00
	100.7310.1971.1816	Youth Conservation Corps.-Regular	5,000.00
	100.7140.1971.1636	Soccer Salaries	3,500.00
	100.7140.1971.1624	Polish Festival Support	1,841.00
	100.7310.1971.1814	Teen Center Initiative	1,000.00
	100.3120.4510	Urgent Outsourced Services	3,350.00

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



2. RESOLUTION 2017-529

Warrant

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 26, 2017 are hereby approved and made part hereof;

GENERAL FUND	\$2,990,308.81
RISK RETENTION FUND	1,064,991.23
NYS HOME PROGRAM	0.00
DEBT	0.00
HUD HOUSING REHABILITATION FUND	180,539.50
SPECIAL DISTRICTS FUND	855,124.17
HIGHWAY FUND	495,940.24
CAPITAL FUND	882,872.15
TRUST & AGENCY FUND	11,877.95
HUD CDBG FUND	188,896.14
PART TOWN FUND	115,835.74
NYS AFFORDABLE HOUSING	0.00
	<hr/>
	\$6,786,385.93

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



3. RESOLUTION 2017-530

Award of Contract for the Removal of Dangerous Conditions at 95 Pinehurst Avenue

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises thereof or vacant land shall be maintained in clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe tree on the premises located at 95 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-3-43 that is a danger to the safety of others, and records kept by the Assessor's Office identify Messrs. Thomas and William Maurman, 95 Pinehurst Avenue, Cheektowaga, New York 14225, as the owners AND

WHEREAS, an inspection of such premises was conducted at 95 Pinehurst Avenue on September 20, 2017 by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be a hazard, and a danger to the safety and wellbeing of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owners in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owners failed to take actions to safeguard the premises, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the premises to protect the health and safety of others and abate all nuisances and that pursuant to Section 70-31D and Section 70 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the property yard be kept clean and free of hazards. Where the presence of a dead, dying, diseased and/or distressed tree(s) are apparent, they shall be removed and the land brought back to a safe condition and insure that the premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office issued a Request for Proposals to nine (9) professional tree removal companies for tree removal at 95 Pinehurst Avenue, AND

WHEREAS, one (1) proposal was received, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office reviewed the proposal, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office

has recommended that The Davey Tree Expert Company be retained based on its proposal of \$1,250.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of The Davey Tree Expert Company, 1200 Commerce Parkway, Lancaster, NY 14086 for tree removal services at 95 Pinehurst Avenue be hereby approved and accepted; AND BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign any contract or other document that may be necessary for said work to proceed, subject, however, to approval by the Town Attorney.

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



4. RESOLUTION 2017-531

Approve Purchase of One (1) 2017 Ford F250 Pickup

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, The Highway Department has requested authorization to purchase One (1) 2017 Ford F250 Pickup, AND

WHEREAS, purchase is being made off of New York State OGS Contract #PC66774, AND

WHEREAS, the Highway Department has requested authorization to purchase One (1) 2017 Ford F250 Pickup off the New York State OGS contract # PC66774 for use by the Superintendent of Highway, 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 authorize to purchase One (1) 2017 Ford F250 Pickup in the amount of \$42,175.32 from:

Delacy Ford
3061 Transit Road
P.O. Box 437
Elma, NY 14059-0437

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



5. RESOLUTION 2017-532

Authorize the Purchase of Technical Desktop Services Software

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town currently utilizes Technical Desktop Services software from BMC Software, Inc., specifically designed for Information Technology Departments to provide Help Desk Support for Town departments; and

WHEREAS, an upgrade to a new system through Freshdesk is necessary and cost effective and will provide enhanced and highly efficient components within a new system which will be hosted by Freshworks, Inc.; and

WHEREAS, since this new computer software system and maintenance involve professional services, they are exempt from competitive bidding under New York State law; and

WHEREAS, this purchase will enable the Town's Technology Department to better track and manage desktop support functions; and

WHEREAS, Freshworks, Inc., is based on a monthly user fee of \$350/mo.; and

WHEREAS, funds are available for said purchase; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the purchase of the aforesaid software, together with ancillary services as more particularly stated on the website of Freshworks, Inc.; and BE IT FURTHER

RESOLVED, that funding for said purchase shall be appropriated from budget line item 100.1680.4434; and BE IT FURTHER

RESOLVED, that the Director of Information Technology be and hereby is authorized and directed to set up the Freshdesk Account with Freshworks, Inc. subject to approval by the Supervisor and the Town Attorney.

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



6. RESOLUTION 2017-533

Call for Public Hearing - Rezoning Request 3535 Genesee Street

Sponsored By: Councilmember Rogowski, Councilmember Meyers

WHEREAS, Tyler Cooper of Dent Pro Buffalo, LLC has made application with the permission of the land owner and requested the rezoning of 3535 Genesee Street from CM - General Commercial to MS- Motor Service District to permit the conversion of an existing lawful nonconforming motor repair garage to a collision repair facility, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 10, 2017 at 7:00 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 10th day of October, 2017 at 7:00 P.M., of said day for the purpose of considering the application of:

Dent Pro Buffalo, LLC

For the rezoning of 3535 Genesee Street from CM - General Commercial to MS- Motor Service District to permit the conversion of an existing lawful nonconforming motor repair garage to a collision repair facility.

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 the Town of Cheektowaga, County of Erie, State of New York, and is more particularly described as follows;

being part of Lot 18, Township 11 and Range 7 of the Holland Land Company's Survey, and according to map filed in the Erie county Clerk's Office under Cover number 1260 as being subdivision lots number 18, 19, and 20 more particularly described as follows:

BEGINNING at the point in the south line of Sublot 20 of said Cover Number 1260 at the southwest corner of lands appropriated by the State of New York as shown on Map 15 Parcel 130 and filed in the Erie County Clerk's Office in Liber 9002 of deeds at page 105;

THENCE S 88°33'50" W a distance of 101.28 feet to the southwest corner of Sublot 18;

THENCE N 01°26'10" W along the westerly line of said Sublot 18 a distance of 116.80 feet to the southwest corner of lands appropriated by the State of New York as shown on Map 233 Parcel 270;

THENCE N 75°02'50" E along said appropriation as shown on Map 233 Parcel 270 a distance of 66.75 feet to a point on the southwest line of aforementioned appropriation as shown on Map 105 Parcel 130;

THENCE S 52°57'16" E along the southwest line of said Parcel 130 a distance of 52.81 feet

THENCE southerly along a curve to the left with a radius of 11409.16 feet and arc length of 99.66 feet to the point of beginning containing 0.29 acres more or less.

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



7. RESOLUTION 2017-534

Call for Public Hearing - Rezoning Request 2224,2228 & 2240 Old Union Road

Sponsored By: Councilmember Rogowski, Councilmember Meyers

WHEREAS, Depaul Properties, Inc. has made application and requested the rezoning of 2224, 2228 and 2240 Old Union Road from CF - Community Facilities and M1- Light Manufacturing to RA- Apartment District for the construction of two (40) unit apartment buildings and a (15) unit addition to an existing apartment building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 10, 2017 at 7:00 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 10th day of October, 2017 at 7:00 P.M., of said day for the purpose of considering the application of:

Depaul Properties, Inc.

For the rezoning of 2224, 2228 and 2240 Old Union Road from CF - Community Facilities and M1- Light Manufacturing to RA- Apartment District for the construction of two (40) unit apartment buildings and a (15) unit addition to an existing apartment building.

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 the Town of Cheektowaga, County of Erie, State of New York, and is more particularly described as follows;

Beginning at a point on the northwesterly right-of-way line of Old Union Road, said point being the intersection formed by the said right-of-way of Old Union Road and the south line of Town Lot 88 and being further described as being the southeast corner of a parcel of land conveyed to DePaul Properties, Inc. in a deed filed in the Erie County Clerks' Office, Liber 10970 of

Deeds, Page 8956,

thence, Northeasterly forming an interior angle of 133°32'02" along the northwest right-of-way line of Old Union Road a distance of 512.72 feet to a point, thence, Northwesterly forming an interior angle of 90°00'00" a distance of 192.06 feet to a point, thence, Westerly forming an interior angle of 136°24'35" a distance of 500.00 feet to a point, thence, Southerly forming an interior angle of 90°00'00" a distance of 87.79 feet to a point, thence, Southeasterly forming an interior angle of 117°37'55" a distance of 194.50 feet to a point, thence, Southerly forming an interior angle of 225°51'30" a distance of 105.50 feet to a point, thence, Southwesterly forming an interior angle of 240°06'00" a distance of 176.38 feet to a point, thence, Southerly making an interior angle of 136°27'58" a distance of 96.68 feet to a point, thence, Easterly making an interior angle of 90°00'00" a distance of 205.00 feet to the point and place of beginning.

Intending to describe a parcel of land situated on the northwesterly side of Old Union Road, containing 4.465± acres of land to the right-of-way, Town of Cheektowaga.

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



8. RESOLUTION 2017-535

Call for Public Hearing for Community Development Funds

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 2018 Program Year, and

WHEREAS, the Town of Cheektowaga is required to prepare and submit to the Department of Housing and Urban Development an Annual Plan which identifies the activities that the Town will carry-out during the next program year, and

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs, to identify additional proposed activities, and to review program performance during the previous program year, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on October 10, 2017 at 7:00 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Bee.



Notice of Public Hearing
Town of Cheektowaga FY 2018 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Tuesday, October 10, 2017 at 7:00 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's FY 2018 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs.

The amount of CDBG and HOME funding for which the Town will be eligible next year has not yet been determined by the Department of Housing and Urban Development (HUD). In 2017, the Town received \$910,260 in CDBG funds and \$191,983 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town, develop proposed activities and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town's Community Development Office at the address listed below. Funded eligible activities have included the rehabilitation of residences owned by low-income residents,

services to seniors and low-income youth, as well as counseling for homebuyers, those at risk for foreclosure, financial education, police foot patrols in low-income neighborhoods, and capital improvements in low-income neighborhoods.

Residents of low income neighborhoods and all citizens of the Town and Villages are encouraged to participate and express their views on the use of funds and activities that may be carried out with program funds. Although not likely, CDBG or HOME funded activities may result in displacement. In the event displacement due to CDBG or HOME funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. Please contact the Cheektowaga Community Development Office (716-897-7200) seven (7) days prior to the hearing if you need such special arrangements or have language issues which need to be addressed. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Town of Cheektowaga Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

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



9. RESOLUTION 2017-536

Notice to Bidders - Sanitary Sewer Lateral Repairs, Liberty Terrace Top Hat Repairs and Mt. Vernon Road Cured-in-Place Linings, Sewer Shed #1 (Bid #2017-34)

Sponsored By: Councilmember Meyers, Councilmember Kaminski

WHEREAS, it is in order that bids be advertised for Sanitary Sewer Lateral Repairs, Liberty Terrace Top Hat Repairs and Mt. Vernon Road Cured-in-Place Linings in Sewer Shed #1, AND

WHEREAS, the Engineering Department has prepared specifications for same, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said Sanitary Sewer Lateral Repairs, Liberty Terrace Top Hat Repairs and Mt. Vernon Road Cured-in-Place Linings in Sewer Shed #1, (Bid #2017-34) said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 18th day of October at 11:00 am at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 18, 2017 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for Sanitary Sewer Lateral Repairs, Liberty Terrace Top Hat Repairs, and Mt. Vernon Cured-in-Place Linings in Sewer Shed #1 (Bid #2017-34) in the Town of Cheektowaga.

Information for bidders and specifications may be examined at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227. Copies may be purchased from the Town Clerk's Office upon payment of \$50.00 in the form of one (1) check made payable to the Town of Cheektowaga for each copy requested. Any bidder returning such specifications in good condition within ten (10) business days following the bid opening will be refunded the full amount of the deposit. The deposit will not be refunded for non-bidders. Material suppliers and anyone returning the Specifications before the bid opening will be classified as non-bidders. Any bidders requesting more than one (1) set of specifications may purchase the excess, but it is understood that these are non-refundable.

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Sanitary Sewer Lateral Repairs, Liberty Terrace Top Hat Repairs and Mt. Vernon Cured-in-Place Linings in Sewer Shed #1" and submitted to the Town Clerk prior to bid opening.

The work shall be completed within 120 calendar days, to begin five (5) days after the "Notice to Proceed" has been issued.

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

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

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

Vickie Dankowski
Town Clerk

DATED: September 26, 2017

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



10. RESOLUTION 2017-537

Negative SEQR Declaration - 4714,4720 & 4728 Transit Road Woodside Villas Apartments

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, an application was submitted by Young Development Inc. with the permission of the land owners, David E. Knauss and Gene Di Rosa 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, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the SEQRA Lead Agency, AND

WHEREAS, since the Town Board is the SEQRA Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at their meetings of July 13 th and September 14th, 2017 respectively, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and has offered its review comments, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 30, 2017 recommended a determination of non-significance, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of the State Environmental Quality Review Act (SEQRA).

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



11. RESOLUTION 2017-538

Negative SEQR Declaration - 1753 Walden Avenue Chick -fil-A, Inc.

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, a development review application and special use permit request was submitted by Chick -fil-A, Inc. for the redevelopment of an existing vacant restaurant at 1753 Walden Avenue, AND

WHEREAS, the site redevelopment includes the demolition of the existing restaurant / above ground improvements and the construction of a new 5,000 + s.f. restaurant with an accessory drive thru window for which a special use permit must be approved, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the SEQRA Lead Agency, AND

WHEREAS, since the Town Board is the SEQRA Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the special use permit and site plan at their meeting of August 9, 2017, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and has offered its review comments, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 30, 2017 recommended a determination of non-significance, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of the State Environmental Quality Review Act (SEQRA).

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



12. RESOLUTION 2017-539

Accept Site Plan- 4714,4720 & 4728 Transit Road

Sponsored By: Councilmember Rogowski, Councilmember Meyers

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, Young Development, Inc. submitted a development review application 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, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of September 14, 2017 and have recommended approval thereof, 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 subject to:

1. The Assistant Town Engineer reviewing/approving the drainage grading plan.
2. The Town Planner reviewing/approving the final landscaping plan and photometric plan for exterior lighting.
3. The applicant providing a jurisdictional determination from the US Army Corps of Engineers (USACOE) for the wetlands identified prior to any site disturbance.
4. The applicant provide monies in lieu of replacement trees for those trees which will not be re-planted on a 1 for 1 basis.

Attachments:
site plan (PDF)

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



13. RESOLUTION 2017-540

Accept Site Plan- 1753 Walden Avenue Chick - fil- A, Inc.

Sponsored By: Councilmember Rogowski, Councilmember Meyers

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, Chick-fil-A, Inc. submitted a development review application for the re-development of 1753 Walden Avenue, which includes the demolition of an existing 7,500 s.f. restaurant and the construction of a new 5,000 + s.f. restaurant with an accessory drive thru window, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of August 9, 2017 and have recommended approval thereof, 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 subject to:

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

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



14. RESOLUTION 2017-541

Approval of Rezoning - 4714,4720 & 4728 Transit Road Young Development, Inc.

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 , AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 22nd, day of August, 2017 at 7:00 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, AND

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of Young Development Inc. for the rezoning of 4714, 4720 and 4728 Transit Road from NS- Neighborhood Services to RA- Apartment District as further described in the attached legal description is the same is hereby approved, and BE IT FURTHER

RESOLVED, that the applicant has offered the following condition of this approval, which this Town Board accepts, as it provides a visual and aesthetic buffer to the adjacent less intensive residential land uses to the west and further protects beneficial natural resources identified by the Town as important to the entire community:

1. *The westernmost seventy feet (70') of the Project Site as depicted on the Concept Plan prepared by Carmina Wood Morris DPC [Drawing C-100 - Date: 08/15/17] shall be designated as Permanent Open Space that shall not be developed or utilized as principal buildings, accessory buildings, roadway(s) or parking spaces and with the exception of the removal of dead or diseased trees within the Permanent Open Space, the existing mature trees within the Permanent Open Space shall be preserved. Construction activities within the Permanent Open Space shall be prohibited. In order to ensure the permanent protection of the Permanent Open Space, a Declaration of Restrictions Declaration of Restrictions shall be recorded at the Erie County Clerk's Office once the Project Sponsor closes on the purchase of the Project Site. The content of the Declaration of Restrictions shall be reviewed and approved by the Town Attorney's Office before the Declaration of Restrictions is recorded at the Erie County Clerk's Office. A recorded copy of the Declaration of Restrictions and the recording receipt shall be provided to the Town Attorney's Office, the Building Department, the Town Clerk's Office and the Town Board immediately upon recording at the Erie County Clerk's Office.*

And BE IT FURTHER,

RESOLVED, that any future additions to the development or site plan must be resubmitted to the Town Board to determine whether the addition is substantially in agreement with the intent of this rezoning and site plan approval, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.



LEGAL DESCRIPTION

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.

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



15. RESOLUTION 2017-542

Approve Special Permit - 1753 Walden Avenue

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

APPROVE SPECIAL USE PERMIT- 1753 WALDEN AVENUE

WHEREAS, Chick-fil-A, Inc., pursuant to Section 260-47.1C of the Zoning Law of the Town of Cheektowaga, has submitted a development review application and requested a Special Use Permit to construct an accessory drive thru window for a proposed restaurant at 1735 Walden Avenue, AND,

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 12th day of September, 2017 at 7:00 pm of said day for the purpose of considering said application for the Special Use Permit, after publication and service of the notices required by the provisions of the Zoning Law and the Town Law; and all interested parties were given an opportunity to be heard at such hearing; and

WHEREAS, the Cheektowaga Planning Board has recommended approval of this Special Use Permit; and

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA for this project; NOW, THEREFORE BE IT

RESOLVED, that the aforesaid Special Use Permit be and hereby is granted.

LEGAL DESCRIPTION FOR SPECIAL USE PERMIT

ALL THAT TRACT OR PARCEL OF LAND, situate, lying and being in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot 24, Township 11, Range 7 of the Holland Land. Company's Survey and more particularly bounded and described as follows:

Beginning at a point in the southerly line of lands taken by the State of New York for the "Walden Avenue Extension" as described in Notice of Appropriation recorded in Erie County Clerk's Office in Liber 4614 of Deeds at page 504, said point being the intersection formed by said southerly line of Walden Avenue with the division line between the lands now or formerly of the lands of TFM of NY, LLC (Book 11112, Page 8050 on the west and the lands now or formerly of Team R n' B New York, LLC (Book 11115, page 9324) on the east; Thence from said point of beginning and along said division line, the following four courses: 1) South 00° 00' 00" E a distance of 199.29 feet to a point; 2) South 90°00' 00" E a distance of 77.00 feet to a point; 3) South 67°20' 56" E a distance of 66.53 feet to a point and 4) South 90°00' 00" E a distance of 111.50 feet to a point in the westerly line of Anderson Road being 60 feet wide as conveyed to Town of Cheektowaga by Deed recorded in Erie County Clerk's Office in Liber 6222 of Deeds at page 699; thence along the same North 00° 00' 00" E a distance of 192.91 feet to a point; thence along the lands appropriated by the State of New York (Liber 11300, page 9181), the following four courses: 1) South 89°59'31" West, 5.02 feet to a point; 2) North

09°11'44" West, 53.42 feet to a point; 3) North 19°50'03" West, 40.33 feet to a point and 4) North 71°22'21" West, 17.42 feet to a point; thence in a easterly direction and along the aforesaid southerly line of Walden Avenue, the following two courses: 1) South 69°00'49" West, 100.74 feet to a point and 2) South 75°54' 11" W a distance of 115.57 feet to the point or place of beginning, containing 1.394 acres, more or less.

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



16. RESOLUTION 2017-543

Supervisor's Proclamation of November 25, 2017 as Small Business Saturday

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

WHEREAS, the Town of Cheektowaga celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years, and

WHEREAS, small businesses employ 48 percent of the employees in the private sector in the United States; and

WHEREAS, on average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

WHEREAS, 91% of all consumers believe that supporting small, independently-owned restaurants and bars is important; and

WHEREAS, 76% of all consumers plan to go to one or more small businesses as part of their holiday shopping; and

WHEREAS, the Town of Cheektowaga supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga does hereby proclaim November 25, 2017 as:

SMALL BUSINESS SATURDAY

AND, urge the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday and throughout the year.

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



17. RESOLUTION 2017-544

Authorize Supervisor to Execute Lease Agreement with Buffalo WVP Associates, LLC for the Use of Two Parking Spaces

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the New York State Energy Research and Development Authority ("NYSERDA") operates the Clean Energies Communities Program to encourage local governments to take action to improve the environment and reduce energy consumption, and

WHEREAS, NYSERDA has identified ten high-impact actions that local governments can take to save money, foster a vibrant economy and improve the environment; by completing four of the ten high-impact actions, a local government can earn the Clean Energy Community designation as well as become eligible for a grant up to \$250,000 per municipality, and

WHEREAS, the Town of Cheektowaga is interested in obtaining the Clean Energy Community designation, and obtaining grant funds through NYSERDA, and

WHEREAS, Energetics Incorporated has partnered with Clean Communities of Western New York and Plug-In-Stations Online to make electric vehicle charging stations available to eligible municipalities, and

WHEREAS, the Town Board has accepted an electric vehicle charging station from Energetics Incorporated to assist us in becoming a Clean Energy Community (Resolution 2017-364), and

WHEREAS, there is a need for two parking spaces at the Electric Vehicle Charging Station Host Site, and

WHEREAS, Buffalo WVP Associates, LLC has offered to provide two parking spaces located at Cabela's Crossing, Walden Avenue at no cost to the Town of Cheektowaga through June 30, 2022, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Lease Agreement between Buffalo WVP Associates, Inc. and the Town of Cheektowaga for the non-exclusive right to use two (2) existing parking spaces located at Cabela's in accordance with the Electric Vehicle Charging Station Host Site Agreement with Energetics Incorporated.

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



18. RESOLUTION 2017-545

Authorize Supervisor to sign Proposal with Popli Design Group for Professional Services for Firing Range Improvements

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, at a Town Board Meeting held on July 25, 2017, the contract for Firing Range Improvements was awarded by the recommendation from Popli Design Group, Project Engineers, AND

WHEREAS, Popli Design Group has submitted a proposal for Professional Engineering Services for the duration of the project, including the coordination of special inspections as required by the New York State Department of State, Division of Code Enforcement & Administration, NOW, THEREFORE, BE IT

RESOLVED, that Popli Design Group, Project Engineers, 374 Delaware Avenue, Suite 306, Buffalo, New York 14202 be retained for the provision of professional services throughout the duration of the project construction not to exceed sum of \$11,350.00 (including \$3,500.00 for special inspections), in accordance with the proposal dated August 24, 2017, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said proposal with Popli Design Group, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in the amount of \$11,350.00 shall be chargeable to the Police Asset Forfeiture line #600-0600-0881.

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



19. RESOLUTION 2017-546

Authorize and Direct Supervisor To Execute Grant Documents Pertaining to the Application and Acquisition of Funding to Support Priority Water Quality Improvement

Sponsored By: Councilmember Rogowski, Supervisor Benczkowski

WHEREAS, the Lake Erie Watershed Protection Alliance (LEWPA), is soliciting grant proposals to utilize funding available through the New York State Department of Environmental Conservation, Environmental Protection Fund to support priority water quality improvement or protection projects and water-related climate resiliency projects in the Niagara River/Lake Erie Watershed, and

WHEREAS, the Town of Cheektowaga and the Buffalo Niagara Waterkeepers are interested in forming a partnership to establish water quality improvements and habitat enhancements in a priority segment of the Scajaquada Creek watershed through the development of an actionable water quality improvement strategy and implementation of a small scale demonstration area, and

WHEREAS, the Town of Cheektowaga will serve as the lead agency for the purposes of this grant application, 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 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:	James P. Rogowski, Councilmember
SECONDER:	Diane Benczkowski, Supervisor
AYES:	Benczkowski, Rogowski, Kaminski, Meyers, Hammer
EXCUSED:	Christine Adamczyk, Alice Magierski



20. RESOLUTION 2017-547

Authorize and Direct Supervisor to Execute all Documents Pertaining to the Application and Acquisition of Funding for Senior Services Department

Sponsored By: Councilmember Kaminski, Supervisor Benczkowski

WHEREAS, Grant funds in the amount of \$5,000 have been made available to the Town of Cheektowaga Senior Services Department via State Assemblywoman Monica Wallace through the New York State Office for the Aging, and

WHEREAS, said funding is intended to be used toward expenses associated with the promotion and implementation of a veterans' themed dance and provision of concert events,
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 Office for the Aging and BE IT FURTHER

RESOLVED, that the Supervisor and Director of Senior Services be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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



21. RESOLUTION 2017-548

Authorize and Direct Supervisor to Execute all Documents Pertaining to the Application and Acquisition of Funding for Youth and Recreational Services Department

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

WHEREAS, grant funds in the amount of \$5,000 have been made available to the Town of Cheektowaga Youth and Recreational Services Department via State Assemblywoman Monica Wallace through the New York State Office of Children and Family Services, and

WHEREAS, said funding is intended to be used toward expenses associated with family-oriented activities provided by the Town during the Cheektowaga Winter Recreation Celebration event, 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 Office of Children and Family Services and BE IT FURTHER

RESOLVED, that the Supervisor and Director Youth and Recreational Services be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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



22. RESOLUTION 2017-549

Public Improvement Permit - 485 Kennedy Road

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, D & H Paving, LLC, in conjunction with the construction of a drainage culvert installation, has submitted plans and specifications and a Public Improvement Permit application and permit fee for the installation of 620 lineal feet of Town owned storm sewer and one (1) drainage structure across their property at 485 Kennedy Road, AND

WHEREAS, the Town Engineer has reviewed the plans and specifications for the subject improvements and finds said design acceptable, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the proposed storm sewer improvements and modifications, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$1,350.00 be deposited in the Public Improvement Permit Account which has been established for receipt and disbursement of such fees.

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



23. RESOLUTION 2017-550

SPECIAL EVENT - South Line Fire Company Halloween Parade

Sponsored By: Councilmember Meyers, Councilmember Hammer

WHEREAS, the South Line Volunteer Fire Company has made application to hold their annual Halloween Parade on Saturday, October 28th, 2017 at 6:30 p.m., beginning at their fire hall (1049 French Road), west to Violet Senior Housing, around the building, then east to return to fire hall; and

WHEREAS, this Board has reviewed the aforementioned application and said application has been approved by the Police Department and the Highway Department, and each 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 Security Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the South Line Volunteer Fire Company for the aforementioned Halloween Parade to be held on Saturday, October 28th, 2017 at 6:30 PM, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

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



24. RESOLUTION 2017-551

Bonfire - Maryvale High School - 1050 Maryvale Drive

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, Pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, an application for a permit was submitted by Maryvale High School to conduct an open fire on September 27, 2017 with no rain date on the property located at 1050 Maryvale Drive, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the U-Crest Fire Department in conjunction with summer youth activities, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been met. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by Maryvale High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board authorizes the Fire Inspector to issue such permit.

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



25. RESOLUTION 2017-552

Youth & Recreation Terminations

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

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

Emily Adamczak	9/03/17	14043
Mason Albright	8/17/17	14225
Samuel Alfonso	8/23/17	14215
Samir Alhemyari	8/19/17	14225
Evan Astran	8/21/17	14225
Jordan Badura	9/03/17	14212
Peyton Barker	9/03/17	14215
Andrew Bauer	9/01/17	14043
Ross Bauman	8/13/17	14227
Adam Bellaus	Never worked	14211
Brittany Benthien	8/25/17	14225
Emily Benthien	8/25/17	14225
Jessica Beutler	9/03/17	14227
Bryce Bielani	8/23/17	14215
Morgan Blake	8/18/17	14225
Andrew Bloom	8/20/17	14225
Shannon Borowiak	8/20/17	14227
Bailey Boyer	8/20/17	14212
Justin Brackna	8/11/17	14225
Jamie Brundo	8/22/17	14225
Spencer Bruno	9/1/17	14227
Marissa Busiello	9/03/17	14225
Jessica Calandra	9/03/17	14215
Lennon Cavanaugh-Gordon	8/18/17	14215
Jessie Cecere	8/11/17	14225
Kayla Cecere	8/18/17	14225
Kara Colvin	5/30/17	14227
Grace Dalton	9/03/17	14227
Jared Dietl	8/15/17	14225
Mitchell Dietl	8/16/17	14225
Erika DiFonzo	8/20/17	14227
Frederick Drzewiecki III	8/16/17	14225
Matthew J. Eckle	9/08/17	14225
Domonique Ector	8/09/17	14225
Emma Eisenhardt	8/18/17	14211
Lilly Eisenhardt	8/18/17	14211
Rebekah Frank	8/19/17	14227
Nicole Frigioni	8/20/17	14225
Shelby Gennocro	8/18/17	14225
Tyler Giglio	8/13/17	14225
Anthony Goodman	8/18/17	14225
Meaghan Gosciak	9/03/17	14225

Haley Graczyk	8/22/17	14225
Katie Gramlich	8/23/17	14225
Nadia Gray	8/19/17	14227
Niyah Green	8/22/17	14211
Nicholas Hahn	8/18/17	14225
Matthew Hencinski	8/18/17	14227
Zachary Hermanski	8/18/17	14225
Thomas Isbrandt	Never worked	14225
Leeann Jacobs	8/17/17	14215
John Jaroszewski III	8/11/17	14043
Ronald Jerozal	9/01/17	14227
Maelynn Johnson	8/19/17	14215
Samantha Johnston	8/24/17	14227
Connor Karek	8/18/17	14225
Julie Karpinski	9/03/17	14225
Michael Keller	8/24/17	14225
Sara Keller	8/12/17	14043
Katlyn Kicak	9/03/17	14225
Amanda Kiripolsky	8/18/17	14215
Athena Kozlowski	8/18/17	14225
Alexis Krueger	9/03/17	14215
Eric Kubiak	8/18/17	14211
Natalie Lane	8/08/17	14215
Alex Lenhard	9/08/17	14227
Evan Lenhard	8/25/17	14227
Robert Love Jr.	8/18/17	14225
Felicia Magnuszewski	8/18/17	14043
Alexandria Makowski	9/03/17	14206
Andrew Matulich	8/25/17	14225
Kyle McGill	8/22/17	14212
Devon Menefee	9/03/17	14225
Jamie Millace	8/18/17	14211
Hayden Monnin	8/25/17	14043
A'Moniee Morrison	8/18/17	14225
Allison Musial	8/23/17	14225
Zoe Obstarczyk	8/16/17	14211
Elizabeth Olear	8/20/17	14043
Jacob Osswald	8/16/17	14215
Madison Pawarski	8/20/17	14227
Dante Peters	8/20/17	14225
Katelin Petranchuk	8/23/17	14227
Samantha Pietrzak	8/20/17	14227
Madeline Pike	8/18/17	14206
Tyler Piwowarski	8/25/17	14043
Carter Post	8/04/17	14043
Brianna Poules	9/03/17	14227
Anthone Proctor	9/03/17	14225
Dominic Prusiecki	8/20/17	14225
Robert Pulkownik	9/03/17	14227
Zachary Ratcliff	8/22/17	14225
Noelle Rautenstrauch	8/20/17	14225
Alyssa Reesor	8/12/17	14211
Rhyan Riggs	8/11/17	14227
Haley Robinson	8/19/17	14225

Emily Rohauer	8/22/17	14211
Alexis Schraeder	9/03/17	14225
Caremine Seemueller	8/13/17	14215
Adam Serio	5/25/17	14227
Justin Siejak	8/25/17	14227
Parker Sprada	7/12/17	14206
Drew Stachewicz	8/22/17	14227
Sydney Stradtman	8/18/17	14227
Christopher Suchan	9/01/17	14227
Tyler Suchan	8/31/17	14227
Mora Sullivan	8/20/17	14225
James Urshel	8/25/17	14043
Aaron Wahler	8/19/17	14215
Jacob Warden	8/25/17	14227
Alexis Whelan	9/03/17	14225
Sarah Wierzba	8/20/17	14212
Michael Wierzbicki	Never worked	14227
Colleen Wilkie	8/22/17	14043
Mariah Wilson	7/26/17	14215
Taylor Wilson	9/03/17	14227
Alexandria Wnuk	8/20/17	14043
Melissa Wood	9/03/17	14227
Stanley Zolnowski	8/20/17	14225

Motion by Councilmember Kaminski, Seconded by Councilmember Rogowski to waive the reading of the names for the following Resolutions: 2017-552, 2017-553. Motion Carried.

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



26. RESOLUTION 2017-553

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:

FACILITIES DEPARTMENT (Buildings and Grounds Division) Laborer \$9.70/hour effective 9/27/17

Diane M. Mez, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$17.35/hour effective 9/27/17

Martin M. Ganczewski, Cheektowaga, New York

COMMUNITY DEVELOPMENT Assistant Code Enforcement Officer (Temporary/Zombie Grant) \$17.00/hour effective 9/27/17

Lawrence J. Kensy, Cheektowaga, New York

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

BUILDING AND PLUMBING DEPARTMENT

Tammy M. Ratcliff effective 8/19/17

SANITATION DEPARTMENT

Ryan T. Baczkiwicz effective 5/10/17

Aaron M. McCarty effective 6/2/17

Gregory L. Merritt effective 5/2/17

Jaret S. Pawarski effective 8/26/17

POLICE DEPARTMENT

Douglas J. Mekeel effective 8/2/1

FACILITIES DEPARTMENT

Tyler M. Measer effective 9/5/17

Robert M. Pikuzinski effective 9/13/17

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



27. RESOLUTION 2017-554

Appointment of Electrician (Facilities Department/Buildings and Grounds Division) Non-Competitive/Permanent - Jeffrey A. Tumiel

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, no bargaining unit member bid on said vacancy; AND

WHEREAS, Jeffery A. Tumiel, applied for said position and is eligible for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jeffrey A. Tumiel 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 October 10, 2017.

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



28. RESOLUTION 2017-555

Appointment of Laborer (Sanitation Department) Labor/Permanent/Nicholas S. Fullington

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

WHEREAS, a vacancy exists in the title of Laborer in the Sanitation Department; 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, no bargaining unit member bid on said vacancy; AND

WHEREAS, Nicholas S. Fullington, currently employed as a temporary Laborer in the Highway Department, applied for said vacancy and meets the qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Nicholas S. Fullington, of Cheektowaga, New York, be and hereby is appointed to the position of Laborer 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 September 27, 2017.

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



29. RESOLUTION 2017-556

Appoint Chairman of the Board of Ethics Committee

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 (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, a vacancy exists in the position of Chairman of the Board of Ethics; AND

WHEREAS, Joseph Treanor, III, a current member of the Board of Ethics, has expressed interest in serving as Chairman; NOW, THEREFORE BE IT

RESOLVED, that Joseph Treanor, III of Cheektowaga, New York be and hereby is appointed as Chairman of the Town of Cheektowaga's Board of Ethics, effective immediately.

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



30. RESOLUTION 2017-557

Appointment to Planning Board

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, there is one (1) vacancy in the position of Member of the Cheektowaga Planning Board, and

WHEREAS, Walter Burgett of 394 McNaughton Avenue, Cheektowaga, New York has expressed an interest in serving as Member of the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the following individual meets the qualifications for Member of the Planning Board and hereby appoints the following individual to the following terms:

Name	Term
Walter Burgett	September 26, 2017 to December 31, 2021

<p>RESULT: ADOPTED [UNANIMOUS]</p> <p>MOVER: Timothy J. Meyers, Councilmember</p> <p>SECONDER: Diane Benczkowski, Supervisor</p> <p>AYES: Benczkowski, Rogowski, Kaminski, Meyers, Hammer</p> <p>EXCUSED: Christine Adamczyk, Alice Magierski</p>
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31. RESOLUTION 2017-558

Travel Authorization Youth and Recreational Services

Sponsored By: Councilmember Kaminski, Councilmember Rogowski

WHEREAS, the Association of New York State Youth Bureaus is being held October 3, 2017, through October 4, 2017, in Liverpool, New York; AND

WHEREAS, Executive Director (Youth Board) Jillian Gorman-King 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 \$400; AND

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

RESOLVED, that Executive Director (Youth Board) Jillian Gorman-King be and hereby is authorized to attend the Association of New York State Youth Bureaus being held October 3, 2017, through October 4, 2017, in Liverpool, New York.

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



32. RESOLUTION 2017-559

Travel Authorization Building and Plumbing Department

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Fire Marshals and Inspectors Seminar (24 Hours of Mandatory Training for Code Enforcement Officers) is being held October 17, 2017, through October 20, 2017, in Montour Falls, New York; AND

WHEREAS, Planner Daniel J. Ulatowski 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 \$176; AND

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

RESOLVED, that Planner Daniel J. Ulatowski be and hereby is authorized to attend the Fire Marshals and Inspectors Seminar (24 Hours of Mandatory Training for Code Enforcement Officers) 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, Hammer
EXCUSED:	Christine Adamczyk, Alice Magierski



33. RESOLUTION 2017-560

Travel Authorization Personnel Department

Sponsored By: Supervisor Benczkowski, Councilmember Meyers

WHEREAS, the Organization of Public Employer Negotiations Seminar is being held October 20, 2017, in Cheektowaga, New York; AND

WHEREAS, Coordinator of Employee Relations Karen Marchese 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 \$130; AND

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

RESOLVED, that Coordinator of Employee Relations Karen Marchese be and hereby is authorized to attend the Organization of Public Employer Negotiations Seminar being held October 20, 2017, in Cheektowaga, New York.

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

X. Suspension of Rules

Motion by Councilmember Rogowski, Seconded by Councilmember Kaminski to waive the rules to include the following Resolutions: 2017-561, 2017-562. Motion Carried.



1. RESOLUTION 2017-561

Appoint Town Prosecutor

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, John Dudziak, Esq. is currently the Cheektowaga Town Attorney as per adopted resolution dated July 25, 2017, Resolution No. 2017-453, and

WHEREAS, the Town of Cheektowaga is currently in need of additional support for prosecutorial duties in the Cheektowaga Town Justice Court, and

WHEREAS, Attorney Dudziak meets all the qualifications for such position, NOW, THEREFORE BE IT,

RESOLVED, that John Dudziak, Esq. is appointed to the position of Prosecuting Attorney, effective immediately.

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



2. RESOLUTION 2017-562

Health Coverage for Prosecuting Attorney

Sponsored By: Councilmember Meyers, Supervisor Benczkowski

WHEREAS, John Dudziak, Esq. is currently the Cheektowaga Town Attorney as per adopted resolution dated July 25, 2017, Resolution No. 2017-453, and

WHEREAS, John Dudziak, Esq. was appointed to the position of Prosecuting Attorney as per adopted resolution dated September 26, 2017, Resolution No. 2017-561, and

WHEREAS, as the Town Attorney is an exempt Management employee and Department Head, THEREFORE, BE IT

RESOLVED, that in exchange for taking on additional duties as a Prosecuting Attorney for the Town of Cheektowaga, John Dudziak, Esq. shall be provided by the Town a Single Plan for both Health and Dental coverage effective October 1, 2017 of which he shall contribute a 15% cost share towards such coverage.

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

XI. Communications

A. Departmental Communications

1. **Supervisor's Statement of Funds: August 2017**
2. **Town of Cheektowaga - 2018 Tentative Benefit Basis Budget**
3. **Minutes: Cheektowaga Planning Board - September 14, 2017**
4. **Minutes: Cheektowaga Traffic Safety Commission - September 19, 2017**

B. General Communications

1. **Notice of Claim: Craig W. Jainer vs. Town of Cheektowaga**
2. **Notice of Claim: Jose Vega, Individually and as Putative Administrator of the Estate of Jared R. Beaver, Deceased vs. Town of Cheektowaga**
3. **Notice of Claim: Joette Williams vs. Town of Cheektowaga**
4. **Summons and Complaint: Nationstar Mortgage LLC D/B/A Mr. Cooper vs. Jodie J. Rodriguez, Town of Cheektowaga, Etal Premises: 216 Commodore Terrace**

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 adjourn the meeting at 8:12 PM. Motion Carried.



COLORED SITE PLAN

Attachment: site plan (RES-2017-539 : Accept Site Plan- 4714,4720 & 4728 Transit Road)