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 June 26, 2019 at Council Chambers, 3301 Broadway, Cheektowaga, NY.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Organization</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christine Adamczyk</td>
<td>Town of Cheektowaga</td>
<td>Councilmember</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Linda Hammer</td>
<td>Town of Cheektowaga</td>
<td>Councilmember</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Gerald Kaminski</td>
<td>Town of Cheektowaga</td>
<td>Councilmember</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Brian Nowak</td>
<td>Town of Cheektowaga</td>
<td>Councilmember</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Brian Pilarski</td>
<td>Town of Cheektowaga</td>
<td>Councilmember</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Diane Benczkowski</td>
<td>Town of Cheektowaga</td>
<td>Supervisor</td>
<td>Present</td>
<td></td>
</tr>
</tbody>
</table>

2. Additional Attendees

Robert Brandon, Zoning Board Chairman
John Dudziak, Town Attorney
Brian Krause, Director of Finance and Administration
Karen Marchese, Coordinator of Employee Relations
David Zack, Chief of Police

V. Recognition

VI. Approve Minutes

Motion by Councilmember Pilarski, Seconded by Councilmember Hammer. All in Favor. Motion Carried.

1. Motion To: Move Resolution 25 to the Beginning of the Meeting

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Brian Nowak, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
2. RESOLUTION 2019-375

Appointment of Detective (Competitive/Permanent) Police Department/David F. Vogel

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, a vacancy exists in the position of Detective in the Police Department; AND

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

WHEREAS, the established civil service list for the title has been canvassed and interviews conducted; AND

WHEREAS, Police Officer David F. Vogel appears on the Police Detective civil service list and is eligible for promotion; AND

WHEREAS, Chief of Police David Zack recommends that Police Officer David F. Vogel be promoted to the position of Detective; NOW, THEREFORE, BE IT

RESOLVED, that David F. Vogel of Depew, New York, be and hereby is assigned to the rank of Detective in the Police Department in accordance with the terms and conditions of the Town’s collective bargaining agreement with the Town of Cheektowaga Police Club effective June 27, 2019.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Linda Hammer, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
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. Amend Vehicle and Traffic Law

   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: Linda Hammer, Councilmember
   SECONDER: Diane Benczkowski, Supervisor
   AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski

2. Increase and Improvement of Facilities of the Consolidated Sewer District

   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: Christine Adamczyk, Councilmember
   SECONDER: Diane Benczkowski, Supervisor
   AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski

IX. Presentation

X. Resolutions
1. RESOLUTION 2019-351

Transfer of Funds

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

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

CDBG
FROM: 700.1017.0600 Housing Rehab Single Family $143,703.79
      900.8600.4910 NYS AHC Revenues 112,500.00

TO:  700.1017.0500 Sidewalk Replacement $75,300.00
     700.1017.0300 Drainage&Road Improvements 58,000.00
     700.1017.0603 Environmental Hazard Testing 10,403.79
     900.8668.4010 Loans from Program 101,250.00
     900.8668.1901 Payroll 11,250.00

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
2. RESOLUTION 2019-352

Warrant

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 26, 2019 are hereby approved and made part hereof;

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL FUND</td>
<td>$312,197.28</td>
</tr>
<tr>
<td>RISK RETENTION FUND</td>
<td>31,155.70</td>
</tr>
<tr>
<td>DEBT</td>
<td>0.00</td>
</tr>
<tr>
<td>HUD HOUSING REHABILITATION FUND</td>
<td>19,855.00</td>
</tr>
<tr>
<td>SPECIAL DISTRICTS FUND</td>
<td>2,842,418.39</td>
</tr>
<tr>
<td>HIGHWAY FUND</td>
<td>40,747.32</td>
</tr>
<tr>
<td>CAPITAL FUND</td>
<td>1,439,021.26</td>
</tr>
<tr>
<td>TRUST &amp; AGENCY FUND</td>
<td>9,098.66</td>
</tr>
<tr>
<td>HUD CDBG FUND</td>
<td>2,050.00</td>
</tr>
<tr>
<td>PART TOWN FUND</td>
<td>419.24</td>
</tr>
<tr>
<td>NYS AFFORDABLE HOUSING</td>
<td>15,570.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,712,532.85</strong></td>
</tr>
</tbody>
</table>

RESULT: ADOPTED [UNANIMOUS]

MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
3. RESOLUTION 2019-353

Adopt Amendments to Vehicle and Traffic Law

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, this Town Board held a public hearing on June 26, 2019 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

That this Town Board determines it is in the public interest to adopt the following amendments to Chapter 235 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

• ARTICLE V - Schedules

235-41 Schedule II: Speed Limits, shall be amended by adding thereto the following streets or parts of streets:

D. Roads with speed limit established and posted at 20 miles per hour.

MAPLEVIEW ROAD - School Zone; from the Mapleview Road round-a-bout going south to Huth Road, during school hours; 0700 - 0900 hrs and 1400 - 1600 hrs.

235-41 Schedule II: Speed Limits, shall be amended by deleting thereto the following streets or parts of streets:

A. Roads with speed limit established and posted at 35 miles per hour.

ROWLEY ROAD - Indian Road easterly to the Depew Village Line

****

235-49 Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following streets or parts of streets:

SEBRING DRIVE - The west side from the south curbline of Losson Road (on westerly leg), the south side, and then the east side (on easterly leg) to the south curbline of Lemans Drive.
235-49 Schedule X: Parking Prohibited in Designated Locations, shall be amended by deleting thereto the following streets or parts of streets:

SEBRING DRIVE - East and north sides: from a point 258 feet, plus or minus, south of the south curbline of LeMans Drive to a point 287 feet, plus or minus, west of the west curbline of Sherry Drive, extended for a distance of 100 plus or minus feet.
[7-20-1981]

SEBRING DRIVE - West, south, and east sides: from south curbline of Losson Road to south curbline of LeMans Drive.
[7-19-1971]

Section 2. Time to Take Effect

These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication

That these amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the Town Board and shall be published in the CHEEKTOWAGA BEE, a newspaper published in this Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Linda Hammer, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
4. RESOLUTION 2019-354

Amend Agreement with the Matt Urban Center for

134 Woodell Avenue

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

WHEREAS, the Town and the Matt Urban Center entered into an agreement dated as of July 19, 2016, providing for, among other things, the acquisition, rehabilitation, and sale of 134 Woodell (the “134 Woodell Agreement”), together with certain other agreements providing for the acquisition, rehabilitation, new construction, and sale of certain other Properties (together with the 134 Woodell Agreement and collectively and together with any prior amendments thereto, the “Agreements”); and

WHEREAS, the Town and the Matt Urban Center entered into that certain CHDO Reinstatement Agreement, dated as of April 3, 2019 (together with the Agreements, the “Reinstatement”), pursuant to which the Matt Urban Center was directed to, among other things, transfer title to 134 Woodell to the Town or to another Community Development Housing Organization of the Town’s choosing; and

WHEREAS, the Town and the Matt Urban Center now desire to amend the terms of the Reinstatement to provide the Matt Urban Center the opportunity to retain title to and successfully complete the rehabilitation of 134 Woodell, subject to the terms, covenants, and provisions of this Woodell Amendment; and

WHEREAS, all original terms of the Reinstatement, including any exhibits, schedules, and addenda thereto, shall remain in full force and effect except to the extent inconsistent with the terms and conditions of this Woodell Amendment.

NOW, THEREFORE, for and in consideration of the mutual covenants of the Parties hereto, and other good and valuable consideration to the Parties hereto, the receipt and sufficiency of which is hereby acknowledged and confessed by the Parties, and for the benefit which will inure to each party from the execution of this Woodell Amendment, the Town and the Matt Urban Center hereby agree to amend and modify the Reinstatement, with the Woodell Amendment to be effective as of the Effective Date.; NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the attached Woodell Amendment with the Matt Urban Center; and BE IT FURTHER
RESOLVED, that the Supervisor be and hereby is authorized and directed to execute
the amended agreement with the Polish Community Center of Buffalo, Inc. d/b/a Lt. Colonel
Matt Urban Human Services Center of WNY, 1081 Broadway, Buffalo, New York 14212 for the
property at 134 Woodell Avenue, subject to review and approval by the Town Attorney.

Attachments:
Amendment to Matt Urban Agreement 5-2019 SJB 06 05 2019 (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
5. RESOLUTION 2019-355

Amend Agreement with New Opportunities Community Housing Development Corp.

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

WHEREAS, there exists an Agreement between the Town of Cheektowaga and New Opportunities Community Housing Development Corp. for the acquisition, rehabilitation and resale of 112 Hoerner Avenue; and

WHEREAS, additional rehabilitation work items have been identified for this project; and

WHEREAS, the low bid contractor costs have been submitted in excess of the original budgeted amount; and

WHEREAS, the contract start was delayed and the schedule of performance must be amended; and

WHEREAS, negotiations have been held between representatives of the Town of Cheektowaga and New Opportunities Community Housing Development Corp.; and

WHEREAS, the Director of Community Development has recommended the Town provide the necessary $30,638.00 of additional Neighborhood Stabilization Program (NSP) funds to cover the additional costs of the rehabilitation of the property and amend the schedule of performance, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the attached Amended Exhibit B and Amended Schedule for the Agreement with New Opportunities Community Housing Development Corp. for the acquisition, rehabilitation and resale of 112 Hoerner Avenue; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an amended agreement with New Opportunities Community Housing Development Corp., 1195 Main Street, Buffalo, NY 14209 for the property at 112 Hoerner Avenue, subject to review and approval by the Town Attorney.

Attachments:
Amendment to New Opps Agreement 6-2019 (DOC)
Amended Exhibit B & Schedule 2019 (DOCX)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
6. RESOLUTION 2019-356

Resolution and Order After Public Hearing for Sewer Bonding

Sponsored By: Councilmember Adamczyk, Supervisor Benczkowski

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sewer District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

RESOLUTION AND ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Cheektowaga (herein called the “Town”), in the County of Erie, New York, on behalf of the Consolidated Sewer District, in the Town (herein referred to as the “District”), has caused Nussbaumer & Clark, Inc., competent engineers duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report for the increase and improvement of facilities of the District, consisting mainly of improvements relating to Sewer Sheds 9 and 10, including related or ancillary work in connection therewith, as described in said report, at the estimated maximum cost of $10,000,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 26, 2019 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 3301 Broadway, Cheektowaga, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and
WHEREAS, such public hearing was duly held by the Town Board on this 26th day of June, 2019 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 3301 Broadway, Cheektowaga, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, the Town Board, as lead agency, has duly considered the impact the project may have on the environment and has determined that the project is a Type II action pursuant to Section 617.5 (c)(2) of the SEQRA regulations and no further environmental review is required;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of $10,000,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that a careful estimate of the cost of the improvement shall be made and a proposed contract for the improvement shall be prepared and presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of $10,000,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby
FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: June 26, 2019

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
7. RESOLUTION 2019-357

Bond Resolution Approving District Improvements - Replacement of Sanitary Sewers

Sponsored By: Councilmember Adamczyk, Supervisor Benczkowski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JUNE 26, 2019, APPROPRIATING $10,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE CONSOLIDATED SEWER DISTRICT, AND AUTHORIZING THE ISSUANCE OF $10,000,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following a public hearing duly called and held, the Town Board of the Town of Cheektowaga, in the County of Erie, New York (the “Town”) has determined that it is in the public interest to increase and improve the facilities of the Consolidated Sewer District (the “District”), and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of $10,000,000 for the increase and improvement of facilities of the District, consisting mainly of improvements relating to Sewer Sheds 9 and 10, including related or ancillary work in connection therewith, as described in the report prepared for the Town by Nussbaumer & Clark, Inc., competent engineers duly licensed by the State of New York. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is
$10,000,000. The plan of financing includes the issuance of $10,000,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of $10,000,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be
made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the “Cheektowaga Bee,” a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with
the Town Clerk’s statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

RESULT:    ADOPTED [UNANIMOUS]
MOVER:     Christine Adamczyk, Councilmember
SECONDER:  Diane Benczkowski, Supervisor
AYES:      Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
8. RESOLUTION 2019-358

**Negative SEQR Declaration - 64 A-E Windwood Court, 68 A-D Windwood Court, and 68E Windwood Court**

**Sponsored By:** Councilmember Nowak, 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, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

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

WHEREAS, an application was submitted by Phillips Lytle LLP representing 3095 Harlem Road, Inc. (Applicant), for a rezoning from RA-Apartment District to C-Retail Business District to increase its current parking capacity at the facility to better serve its patients and to aid potential future expansions of the facility at 3095 Harlem Rd., AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 29, 2019 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at its meeting on May 9, 2019 respectively, AND

WHEREAS, Phillips Lytle LLP representing the Applicant submitted a Development Review Application to increase the current parking capacity to better serve its patients and to aid potential future expansions to the facility at 3095 Harlem Rd. Cheektowaga, NY, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Development Review Application and site plan at their meeting of June 13th, 2019, and have recommended approval thereof, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, AND

WHEREAS, this Town Board has reviewed a request from the Applicant to sell to the Applicant a portion of 2nd Avenue surrounded by the above-referenced properties, AND

WHEREAS, this Town Board resolved at its May 28, 2019 meeting to sell that portion of 2nd Avenue subject to certain conditions, NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cheektowaga that:
1. Based upon a thorough review and examination of the known facts relating to the Project and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Project, the Town Board finds that the Project, including the site plan application, rezoning application, and sale of property will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared AND,

2. The attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the attached negative declaration.

Attachments:
Negative Declaration (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Nowak, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
9. RESOLUTION 2019-359

Accept Site Plan- 64 A-E Windwood Court, 68 A-D Windwood Court, and 68 E Windwood Court

Sponsored By: Councilmember Nowak, Supervisor Benczkowski

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

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

WHEREAS, Phillips Lytle LLP representing 3095 Harlem Road, Inc. (Applicant) submitted a Development Review Application to increase the current parking capacity to better serve its patients and to aid potential future expansions to the facility at 3095 Harlem Rd. Cheektowaga, NY, AND

WHEREAS, the Town of Cheektowaga Planning Board, reviewed and commented on the Development Review Application and site plan at their meeting of June 13th, 2019, and have recommended approval thereof, AND

WHEREAS, the subject project is a Unlisted SEQR action subject to 617.20 of Chapter VI of the General SEQR regulations, and therefore subject to a SEQR review, AND

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this site plan application, 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.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Nowak, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
10. RESOLUTION 2019-360

Approval of Rezoning - 64 A-E Windwood Court, 68 A-D Windwood Court, and 68 E Windwood Court

Sponsored By: Councilmember Nowak, Supervisor Benczkowski

WHEREAS, Phillips Lytle LLP representing 3095 Harlem Road, Inc. (Applicant) petitioned for a rezoning from RA-Apartment District to C-Retail Business District for property owned by 3095 Harlem Road, Inc. located at 64A-E Windwood Court, 68 A-D Windwood Court and 68 E Windwood Court, Cheektowaga, New York, which property is described in the attached legal description, for a rezoning of the district, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 28th day of May, 2019 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 Local Law No. 4 of the Year 2019 entitled " A Local law to Amend the Town Zoning Map to Rezone 64 A-E Windwood Court, 68 A-D Windwood Court, 68 E Windwood Court.", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 4 of the Year 2019 shall be effective upon filing with the Secretary of State, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in his/her office and one (1) certified copy with the Secretary of State.

LOCAL LAW NO. 4 OF THE YEAR 2019
A LOCAL LAW TO AMEND THE TOWN
ZONING MAP TO REZONE 64 A-E Windwood Court, 68 A-D Windwood Court, and 68 E Windwood Court

The Official Zoning Map of the Town of Cheektowaga, as referenced in Section 260-5 of the Zoning Law, is hereby amended to rezone the following described property known as 64 A-E Windwood Court, 68 A-D Windwood Court, and 68E Windwood Court. From RA-Apartment District to C-Retail Business District, subject to the following conditions:

1. Any future additions to the site plan must be resubmitted to the Town Board to determine that the addition is substantially in agreement with the intent of this rezoning;
2. Rezoning is for the use of the property to increase its current parking capacity at the facility to better serve its patients and to aid potential future expansions of the facility at 3095 Harlem Rd.

The Zoning Map and Law of the Town of Cheektowaga is hereby amended in accordance with the above.

LEGAL DESCRIPTION

JOB NO. 07100
Sublot 68 & 69 and a portion of 2nd Avenue
Parcel Description
Cheektowaga, NY

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 26, Township 11 and Range 7 of the Holland Land Company’s Survey bounded and described as follows:

BEGINNING at a point in the south line of Windwood Court (formerly South Adeline Road, 50’ wide) at the northwest corner of Sublot 68, as shown on Map Cover 1682; thence N.89°44'03"E. along the south line of Windwood Court, a distance of 200.00 feet to the northeast corner of Sublot 69, as shown on said Map Cover 1682; thence S.00°11'24"E. along the east line of Sublot 69, a distance of 134.55 feet, to a point on the south line of said Map Cover 1682, said point being the southeast corner of Sublot 69; thence S.89°44'03"W. along the south line of said Map Cover 1682, a measured distance of 199.75 feet (199.50’ map) to the southwest corner of Sublot 68; thence N.00°17'53"W. along the west line of Sublot 68 a distance of 134.55 feet to the Point of Beginning, containing 26,893.41 square feet more or less.

Attachments:
Zoning Designation  (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Nowak, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
11. RESOLUTION 2019-361

Authorize Supervisor to Execute Intermunicipal Agreement Between the Town of Cheektowaga and the City of Buffalo Relative to the Use of the Town of Cheektowaga Police Department Firing Range

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, the Town of Cheektowaga is duly authorized to operate a firing range facility; and

WHEREAS, the Town of Cheektowaga Police Department desires to lease the premises from time to time to the City of Buffalo Police Department; and

WHEREAS, the City of Buffalo Police Department desires to enter into an agreement to permit the police officers of the City of Buffalo Police Department to utilize Cheektowaga’s firing range; and

WHEREAS, it is deemed beneficial to both the Town of Cheektowaga and the City of Buffalo to permit the police officers of the City of Buffalo Police Department to utilize Cheektowaga’s firing range; and

WHEREAS, the Cheektowaga Town Board has determined that it is in the best interest of the Town of Cheektowaga and its residents and the Cheektowaga Police Department to enter into this agreement with the City of Buffalo; NOW, THEREFORE BE IT

RESOLVED, that the Town Attorney of Cheektowaga and the Corporation Counsel of the City of Buffalo have approved said Agreement and the Supervisor and the Police Chief be and hereby are authorized and directed to execute the Agreement with the City of Buffalo.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Linda Hammer, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
12. RESOLUTION 2019-362

Purchase of Excess Liability Insurance

Sponsored By: Supervisor Benczkowski, Councilmember Pilarski

WHEREAS, the Town of Cheektowaga is a self funded insurer for liability claims, and

WHEREAS, the Town presently has excess liability insurance which expires on June 30, 2019, and

WHEREAS, the Town Board requested Lawley Insurance to solicit proposals for excess liability insurance coverage for 2019-20, and

WHEREAS, after review of the proposals received, Lawley recommended that the Town of Cheektowaga accept the proposal from Travelers Insurance Company for $11,000,000 excess liability insurance coverage (with $1,000,000 retention/deductible), and

WHEREAS, with the increase in litigation and the increase in the size of judgments being awarded, this Board feels that it is prudent to continue to purchase Excess Liability Insurance coverage, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the Excess Liability Insurance coverage in the amount of $11,000,000 (with $1,000,000 retention/deductible) to Travelers Insurance Company (through Lawley Service, Inc.) for an annual premium of $212,756 for the period July 1, 2019 to June 30, 2020, and BE IT FURTHER

RESOLVED, that payment for said insurance premium shall be appropriated from budget line item number 101.1710.4101, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this property insurance coverage.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Diane Benczkowski, Supervisor
SECONDER: Brian Pilarski, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
13. RESOLUTION 2019-363

Approve Health Insurance Stop Loss Contract

Sponsored By:  Supervisor Benczkowski, Councilmember Pilarski

WHEREAS, the Town of Cheektowaga is self insuring its health insurance, and

WHEREAS, stop loss insurance is utilized in this process, and

WHEREAS, Lawley insurance, the Town's health brokers, has solicited bids and recommended that BlueCross BlueShield of Western New York's proposal is most advantageous to the Town's self insurance plan, NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the contents of the one (1) year stop loss contract with BlueCross BlueShield of Western New York, and BE IT FURTHER

RESOLVED, the this contract shall be effective as of August 1, 2019 and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the contract with BlueCross BlueShield of Western New York, and any and all other documents necessary to effectuate the insurance coverage called for under such contract.

Motion by Supervisor Benczkowski, Seconded by Nowak to amend the Resolution as follows: Changed year from 2018 to 2019 in 5th paragraph. All in Favor. Motion Carried.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Diane Benczkowski, Supervisor
SECONDER: Brian Pilarski, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
14. RESOLUTION 2019-364

Retain Services for Website

Sponsored By: Councilmember Hammer, Supervisor Benczkowski

WHEREAS, the Town of Cheektowaga periodically requires professional consulting services to assist and/or represent the Town with regard to various matters, and

WHEREAS, on June 10, 2019 Kenton Web Design Studio submitted a proposal to the Supervisor's Office and the Department of Information Technology to upgrade and redesign the existing Town of Cheektowaga website, and

WHEREAS, Artur Bobinski of Kenton Web Design Studio is highly qualified and conveniently located within the immediate area for the management of these services, and

WHEREAS, three vendor quotes were reviewed and the services to be provided by Kenton Web Design Studio qualify as professional services wherein special or technical skills and expertise of the Town’s technical website environment are required; NOW, THEREFORE, BE IT

RESOLVED, that Artur Bobinski of Kenton Web Design Studio be and hereby is retained to assist the Town of Cheektowaga with respect to website update and design at a rate of $62.50 per hour and not to exceed the scope of the proposal, AND BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute an engagement letter, subject to approval of the Town Attorney, AND BE IT FURTHER

RESOLVED, payment to Kenton Web Design Studio for the aforementioned services shall be appropriated through budget line item number 0100-1680-4146.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Linda Hammer, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
15. RESOLUTION 2019-365

Authorize Supervisor to Execute Documents Pertaining to New York State Department of Environmental Conservation Grants

Sponsored By: Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, the New York State Department of Environmental Conservation offers grants through the Water Quality Improvement Program (WQIP), to assist municipalities with funds to improve Wastewater Treatment Plants and problems associated with treatment plants including CSO/SSO projects, and

WHEREAS, WQIP offers grants of up to $5 million to pay 75% of the construction costs associated with CSO/SSO projects, and

WHEREAS, the Town of Cheektowaga seeks grant funding to help fund necessary improvements as mandated by the New York State Department of Environmental Conservation Order On Consent, including sewer lining in Sewer Sheds #9 and #10, and

WHEREAS, the Town intends to apply for a maximum grant of $5 million and,

WHEREAS, the Cheektowaga Town Board hereby commits matching funds in an amount not to exceed $1.25 million will be made available through issuance of bonds; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Environmental Conservation for the purpose of securing these funds, and BE IT FURTHER

RESOLVED, that the Supervisor hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
16. RESOLUTION 2019-366

Authorize Supervisor to Execute Documents Pertaining to Erie County Grant for use by the Town of Cheektowaga Youth and Recreation Department

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

WHEREAS: Erie County Legislator Timothy Meyers has secured $10,000 in grant funds in the 2019 Erie County Budget for use by the Town of Cheektowaga Youth and Recreation Department, and

WHEREAS: the Town of Cheektowaga Youth and Recreation Department will utilize the funding to pay for various costs associated with special events sponsored by the Department,

NOW THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized to complete the necessary application, forms, etc. to be submitted to Erie County for the purpose of securing this grant, and BE IT FURTHER

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

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
17. RESOLUTION 2019-367

Authorize Supervisor to Execute Documents Pertaining to Erie County Grant for use by the Town of Cheektowaga Youth and Recreation Department

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

WHEREAS: Erie County Legislator John Bruso has secured $10,000 in grant funds in the 2019 Erie County Budget for use by the Town of Cheektowaga Youth and Recreation Department, and

WHEREAS: the Town of Cheektowaga Youth and Recreation Department will utilize the funding to pay for various costs associated with special events sponsored by the Department, NOW THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized to complete the necessary application, forms, etc. to be submitted to Erie County for the purpose of securing this grant, and BE IT FURTHER

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

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
18. RESOLUTION 2019-368

SPECIAL EVENT - Gen. Pulaski Parade

Sponsored By: Supervisor Benczkowski, Councilmember Pilarski

WHEREAS, the General Pulaski Association of the Niagara Frontier has made application to hold a parade honoring General Pulaski on Sunday, July 21st, 2019 at 1:30 p.m. beginning at the Thruway Plaza; then proceeding west on Walden Avenue; then north on Harlem Road to Cheektowaga Town Park, and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the General Pulaski Association of the Niagara Frontier for the aforementioned parade to be held on Sunday, July 21, 2019 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: Diane Benczkowski, Supervisor
SECONDER: Brian Pilarski, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
19. RESOLUTION 2019-369

SPECIAL EVENT - Shooting Starz Softball Tournament

Sponsored By:  Supervisor Benczkowski, Councilmember Pilarski

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 Shooting Starz Charity Softball Association has made application to hold its Charity Softball Tournament for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 27, 2019 from 8:00 a.m. - 7:00 p.m., and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Shooting Starz Charity Softball Association for the aforementioned Charity Softball Tournament for Make-A-Wish Foundation in Stiglmeier Park on Saturday, July 27, 2019.

RESULT:  ADOPTED [UNANIMOUS]
MOVER:  Diane Benczkowski, Supervisor
SECONDER:  Brian Pilarski, Councilmember
AYES:  Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
20. RESOLUTION 2019-370

Youth & Recreation Terminations

Sponsored By: Supervisor Benczkowski, Councilmember Pilarski

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

Peyton Barker  Never worked  14215
Hayden Forrest  Never worked  14227
Abigail Hart  Never worked  14225

Motion by Councilmember Pilarski, Seconded by Councilmember Kaminski to waive the reading of names for the following Resolutions: 2019-370, 2019-371, 2019-372, and 2019-373. All in Favor. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Diane Benczkowski, Supervisor
SECONDER: Brian Pilarski, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
21. RESOLUTION 2019-371

Youth & Recreation Hiring

Sponsored By: Supervisor Benczkowski, Councilmember Pilarski

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

Lifeguard - $11.60 - 7180.1903 - Seasonal
Dajuan Alexander 14225
Miguel Breckenridge 14225

Recreation Attendant - $11.10 - 7310.1801 - Seasonal
Taylor Betz 14225
Susan Horton 14215
Da'Vaughn Pereira 14211

Recreation Attendant - $11.10 - 7140.1632 - Seasonal
Samantha Kmiotek 14227

Recreation Attendant - $11.10 - 7140.1630 - Seasonal
Megan Prell 14212

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

Recreation Attendant to Recreation Instructor “Music Director” - 7310.1801 - $12.10 - Regular Part-time
Morgan Miecznikowski

RESULT: ADOPTED [UNANIMOUS]
MOVER: Diane Benczkowski, Supervisor
SECONDER: Brian Pilarski, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
22. RESOLUTION 2019-372

Youth & Recreation Hiring Non-Resident

Sponsored By: Supervisor Benczkowski, Councilmember Pilarski

WHEREAS the Youth & Recreational Services Department is in need of hiring Lifeguard(s) for the Summer 2019 season, and

WHEREAS, multiple attempts to advertise and interview for these positions did not yield qualified candidates residing within the domiciliary of the Town of Cheektowaga, and

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

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

RESOLVED, that, based on the above, this Town Board hereby exempts the following position and individual from Town residency requirement; and hereby appoints them to the following respective position, effective immediately:

Lifeguard - $11.60 - 7180.1903 - Regular Part-time - Retro to 6/21/19
Emma Kushner 14006

RESULT: ADOPTED [UNANIMOUS]
MOVER: Diane Benczkowski, Supervisor
SECONDER: Brian Pilarski, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
23. RESOLUTION 2019-373

Hiring/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Benczkowski, Councilmember Adamczyk

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:

OFFICE OF THE TOWN CLERK Clerk $11.10/hour effective 7/8/19
Christine E. Palczewski, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant $17.90/hour effective 6/27/19
Amanda L. Mesi, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant $20.00/hour effective 6/27/19
Salvatore M. Fasciana, Cheektowaga, New York

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

POLICE DEPARTMENT
Phillip J. Dudziak effective 10/6/18
Julie A. Perez effective 3/1/18

RESULT: ADOPTED [UNANIMOUS]
MOVER: Diane Benczkowski, Supervisor
SECONDER: Christine Adamczyk, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
24. RESOLUTION 2019-374

Reappointment of Town Assessor, Jill M Murphy

Sponsored By: Councilmember Kaminski, Councilmember Hammer

WHEREAS, the term of office of Jill M. Murphy the Assessor of the Town of Cheektowaga expires on the 30th day of September, 2019; AND

WHEREAS, Mrs. Murphy meets or exceeds the qualification standards for the Office of Assessor by the State Board of Equalization and Assessment as defined in 20 NYCRR 8188 ($8188-2.2; AND

WHEREAS, Mrs. Murphy has successfully completed prescribed courses of training and education, and has 17 years of experience, knowledge and training which enables her to perform the duties of Assessor in a manner most advantageous to the Town and its residents; NOW THEREFORE, BE IT

RESOLVED, that Mrs. Jill M. Murphy is hereby re-appointed to the position of Sole Assessor of the Town of Cheektowaga for a term commencing October 1, 2019 and ending September 30, 2025.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gerald Kaminski, Councilmember
SECONDER: Linda Hammer, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
25. RESOLUTION 2019-376

Appointment of Sewer Maintenance Worker (Non-Competitive/Permanent) Sewer Maintenance Department - Shawn P. Liegl

Sponsored By: Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a vacancy exists in the position of Sewer Maintenance Worker in the Sewer Maintenance 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, Shawn P. Liegl, currently employed as a Park Maintenance Worker I in the Facilities Department (Parks Division), bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Shawn P. Liegl of Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective July 8, 2019.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
26. RESOLUTION 2019-377

Appointment of Maintenance Worker (Labor/Permanent)
Facilities Department (Buildings and Grounds Division)/Robert M. Pikuzinski

Sponsored By: Supervisor Benczkowski, Councilmember Pilarski

WHEREAS, a vacancy exists in the title of Maintenance Worker 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, Robert M. Pikuzinski, currently employed as a Laborer in the Sewer Maintenance Department, bid on said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Robert M. Pikuzinski of Depew, New York, be and hereby is appointed to the position of Maintenance Worker 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 July 1, 2019.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Diane Benczkowski, Supervisor
SECONDER: Brian Pilarski, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
27. RESOLUTION 2019-378

Appointment of Senior Clerk Typist (Promotional/Permanent)
Justice Court/Andrea L. Spence

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, a vacancy exists in the position of Senior Clerk Typist in the Justice Court; 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, such job title is in the competitive class of civil service; AND

WHEREAS, a civil service promotional list is in existence for said title; AND

WHEREAS, Andrea L. Spence, currently employed as a Court Clerk in the Justice Court, appears on the existing civil service promotional list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Andrea L. Spence, of Cheektowaga, New York, be and hereby is appointed to the position of Senior Clerk Typist in the Justice Court in accordance with the terms and conditions of the Town’s collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 17, 2019.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Linda Hammer, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
28. RESOLUTION 2019-379

Appointment of Dog Control Officer (Labor/Permanent)  
Police Department/Aaron D. Kandefer

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, a vacancy exists in the title of Dog Control Officer in the Police 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 employee bid on said vacancy; AND

WHEREAS, Aaron D. Kandefer, currently employed as a part-time Dog Control Officer in the Police Department, applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Aaron D. Kandefer of Cheektowaga, New York, be and hereby is appointed to the position of Dog Control Officer in the Police Department in accordance with the terms and conditions of the Town’s collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 10, 2019.

Motion by Supervisor Benczkowski, Seconded by Councilmember Pilarski to amend Resolution as follows: Effective date from August 1, 2019 to July 10, 2019. All in Favor. Motion Carried.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Linda Hammer, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
29. RESOLUTION 2019-380

Appointment of Clerk Typist (Competitive/Permanent) Office of the Town Clerk/Joyce M. Osika

Sponsored By: Councilmember Hammer, Councilmember Adamczyk

WHEREAS, a vacancy exists in the position of Clerk Typist in the Office of the Town Clerk; 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 full-time employee bid on said vacancy; AND

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

WHEREAS, Joyce M. Osika, currently employed as a Senior Clerk Typist with the Erie County Department of Probation, has applied for said position; AND

WHEREAS, the Erie County Department of Personnel has approved the transfer of Joyce M. Osika from the title of Senior Clerk Typist with Erie County, to the title of Clerk Typist with the Town of Cheektowaga; NOW, THEREFORE, BE IT

RESOLVED, that Joyce M. Osika of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Office of the Town Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 8, 2019.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Linda Hammer, Councilmember
SECONDER: Christine Adamczyk, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
30. RESOLUTION 2019-381

Travel Authorization Police Department

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

WHEREAS, the Women of Law Enforcement 2019 Conference is being held September 24, 2019, through September 27, 2019, in Fort Worth, Texas; AND

WHEREAS, Police Officers Bliss Hotchkiss and Jennifer Szmania have been recommended to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed $2,914.96; AND

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

RESOLVED, that Police Officers Bliss Hotchkiss and Jennifer Szmania be and hereby are authorized to attend the Women of Law Enforcement 2019 Conference being held September 24, 2019, through September 27, 2019, in Fort Worth, Texas.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
31. RESOLUTION 2019-382

Travel Authorization Youth and Recreational Services

Sponsored By: Councilmember Pilarski, Supervisor Benczkowski

WHEREAS, a First Aid/CPR/AED Instructor Course is being held July 8, 2019, through July 9, 2019, in Cheektowaga, New York; AND

WHEREAS, Program Leader (Youth) Samantha Garson has been recommended to attend said course; 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 $300; AND

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

RESOLVED, that Program Leader (Youth) Samantha Garson be and hereby is authorized to attend the First Aid/CPR/AED Instructor Course being held July 8, 2019, through July 9, 2019, in Cheektowaga, New York.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Pilarski, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
XI. Suspension of Rules

Motion by Councilmember Nowak, Seconded by Councilmember Kaminski to waive the rules to include the following Resolutions: 2019-383, 2019-384, and 2019-385. All in Favor. Motion Carried.
1. RESOLUTION 2019-383

Award of Bid - 2019 - 2020 Tree Planting Program
(Bid #2019-17)

Sponsored By: Councilmember Adamczyk, Supervisor Benczkowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for the 2019 - 2020 Tree Planting Program within the Town of Cheektowaga, which bids were duly received and opened on June 7, 2019, AND

WHEREAS, said bids were referred to the Engineering Department for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the 2019 - 2020 Tree Planting Program be awarded to:

Diversified Landscape Construction LLC
8519 Ertman Road
Lockport, New York 14094

for the bid price of $83,634.00, said being the lowest bid meeting the requirements of the specifications, 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 Diversified Landscape Construction LLC, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from a budget line established by the Director of Administration and Finance.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
2. RESOLUTION 2019-384

Outside Agency SEQR Lead Agency Request

Town of Amherst

Sponsored By: Councilmember Nowak, Supervisor Benczkowski

WHEREAS, The Town of Cheektowaga was solicited for SEQR Lead Agency concurrence by the Town of Amherst on May 30th, 2019 for proposed Amendments to the Bicentennial Comprehensive Plan, Town of Amherst, New York, AND

WHEREAS, the proposed action will amend their Bicentennial Comprehensive Plan by providing new language for the new mixed-use zoning districts being applied to the existing commercial and mixed-use centers in the Town of Amherst, AND

WHEREAS, This Town Board has no objection to the Town of Amherst request to be SEQR Lead Agency, NOW THEREFORE BE IT,

RESOLVED, That the Town of Cheektowaga concurs with the Town of Amherst request to be SEQR Lead Agency for the proposed amendments to the Town of Amherst Bicentennial Comprehensive Plan.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Brian Nowak, Councilmember
SECONDER: Diane Benczkowski, Supervisor
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
3. RESOLUTION 2019-385

Authorization for Student Intern

Sponsored By: Councilmember Adamczyk, Councilmember Hammer

WHEREAS, Emily K. McIntosh, a student at the University of Pittsburgh at Bradford, has requested to participate in the student internship program at the Police Department; AND

WHEREAS, Emily K. McIntosh has been interviewed by the Department and the Department is willing to afford her the opportunity to intern there; NOW, THEREFORE, BE IT

RESOLVED, that Emily K. McIntosh of Buffalo, New York, be and hereby is authorized to participate as an unpaid intern in the Department, subject to her execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that this internship be and hereby is effective May 20, 2019 through August 3, 2019; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate this student internship in the Department.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christine Adamczyk, Councilmember
SECONDER: Linda Hammer, Councilmember
AYES: Adamczyk, Hammer, Kaminski, Nowak, Pilarski, Benczkowski
XII. Communications

A. Departmental Communications

1. Minutes: Board of Ethics - June 17, 2019

B. General Communications

1. Notice of Claim: Barbara Bartle vs Town of Cheektowaga
2. Notice of Claim: Kevin Cottman vs Town of Cheektowaga
3. Notice of Claim: Richard Maisano vs Town of Cheektowaga
4. Notice of Claim: Frank Wrazen vs Town of Cheektowaga

XIII. 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.

XIV. Adjournment
AMENDMENT TO CHDO REINSTATEMENT AGREEMENT
DATED APRIL 3, 2019

AMENDMENT TO CHDO REINSTATEMENT AGREEMENT BETWEEN THE
TOWN OF CHEEKTOWAGA AND THE POLISH COMMUNITY CENTER OF
BUFFALO, INC. D/B/A/ LT. COLONEL MATT URBAN HUMAN SERVICES
CENTER OF WNY WITH RESPECT ONLY TO 134 WOODELL AVENUE,
CHEEKTOWAGA, NEW YORK 14211

THIS AMENDMENT TO THE CHDO REINSTATEMENT AGREEMENT, with respect
only to the property commonly known as 134 Woodell Avenue, Cheektowaga, New York 14211
(“134 Woodell”), entered into as of June __, 2019 (the “Effective Date”), by and between the Town
of Cheektowaga (the “Town”), a municipal corporation of the State of New York, having an office
located at 3301 Broadway, Cheektowaga, New York 14227, and Polish Community Center of
Buffalo, Inc. d/b/a Lt. Colonel Matt Urban Human Services Center of WNY (the “Matt Urban
Center” and together with the Town, the “Parties”), a not-for-profit corporation incorporated under
the laws of the State of New York, with principal offices located at 1081 Broadway, Buffalo, New
York 14212 (the “Woodell Amendment”).

WHEREAS, the Town and the Matt Urban Center entered into an agreement dated as of July
19, 2016, providing for, among other things, the acquisition, rehabilitation, and sale of 134 Woodell
(the “134 Woodell Agreement”), together with certain other agreements providing for the acquisition,
rehabilitation, new construction, and sale of certain other Properties (together with the 134 Woodell
Agreement and collectively and together with any prior amendments thereto, the “Agreements”); and

WHEREAS, the Town and the Matt Urban Center entered into that certain CHDO
Reinstatement Agreement, dated as of April 3, 2019 (together with the Agreements, the
“Reinstatement”), pursuant to which the Matt Urban Center was directed to, among other things,
transfer title to 134 Woodell to the Town or to another Community Development Housing
Organization of the Town’s choosing; and

WHEREAS, the Town and the Matt Urban Center now desire to amend the terms of the
Reinstatement to provide the Matt Urban Center the opportunity to retain title to and successfully
complete the rehabilitation of 134 Woodell, subject to the terms, covenants, and provisions of this
Woodell Amendment; and

WHEREAS, all original terms of the Reinstatement, including any exhibits, schedules, and
addenda thereto, shall remain in full force and effect except to the extent inconsistent with the terms
and conditions of this Woodell Amendment.

NOW, THEREFORE, for and in consideration of the mutual covenants of the Parties hereto,
and other good and valuable consideration to the Parties hereto, the receipt and sufficiency of which
is hereby acknowledged and confessed by the Parties, and for the benefit which will inure to each
party from the execution of this Woodell Amendment, the Town and the Matt Urban Center hereby
agree to amend and modify the Reinstatement as follows, with the Woodell Amendment to be
effective as of the Effective Date.

1. All of the above Recitals are incorporated herein and made a part of this Agreement as if
more fully set forth at length.

2. The Parties now agree that Matt Urban Center shall retain ownership of 134 Woodell to perform the rehabilitation and sale of the property subject to the terms set forth herein.

3. Except to the extent specifically modified, amended, and as set forth in this Woodell Amendment, Exhibit A “Project Description & Matt Urban Center Responsibilities/Tasks” attached to the 134 Woodell Agreement shall remain in full force and effect.

4. Except to the extent specifically modified, amended, and as set forth in this Woodell Amendment, Exhibit B “BUDGET & SCHEDULE” attached to the 134 Woodell Agreement shall remain in full force and effect.

5. Any further amendment(s) to this Woodell Amendment shall be made pursuant to the terms set forth in the Reinstatement.

6. This Woodell Amendment embodies the entire agreement between the Town and the Matt Urban Center for the amendment of the Reinstatement with respect to 134 Woodell only. In the event of any conflict or inconsistency between the provisions of the Reinstatement and this Woodell Amendment, the provisions of this Woodell Amendment shall control and govern.

7. Except as specifically modified and amended herein, all of the terms, provisions, requirements, and specifications contained in the Reinstatement and in any exhibits, schedules, and addenda thereto remain in full force and effect. Except as otherwise expressly provided herein, the Parties do not intend to, and the execution of this Woodell Amendment shall not, in any manner impair the Reinstatement, the purpose of this Woodell Amendment being simply to amend and ratify the Reinstatement with respect to 134 Woodell, as hereby amended and ratified, and to confirm and carry forward the Reinstatement, as hereby amended, in full force and effect.

8. Except as specifically modified and amended herein, the Parties’ prior course of conduct in connection with the Reinstatement shall continue to guide and inform the Parties’ dealings with regard to the subject matter of the Reinstatement and this Woodell Amendment. The Parties acknowledge that time is of the essence and therefore all obligations must be performed under this Woodell Amendment by no later than July 1, 2020, so that any payments hereunder may be timely approved and authorized at a meeting of the Town Board.

9. In the event of an asserted breach of this Woodell Amendment following the Effective Date, the Town shall provide written notice to the Matt Urban Center of that asserted breach, who shall have fourteen days following receipt of such written notice within which to cure the asserted breach.

10. Attorneys’ Fees. In the event of an uncured breach of the Reinstatement or this Woodell Amendment following the Effective Date, the Town shall be entitled to recover from the
Matt Urban Center attorneys’ fees together with any costs incurred with seeking the enforcement of the Reinstatement or this Woodell Amendment.

11. Except as specifically modified and amended herein, all of the terms, provisions, requirements and specifications contained in the Reinstatement remain in full force and effect. Except as otherwise expressly provided herein, the Parties do not intend to, and the execution of this Woodell Amendment shall not, in any manner impair the Reinstatement, the purpose of this Woodell Amendment being simply to amend and ratify the Reinstatement with respect to 134 Woodell, as hereby amended and ratified, and to confirm and carry forward the 134 Woodell Agreement, as hereby amended, in full force and effect.

12. This 134 Woodell Amendment embodies the change in agreement for 134 Woodell only between the Town and the Matt Urban Center with respect to the Reinstatement. In the event of any conflict or inconsistency between the provisions of the 134 Woodell Amendment and the Reinstatement, the provisions of this 134 Woodell Amendment shall control and govern.

13. Capitalized Terms. Except as provided for in this 134 Woodell Amendment, all capitalized terms used in this 134 Woodell Amendment that are not otherwise defined herein shall have the respective meanings ascribed to them in the Reinstatement.

14. Ratification. Except as modified and amended as set forth in this 134 Woodell Amendment, the Contract is hereby ratified and confirmed by Seller and Buyer and shall remain in full force and effect and enforceable in accordance with its terms.

15. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, and all such counterparts shall constitute one agreement. To facilitate execution of this Amendment, the Parties may execute and exchange by telephone facsimile or email counterparts of the signature pages.

THIS AMENDMENT SHALL BE CONSTRUED AND GOVERNED BY THE LAWS OF THE STATE OF NEW YORK.

IN WITNESS WHEREOF, the Town and the Matt Urban Center have executed and delivered this Amendment effective as of the date of the last signature.

Agreed to and Accepted by: Agreed to and Accepted by:
Lt. Col. Matt Urban Human Town of Cheektowaga, New York
Services Center of W.N.Y.

By: By:

_____________________________ __________________________
Marlies Wesolowski, Executive Director Diane Benczkowski, Supervisor

Date: __________________________ Date: __________________________
CORPORATE ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF ERIE   ) ss:

On this _____ day of _______________, 2019, before me personally came Marlies Wesolowski, to me known, who, being by me duly sworn, did depose and say that he/she is the Executive Director of Lt. Colonel Matt Urban Human Services Center of WNY, the corporation described in and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; that he/she signed his/her name thereto by like order.

_____________________________________________________
Notary Public

MUNICIPAL ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF ERIE   ) ss:

On this _____ day of _______________, 2019, before me personally came Diane Benzkowski, to me known, who, being by me duly sworn, did depose and say that he/she resides in Cheektowaga, New York that he/she is the Town Supervisor for the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board; that he/she signed his/her name thereto by like order.

_____________________________________________________
Notary Public
EXHIBIT “B”

AMENDED BUDGET & SCHEDULE

HOME Funds to be Provided for the
Acquisition, Rehabilitation & Resale of

134 Woodell Avenue, Cheektowaga, New York

**BUDGET**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acquisition of Property</strong></td>
<td>$ 22,900.00</td>
</tr>
<tr>
<td>Acquired directly by CHDO at a negotiated price of:</td>
<td></td>
</tr>
<tr>
<td><strong>Construction Funding</strong></td>
<td>$117,214.00</td>
</tr>
<tr>
<td>HOME funds for rehabilitation and conversion of an existing two-family house to a single-family house <em>(work write-up and cost estimate as approved by the Town of Cheektowaga Director of Community Development)</em>.</td>
<td></td>
</tr>
<tr>
<td><strong>Contingency Funds</strong></td>
<td>$11,566.00</td>
</tr>
<tr>
<td><strong>Project Soft Costs</strong></td>
<td>$21,100.00</td>
</tr>
<tr>
<td>Reimbursement of soft costs associated with the project, including but not limited to utilities, property taxes, property maintenance, insurance, legal costs to buy and to sell the property, appraisal, survey, etc.</td>
<td></td>
</tr>
<tr>
<td><strong>Developer Fee-(CHDO) – Total</strong></td>
<td>$24,484.00</td>
</tr>
<tr>
<td>Initial request after approval of contractor selection and contract signing</td>
<td></td>
</tr>
<tr>
<td>Progress payments concurrent with billings for work performed on this project based on % of costs completed</td>
<td>7,000.00</td>
</tr>
<tr>
<td><strong>Total Project Costs</strong></td>
<td><strong>$197,264.00</strong></td>
</tr>
</tbody>
</table>
**SCHEDULE**

**Task:** Acquisition of Property

**Task:** Bidding, Selection of Builder and Execution of Contract with Builder

**Task:** Rehabilitation/Construction start date

**Task:** Rehabilitation/Construction completion date and issuance of Certificate of Occupancy/Compliance

**Task:** Initiate Marketing of Project, Verify Income and Determine Eligibility of Potential Homebuyers, Develop Pool of Potential Homebuyers, Conduct Homebuyer Lottery, Conduct Pre-Purchase Counseling, and Assist in Submission of Application to Mortgage Bank.

**Task:** Submission of Final Signed and Executed Homeowner Documents

**Task:** Close on Sale of Property to Eligible Homebuyer and occupancy of completed home

**Task:** Submission of Final Report for the Acquisition/ Renovation and Resale of 134 Woodell Avenue and return of sale proceeds to the Town of Cheektowaga Community Development Office.

**COMPLETION DATE**

March 31, 2018 (completed)

July 31, 2019

August 31, 2019

January 31, 2020

October 31, 2019

April 15, 2020

June 1, 2020

July 1, 2020

Attachment: Amendment to Matt Urban Agreement 5-2019 SJB 06 05 2019 (RES-2019-354 : Amend Agreement with the Matt Urban Center)
AMENDMENT TO AGREEMENT BETWEEN THE TOWN OF CHEEKTOWAGA AND NEW OPPORTUNITIES COMMUNITY HOUSING DEVELOPMENT CORP.

112 HOERNER AVENUE, CHEEKTOWAGA, NEW YORK
ACQUISITION/REHABILITATION/RESALE HOUSING PROJECT

NEIGHBORHOOD STABILIZATION PROGRAM

This Amendment to Agreement between the Town of Cheektowaga, a municipal corporation of the State of New York, having an office located at 3301 Broadway, Cheektowaga, New York 14227, (hereinafter referred to as the “Town”), and New Opportunities Community Housing Development Corp., a not-for-profit corporation incorporated under the laws of the State of New York, with principal offices located at 1195 Main Street, Buffalo, New York 14209 (hereinafter referred to as “New Opportunities”) is entered into as of the date that all parties hereto have signed this Amendment.

WHEREAS, the Town and New Opportunities entered into a certain Agreement dated 13th day of July, 2018; and

WHEREAS, the Town and New Opportunities now desire to amend the terms of the Agreement as more particularly set forth below:

1. Exhibit B titled “BUDGET & SCHEDULE” that is attached to the Agreement dated the 13th day of July, 2018 is hereby removed and replaced with the Exhibit B titled “AMENDED BUDGET & SCHEDULE” that is attached to this Amendment and incorporated for all purposes.

2. Except as provided in this Amendment, all terms used in this Amendment that are not otherwise defined shall have the respective meanings ascribed to such terms in the Agreement.

3. This Amendment embodies the entire agreement between the Town and New Opportunities with respect to the amendment of the Agreement. In the event of any conflict or inconsistency between the provisions of the Agreement and this Amendment, the provisions of this Amendment shall control and govern.

4. Except as specifically modified and amended herein, all of the terms, provisions, requirements and specifications contained in the Agreement remain in full force and effect. Except as otherwise expressly provided herein, the parties do not intend to, and the execution of this Amendment shall not, in any manner impair the Agreement, the purpose of this Amendment being simply to amend and ratify the Agreement, as hereby amended and ratified, and to confirm and carry forward the Agreement, as hereby amended, in full force and effect.

THIS AMENDMENT SHALL BE CONSTRUED AND GOVERNED BY THE LAWS OF THE STATE OF NEW YORK.
IN WITNESS WHEREOF, the Town and New Opportunities have executed and delivered this Amendment effective as of the date of the last signature.

Agreed to and Accepted by: New Opportunities Community Development Corp.

By: __________________________

Michael Riegel, President

Date: _______________________

Agreed to and Accepted by: Town of Cheektowaga, New York

By: __________________________

Diane Benczkowski, Supervisor

Date: ________________________

CORPORATE ACKNOWLEDGMENT

STATE OF NEW YORK) COUNTY OF ERIE  ) ss:

On this _____ day of _____________, 2019, before me personally came Michael Riegel, to me known, who, being by me duly sworn, did depose and say that he/she is the President of New Opportunities Community Housing Development Corp., the corporation described in and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; that he/she signed his/her name thereto by like order.

________________________________________
Notary Public

MUNICIPAL ACKNOWLEDGMENT

STATE OF NEW YORK) COUNTY OF ERIE  ) ss:

On this _____ day of _____________, 2019, before me personally came Diane Benczkowski, to me known, who, being by me duly sworn, did depose and say that he/she resides in Cheektowaga, New York that he/she is the Town Supervisor for the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board; that he/she signed his/her name thereto by like order.

________________________________________
Notary Public
EXHIBIT “B”

AMENDED BUDGET & SCHEDULE

NSP Funds to be Provided for the
Acquisition, Rehabilitation & Resale of

112 Hoerner Avenue, Cheektowaga, New York

AMENDED BUDGET

(A) Acquisition of Property
Previously acquired by Town of Cheektowaga and to
be transferred at no cost to DEVELOPER $ 0.00

(B) Project Soft Costs:
Reimbursement of soft costs associated with the
project, including but not limited to utilities, property
taxes, property maintenance, insurance, real estate
commissions, legal costs to buy and to sell the
property, appraisal, survey, etc. 9,100.00

(C) Construction Funding
- NSP funds for rehabilitation one single-family
  homes (plans and cost estimate as approved
  by the Town of Cheektowaga Director of
  Community Development 165,038.00

(D) Contingency 6,720.00

(E) Homebuyer Subsidy/Closing Cost Assistance
  Homebuyer Purchase subsidy – based on need 20,000.00
  *Homebuyer Closing Costs – based on need

(F) Developer Fee-(DEVELOPER)
- Initial payment at transfer of title to New
  Opportunities 5,942.00
- Progress payments concurrent with billings for
  work performed on this project based on % of
  costs completed 5,000.00
- Final payable at transfer of title $15,942.00

Total NSP & HOME Funds from the Town $216,800.00

112 Hoerner Ave., Cheektowaga Acquisition/Rehab/Resale Housing Project    Page 1
### SCHEDULE

<table>
<thead>
<tr>
<th>Task</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition of Property from Town of Cheektowaga</td>
<td>July 1, 2018</td>
</tr>
<tr>
<td>Bidding, Selection of Builder and Execution of Contract with Builder</td>
<td>June 1, 2019</td>
</tr>
<tr>
<td>Rehabilitation/Construction start date</td>
<td>July 1, 2019</td>
</tr>
<tr>
<td>Initiate Marketing of Project, Verify Income and Determine Eligibility of Potential Homebuyers, Develop Pool of Potential Homebuyers, Conduct Homebuyer Lottery, Conduct Pre-Purchase Counseling, and Assist in Submission of Application to Mortgage Bank.</td>
<td>September 1, 2019</td>
</tr>
<tr>
<td>Rehabilitation/Construction completion date and issuance of Certificate of Occupancy/Compliance</td>
<td>October 31, 2019</td>
</tr>
<tr>
<td>Close on Sale of Property to Eligible Homebuyer and occupancy of completed home</td>
<td>Within 6 months of the issuance of Certificate of Occupancy/Compliance</td>
</tr>
<tr>
<td>Submission of Final Signed and Executed Homeowner Documents</td>
<td>January 31, 2020</td>
</tr>
<tr>
<td>Submission of Final Report for the Acquisition/Renovation and Resale of 112 Hoerner Ave.</td>
<td>April 30, 2020</td>
</tr>
<tr>
<td>Identification of next DEVELOPER project to be done in the Town of Cheektowaga with proceeds from the sale of DEVELOPER project subject of this Agreement</td>
<td>June 30, 2020</td>
</tr>
</tbody>
</table>
NEGATIVE DECLARATION
Determination of Non-Significance

Lead Agency: Town of Cheektowaga Town Board

Date: June 5th, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Cheektowaga Town Board (the “Town Board”), as lead agency, has reviewed the proposed action and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: 3095 Harlem Road, Inc. – Cheektowaga, NY

Location of Project Site: 64 A-E Windwood Court, 68 A-D Windwood Court, and 68 E Windwood Court Cheektowaga, NY 14225

SEQRA Status: Unlisted

Description of Action: Applications and associated materials were submitted by Phillips Lytle LLP to the Town of Cheektowaga Town Board (“Town Board”) for the rezoning of site from RA-Apartment District to C-Retail Business District at 64 A-E Windwood Court, 68 A-D Windwood Court, and 68 E Windwood Court, Cheektowaga, NY (Site)

Reasons Supporting this Determination:

The Town Board has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by the State Environmental Quality Review Act (“SEQRA”). The Town Board compared the Project with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
a. **Traffic Impacts**

The project site fronts a New York State Road (Harlem Rd.) A (4) Lane minor arterial, which has sufficient capacity. The project is also supported by two existing entrances with marked entrance and exit pavement signals. There are no anticipated traffic impacts associated with the project.

b. **Noise Impacts**

The Project is not anticipated to result in significant noise impacts. The premises is adjacent to an existing cemetery and an apartment district. Increases in noise levels at the site during construction are anticipated, but such impacts will be temporary.

c. **Air Quality Impacts**

The Project will not result in significant adverse air quality impacts. During construction, there may be minor, temporary dust impacts from soil disturbance, but those will not be significant. Construction best management practices that are followed during construction will be employed.

d. **Wetland Impacts**

This site contains no wetlands.

e. **Erosion, Flooding and Drainage Impacts**

The site will be improved with new drainage infrastructure designed to meet the new storm water quality and quantity standards of New York State and will be reviewed and approved by the Town’s Professional Engineer. The Town Board determines that the Project will not cause significant adverse impacts including erosion, flooding, or drainage problems.

e. **Solid Waste Production**

The Project will not result in a significant increase in the production of solid waste. All solid waste be properly disposed of off-site and will be handled in accordance with applicable law.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or
endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

The project area is 0.617 +/- Acres. Comprised of existing apartment buildings that will eventually be demolished and turned into a paved parking lot. The site does not contain any natural resources nor did it ever contain any significant wildlife habitats.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

The Site is not located within a Critical Environmental Area (CEA).

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The Project is consistent with the community’s current plans and goals as officially approved and adopted. The Site is currently being rezoned to C-Retail Business District, which permits Retail sales, full service restaurant, and medical facilities. The intended land use is also compatible with adjacent parcels.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

The Project will not result in visual impacts and will not impact existing community or neighborhood character.

(vi) a major change in the use of either the quantity or type of energy;

The project is not anticipated to utilize significant energy resources. The proposed building will be constructed to meet the minimum energy conservation code standards.

(vii) the creation of a hazard to human health;

The project is not anticipated to create a hazard to human health.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
The proposed change in land use is consistent with the existing surrounding land uses. The site is currently occupied by three (3) existing buildings which will be demolished and turned into paved parking area.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

There will be no such impacts.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

There will be no such impacts.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

There will be no such impacts.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

There will be no such impacts.

For Further Information:

Contact Person: Jesse Jesonowski
Town Planner

Address: Town of Cheektowaga
275 Alexander Avenue
Cheektowaga, NY 14211

Telephone Number: (716) 686-3567