



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

Cheektowaga, NY 14227

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

Vickie L. Dankowski  
716-686-3434

Tuesday, September 12, 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 12, 2017 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

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

#### 2. Additional Attendees

Patrick Bowen, Town Engineer  
Brian Krause, Director of Finance and Administration  
Karen Marchese, Coordinator of Employee Relations  
Jill Oxley, Assessor  
Anthony Vesona, Municipal Legal Assistant

### V. Recognition

### VI. Approve Minutes

Motion by Councilmember Adamczyk, 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. Public Hearings

### 1. Special Use Permit for Accessory Drive Thru Window - 1753 Walden Avenue

COMMENTS - Current Meeting:

This being the time and place advertised for a Public Hearing, the Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed, decision was reserved.

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** James P. Rogowski, Councilmember  
**SECONDER:** Timothy J. Meyers, Councilmember  
**AYES:** Benczkowski, Rogowski, Kaminski, Meyers, Adamczyk, Hammer, Magierski

## IX. Resolutions



## 1. RESOLUTION 2017-502

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### 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: 100.1355.4575 Contracted Appraisals \$4,750.00

TO: 100.1355.2005 Office Equipment \$4,750.00

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Diane Benczkowski, Supervisor

**SECONDER:** Timothy J. Meyers, Councilmember

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



## 2. RESOLUTION 2017-503

### Warrant

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

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 12, 2017 are hereby approved and made part hereof;

GENERAL FUND	\$2,911,127.95
RISK RETENTION FUND	1,045,461.55
NYS HOME PROGRAM	0.00
DEBT	1,624,131.25
HUD HOUSING REHABILITATION FUND	108,482.51
SPECIAL DISTRICTS FUND	712,348.73
HIGHWAY FUND	493,006.58
CAPITAL FUND	536,142.88
TRUST & AGENCY FUND	32,173.60
HUD CDBG FUND	128,310.10
PART TOWN FUND	103,856.92
NYS AFFORDABLE HOUSING	375.00
	<hr/>
	\$7,695,417.07

Motion by Supervisor Benczkowski, Seconded by Councilmember Hammer to amend the Warrant (Resolution 2017-503) to eliminate several individuals' mileage reimbursement. Removed \$1,291.06 from the General Fund. Motion Carried.

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



### 3. RESOLUTION 2017-504

## Award of Bid - Reroofing the Julia Boyer Reinstein Library (Bid #2017-31)

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

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Reroofing of the Julia Boyer Reinstein Library, which bids were duly received and opened on September 6, 2017, AND

WHEREAS, three (3) bids were received and referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the Reroofing of the Julia Boyer Reinstein Library contract be awarded to:

Neth & Son, Inc.  
146 Taylor Drive  
Depew, New York 14043

in the amount of **\$228,500.00**, of which **\$133,019.00** will be funded through the New York State Education Department, Division of Library Development Construction Grant, AND, BE IT FURTHER

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

RESOLVED, that funding for said project, the balance of **\$95,481.00**, shall be chargeable to Account #500-1910-2520-5728.

<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, Adamczyk, Hammer, Magierski



#### 4. RESOLUTION 2017-505

### Award of Bid for Purchase of Chevrolet Malibu Vehicle for Police Department (BID 2017-32 PD)

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, a Notice to Bidders was issued for the purchase of One New and Unused 2018 Chevrolet Malibu (or Equivalent) for use by the Police Department (BID No. 2017-32 PD); and

WHEREAS, bid proposals were received and opened on September 6, 2017; and

WHEREAS, the proposals were reviewed by the Police Department, and based on the proposals submitted, they have recommended that the Town Board award the bid for the said vehicle to Joe Basil Chevrolet; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby awards the bid for the purchase of One New and Unused 2018 or Newer Chevrolet Malibu 4-Door Sedan (or Equivalent) to:

Joe Basil Chevrolet  
5111 Transit Road  
Depew, New York 14043

for the bid price of \$16,750.00, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute all documents that may be required to effectuate said purchase; and BE IT FURTHER

RESOLVED, that moneys for said purchase shall be appropriated from line item number 100-3120-2303.

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



## 5. RESOLUTION 2017-506

### Purchase 1 Passenger Van for the Senior Center

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

WHEREAS, the Town of Cheektowaga Office of Community Development would like to purchase one (1) Passenger Van for use by the Town of Cheektowaga Senior Center, and

WHEREAS, Article 5-A of the General Municipal Law of the State of New York permits a municipality to utilize New York State bid pricing for purchases in lieu of advertising for bids on its own, and

WHEREAS, New York State has awarded a bid for the purchase of such vehicle (Contract Group Number 40451, Award Number 22898) and has, as part of said bid process, allowed various municipalities, including the Town of Cheektowaga, to utilize its bid prices for the purchase of such vehicle, and

WHEREAS, Cappellino Chevrolet, 9000 Boston State Road, Boston, NY 14025, has agreed to provide one (1) Passenger Van at a cost of \$23,997.00, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby agrees to utilize NYS Contract Number 40451 for the purchase of one (1) Passenger Van at a total cost of \$23,997.00 as per the proposal submitted by Cappellino Chevrolet dated 7/26/2017, and BE IT FURTHER

RESOLVED, that funding for the purchase of this vehicle shall be appropriated from Community Development Block Grant Funds in the amount of \$17,000.00, with the balance of the purchase price being paid by the Cheektowaga Senior Citizen's Foundation, Inc.

<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, Adamczyk, Hammer, Magierski



## 6. RESOLUTION 2017-507

### Accept Site Plan- 1395 George Urban Blvd.

**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, St. Patrick Episcopal Church submitted a development review application for a 9,450 s.f. sand volley ball recreation area, accessory to an existing place of worship, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Application at their meeting of June 8, 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 a photometric plan for exterior lighting.

Attachments:  
location plan (PDF)

<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, Adamczyk, Hammer, Magierski





## 7. RESOLUTION 2017-508

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### Notice to Bidders for the Purchase of Copy Paper and Envelopes (Bid No. 2017-33 LAW)

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

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

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

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders (BID# 2017-33 LAW ) for the Purchase of Copy Paper and Envelopes, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on **WEDNESDAY, OCTOBER 4, 2017 at 11:00 A.M.**



#### NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on **Wednesday, October 4, 2017 at 11:00 am**, at the Town Clerk's Office in the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the purchase of copy paper and envelopes (BID# 2017-33 LAW) for all Town of Cheektowaga departments for calendar years 2017 (remainder of year) and 2018.

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

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

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

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

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

Vickie L. Dankowski  
Town Clerk

DATED: September 12, 2017

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



## 8. RESOLUTION 2017-509

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

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

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

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

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

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

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

**WHEREAS**, the parties acknowledge and agree that additional time is required to complete the lease and zoning processes for each alternate site agreed to by the parties, and the parties therefore wish to further extend the applicable review period until December 1, 2017; and **BE IT FURTHER**

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

<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, Adamczyk, Hammer, Magierski



## 9. RESOLUTION 2017-510

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### Authorize Supervisor to Execute Contract

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

WHEREAS, by Town Board Resolution dated July 25, 2017 this Town Board awarded the contract for Firing Range Improvements to the D.R. Chamberlain Corporation, 50 Simonds Street, Lockport, New York 14094 for the total bid price of \$112,754.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to execute said contract with the D.R. Chamberlain Corporation.

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



## 10. RESOLUTION 2017-511

### Authorize End-of-Lease Purchase of 2014 Chevrolet Tahoe

**Sponsored By:** Councilmember Kaminski, Councilmember Magierski

WHEREAS, by Resolution 2013-436, adopted August 19, 2013, the Town Board awarded a bid for the purchase of a 2014 Chevrolet Tahoe vehicle for use by the Department of Emergency Services, and approved a Municipal Lease Purchase Agreement between the Town of Cheektowaga ("Town") and Lake Erie Funding, LLC ("Lake Erie") to fund purchase of same; and

WHEREAS, Section 19 of the Municipal Lease Purchase Agreement provides an End-of-Lease Purchase Option of the vehicle for \$1.00 per unit (vehicle), upon written notice, said \$1.00 to be added to the final payment as shown on Schedule "B" of the Agreement; and

WHEREAS, it makes sense economically for the Town to exercise the End-of-Lease purchase option and purchase the vehicle for the sum of \$1.00 for continued use by the Department of Emergency Services; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the end-of-lease purchase of the 2014 Chevrolet Tahoe for the sum of \$1.00, said amount to be added to the final payment; and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town Board, be and hereby is authorized and directed to execute any documents necessary to effectuate this purchase; and BE IT FURTHER

RESOLVED, that funds for such payment shall be appropriated from Account number 100-1220-4008.

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



### 11. RESOLUTION 2017-512

## Approve Disposal of Obsolete Mobile Devices

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

WHEREAS, the Town wishes to dispose of a number of various mobile devices which are broken, damaged, obsolete, unusable, have no market value and have reached end of life; and

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

WHEREAS, RevalueTech of East Hanover, New Jersey, a purchaser of used mobile technologies company and recommended by the Town's Verizon Representative, will accept said devices and dispose of the same according to best practices and will provide the Town a Data Clear Document, NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby authorizes the Director of Information Technology to send the obsolete mobile devices as they reach their end of life and dispose of the same in compliance with all applicable federal and state regulations governing the disposal; and BE IT FURTHER

RESOLVED, that subject to review and approval by the Town Attorney the Supervisor be and hereby is directed and authorized to execute any documents necessary for the proper disposal of mobile devices.

\*\*\*\*\*  
OBSOLETE MOBILE DEVICES FOR DESTRUCTION

MAKE	MODEL
SAMSUNG	SCH-U680 CONVOY 3
CASIO	C781 RAVINE 2
BLACKBERRY	UNKNOWN
MOTOROLA	DROID MINI XT1030
SAMSUNG	SM-G920V GALAXY S6 32GB
SAMSUNG	SCH-1435 GALAXY S4 MINI
SAMSUNG	SM-G900V GALAXY S5
SAMSUNG	SCH-1800 GALAXY TAB
APPLE	IPHONE6 16GB
APPLE	IPHONE5 16GB
APPLE	IPHONE4 8GB
APPLE	IPAD 32GB 3G
APPLE	IPAD 16GB 3G
APPLE	IPAD AIR 4G 16 GB

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



## 12. RESOLUTION 2017-513

### SPECIAL EVENT - John F. Kennedy High School Homecoming Parade

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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

WHEREAS, the Student Council of John F. Kennedy High School has made application to hold its Homecoming Parade on Saturday, September 23, 2017, beginning at 12:00 p.m. (parade route attached to application); and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, Highway Department; Facilities Department and Department of 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: Submittal of plan for sanitary facilities;

- 1) Submittal of site plan;
- 2) Requirement that application be made at least 60 days prior to the date of the special event;
- 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 Student Council of John F. Kennedy High School for their Homecoming Parade to be held on Saturday, September 23, 2017 , 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.

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





### 13. RESOLUTION 2017-514

## **SPECIAL EVENT - Cheektowaga Central High School Homecoming Parade**

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

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

WHEREAS, the Cheektowaga Central School District has made application to hold its Homecoming Parade on Friday, October 6, 2017 beginning at 5:45 p.m. (parade route - Union Road, only to cross over to Zoerb and back again from South Creek); and

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

- 1) Submittal of site plan;
- 2) Requirement that application be made at least 60 days prior to the date of the special event;
- 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 Cheektowaga Central School District for the aforementioned Homecoming Parade to be held on Friday, October 6th, 2017, 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.

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



## 14. RESOLUTION 2017-515

### **SPECIAL EVENT - WNY Perinatal Bereavement Network "Walk to Remember"**

**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 Perinatal Bereavement Network, Inc., has made application to hold its Annual "Walk to Remember" to pay tribute and honor children lost to perinatal loss on Sunday, October 8th, 2017 at the Lions Pavilion in Cheektowaga Town Park from 8:00 A.M. to 2:30 P.M.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Facilities 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 Security Plan;  
 Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of the Perinatal Bereavement Network Inc., for the aforementioned "Walk to Remember" to be held in Cheektowaga Town Park on Sunday, October 8th, 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, Adamczyk, Hammer, Magierski



## 15. RESOLUTION 2017-516

### Bonfire - JFK High School - 305 Cayuga Creek Road

**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 fires and 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, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by JFK High School to conduct an open fire on September 22, 2017 on the property located at 305 Cayuga Creek Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Doyle 1 & Doyle 2 Fire Departments 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 the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by JFK 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.

<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, Adamczyk, Hammer, Magierski



## 16. RESOLUTION 2017-517

### **Bonfire - Cleveland Hill High School - 105 Maplevue Road**

**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 fires and 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, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Cleveland Hill High School to conduct an open fire on September 22, 2017 on the property located at 71-105 Maplevue Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Cleveland Hill 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 the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Cleveland Hill 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.

<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, Adamczyk, Hammer, Magierski



## 17. RESOLUTION 2017-518

### **Bonfire - Cheektowaga Central High School - 3600 Union Road**

**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 fires and 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, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by Cheektowaga Central High School to conduct an open fire on October 3, 2017 with a rain date of October 4, 2017 on the property located at 3600 Union Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Forks 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 the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by Cheektowaga Central 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.

<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, Adamczyk, Hammer, Magierski



## 18. RESOLUTION 2017-519

### Youth & Recreation Transfers

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

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

From Seasonal to Regular Part-time - Lifeguard - 7180.1903 - \$10.70

Rachel Blake

Ryan Blake

Charlotte Foxe

Sydney Gennocro

Zachary Jones

From Seasonal to Regular Part-time - Lifeguard "Senior" - 7180.1903 - \$10.91

Kevin Lopez-Rodriguez

Motion by Councilmember Rogowski, Seconded by Councilmember Kaminski to waive the reading of names for the following Resolutions: 2017-519, 2017-520. Motion Carried.

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Gerald Kaminski, Councilmember

**SECONDER:** James P. Rogowski, Councilmember

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



## 19. RESOLUTION 2017-520

### 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 **SEASONAL EMPLOYEES**, not to exceed five (5) months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Regulations as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

SANITATION DEPARTMENT Laborer \$9.70/hour effective 9/18/17  
 Brenden T. Horton, Cheektowaga, New York  
 Gabriel B. Foster, Cheektowaga, New York  
 Steven J. Gillenwater, Cheektowaga, New York  
 Christopher J. Kelley, Cheektowaga, New York  
 Ryan Baczkiewicz, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal employee be transferred to part-time status:

SANITATION DEPARTMENT Laborer \$9.70/hour effective 9/18/17  
 Keith M. Pignatora, Cheektowaga, New York

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

POLICE DEPARTMENT  
 Richard J. Schrueler effective 6/22/17

SEWER MAINTENANCE  
 Daniel M. Wierzba effective 8/24/17  
 Eric R. Cartenuto effective 8/15/17  
 Sean Ross effective 9/4/17

FACILITIES DEPARTMENT  
 Donovan A. Boshier effective 8/19/17  
 Tyler D. Petroski effective 8/6/17

<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, Adamczyk, Hammer, Magierski



## 20. RESOLUTION 2017-521

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### Appointment of Clerk (Temporary) Building & Plumbing Department/Garrett M. Pyc

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

WHEREAS, a temporary full-time Clerk vacancy exists in the Building and Plumbing Department; AND

WHEREAS, Garrett M. Pyc, currently employed as a part-time Clerk in the Building and Plumbing Department, meets all the necessary qualifications for temporary full-time appointment; NOW, THEREFORE, BE IT

RESOLVED, that Garrett M. Pyc of Cheektowaga, New York, be and hereby is appointed to the temporary position of full-time Clerk in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 13, 2017.

<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, Adamczyk, Hammer, Magierski





## 21. RESOLUTION 2017-522

### Appointment of Administrative Clerk (Provisional) Building & Plumbing Department/Judith A. Smith

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

WHEREAS, a vacancy exists in the position of Administrative Clerk in the Building and Plumbing 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, no full-time employee bid on said vacancy; AND

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, both the town and county-wide civil service lists for said title were canvassed; AND

WHEREAS, both lists were invalidated; AND

WHEREAS, Judith A. Smith applied for said vacancy and meets all of the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Judith A. Smith of Cheektowaga, New York, be and hereby is appointed to the provisional position of Administrative Clerk in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 18, 2017.

<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, Adamczyk, Hammer, Magierski



## 22. RESOLUTION 2017-523

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

**Sponsored By:** Councilmember Adamczyk, Councilmember Kaminski

WHEREAS, David P. Saskowski was appointed by this Town Board to the position of Electrician at the Town Board Meeting of August 8, 2017 effective August 9, 2017; AND

WHEREAS, Mr. Saskowski has been unable to perform the physical demands of the Electrician position; AND

WHEREAS, Mr. Saskowski's former position as Motor Equipment Operator - B in the Sanitation Department has not been filled; AND

WHEREAS, this Town Board desires to transfer Mr. Saskowski back to his former position as Motor Equipment Operator - B in the Sanitation Department; NOW, THEREFORE, BE IT

RESOLVED, that David P. Saskowski be and hereby transferred to his former position as Motor Equipment Operator - B in the Sanitation Department effective September 13, 2017.

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



## 23. RESOLUTION 2017-524

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### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, an Interview and Interrogation for Cyber Investigations Course is being held September 11, 2017 through September 15, 2017, in Huntsville, Alabama; AND

WHEREAS, Detective Joseph Crean has been recommended to attend said course; AND

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

WHEREAS, there shall be no cost incurred to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Detective Joseph Crean be and hereby is authorized to attend the Interview and Interrogation for Cyber Investigations Course being held September 11, 2017, through September 15, 2017, in Huntsville, Alabama.

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



## 24. RESOLUTION 2017-525

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### Travel Authorization Police Department

**Sponsored By:** Councilmember Adamczyk, Councilmember Hammer

WHEREAS, a seminar entitled Basic Mobile Device Investigations (BMDI) is being held December 10, 2017, through December 15, 2017, in Huntsville, Alabama; AND

WHEREAS, Detective James Genson has been recommended to attend said seminar; AND

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

WHEREAS, there shall be no expense incurred by the Town; NOW, THEREFORE, BE IT

RESOLVED, that Detective James Genson be and hereby is authorized to attend the seminar entitled Basic Mobile Device Investigations (BMDI) being held December 10, 2017, through December 15, 2017, in Huntsville, Alabama.

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

## **X. Suspension of Rules**

Motion by Councilmember Hammer, Seconded by Councilmember Kaminski to waive the rules to include the following Resolutions: 2017-526, 2017-527. Motion Carried.



## 1. RESOLUTION 2017-526

### Appointment of Laborer (Labor/Temporary) Sanitation Department

**Sponsored By:** Councilmember Adamczyk, Councilmember Kaminski

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

WHEREAS, Robert Pikuzinski, bid on said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Robert Pikuzinski of Cheektowaga, New York, be and hereby is appointed to the temporary 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 13, 2017.

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



## 2. RESOLUTION 2017-527

### Purchase and Installation of Computer Software for Assessor's Office

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

WHEREAS, the Town of Cheektowaga is in need of a computer software program to better manage the field work process in the Assessor's Office, and

WHEREAS, the development of this computer software involves specialized skills and expertise in computer programming and, as such, is not subject to competitive bidding, and

WHEREAS, Systems Development Group, Inc. (hereinafter referred to as "SDG") has submitted a proposal to the Town of Cheektowaga for such a software program, equipment cost and system support and training at a cost of \$4,750.00, and

WHEREAS, the proposal submitted by SDG is unique and was created to be specific to the needs of the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the proposal submitted by SDG and hereby authorizes and directs the Supervisor to sign the same on behalf of the Town, and BE IT FURTHER

RESOLVED, that moneys for said computer software program and training proposal shall be appropriated from budget line item as to be determined by Brain Krause, Director of Administration and Finance.

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

## **XI. Communications**

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

1. **Supervisor's Statement of Funds: July 2017**
2. **Minutes: Cheektowaga Planning Board - August 9, 2017**

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

1. **Notice of Claim: Laurence Burroughs vs. Town of Cheektowaga**
2. **Notice of Claim: Jean Felber vs. Town of Cheektowaga**
3. **Notice of Claim: Alafias O. Satcher vs. Town of Cheektowaga**
4. **Summons and Complaint: U.S. Bank National Association vs. Lino Olivieri. Town of Cheektowaga Etal Premises: 26 Jean Terrace**

## **XII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

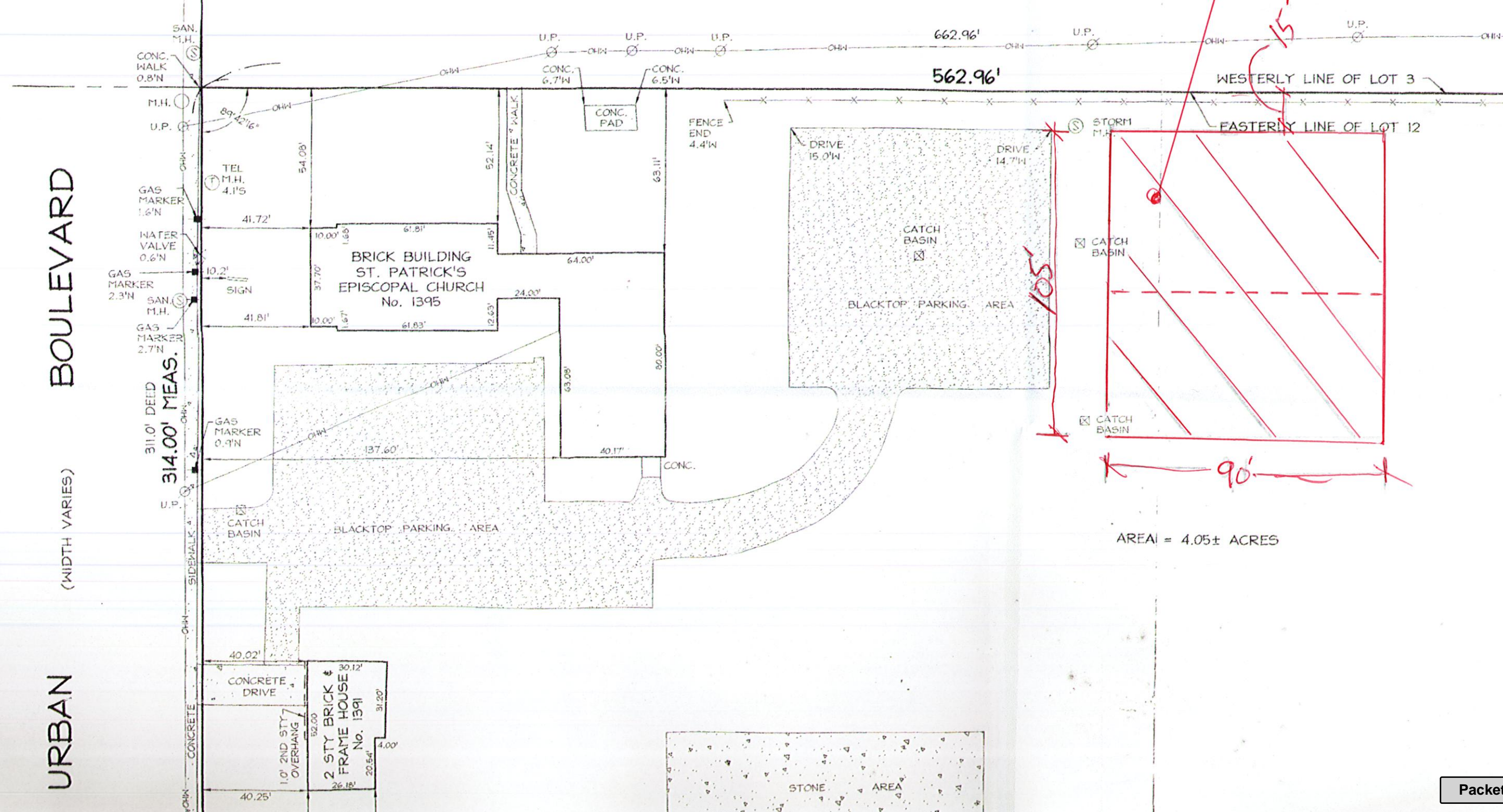
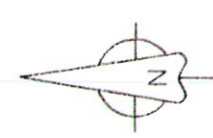
### ***C. Public Comments***

**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 Adamczyk, Seconded by Councilmember Hammer to adjourn the meeting at 8:20 PM. Motion Carried.





BOULEVARD  
(WIDTH VARIES)

URBAN

3111.0' DEED  
314.00' MEAS.

SAN. M.H.  
CONC. WALK 0.8'N  
M.H.  
U.P.  
GAS MARKER 1.6'N  
WATER VALVE 0.6'N  
GAS MARKER 2.3'N  
GAS MARKER 2.7'N  
CONC. DRIVE  
1.0' 2ND STY. OVERHANG  
2 STY BRICK FRAME HOUSE No. 1391

BRICK BUILDING  
ST. PATRICK'S  
EPISCOPAL CHURCH  
No. 1395

BLACKTOP PARKING AREA

BLACKTOP PARKING AREA

CATCH BASIN

CATCH BASIN

CATCH BASIN

STONE AREA

662.96'

562.96'

WESTERLY LINE OF LOT 3

EASTERLY LINE OF LOT 12

SAND VOLLEY B,  
COURTS (2)

90'

AREA = 4.05± ACRES

Attachment: location plan (RES-2017-507 : Accept Site Plan- 1395 George Urban Boulevard)