

Evans Town Board

At a regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, September 6, 2006 at 7:30pm there were:

PRESENT:	Karen. C. Erickson	Councilman
	Kathleen A. Bartus	Councilman
	Michael M. Spence	Councilman
	Gifford M. Swyers	Councilman
	Robert R. Catalino, II	Supervisor
ALSO PRESENT:	Lynn R. Stoessel	Deputy Town Clerk
	J. Grant Zajas	Town Attorney
ABSENT:	Carol A. Meissner	Town Clerk
ALSO PRESENT:	Mary Ann Conrad	Senior Clerk - Assessment
	Ronald Milks	Asst. Code Enforcement Officer - B
	Lori Szewczyk	Dir. of Community Development
	Charles Katra	Director of Finance
	Edward Michalski	Highway Superintendent
	Robert Ferguson	Police Chief
	Julie Roach	Recreation Specialist - Seniors
	Patrick Conrad	St Pt Marina
	Diana Cafferty	Rec. of Taxes & Assessments
	Tom Kait	Water Crew Chief
	Rick Hanavan	Wendel Duscherer
	Rob Klavoon	Wendel Duscherer
EXCUSED:	Sandra Brant	Planning Division Chairman
ABSENT:	Wayne Conrad	Parks Crew Chief

RESOLUTION 285 Approve minutes

Supervisor Catalino moved and Councilman Bartus seconded that the reading of the minutes of the meeting of August 16, 2006 be dispensed with and approved as submitted by the Town Clerk.

Carried.

Supervisor Catalino extended the privilege of the floor to any and all persons

present.

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Sharon Trembath, 466 Alfred, Angola, feels it would be a mistake if Wendt Park is turned over to Mr. Yellin. There are members of the community who do not want the Sturgeon Point Bluffs property sold. She attended the Great Lakes Coalition meeting last night and it was mentioned that we protect what we have and the government and people need to be on top of this. She would like the beaches to stay the way they are.

Tom Marks, 7004 Waring Circle commented that the greatest threat to the ecosystem is evasive species. He would like the Sturgeon Point Bluffs kept as parkland and requested that the Town Board should pass a resolution tonight to re-zone the as a park. Claire Hutchings passed away and suggested that the Bluffs park be dedicated to Claire when completed.

Robert Palmer, 1780 Eden Evans Center Road is concerned about the zoning of the Sturgeon Point Bluffs and public facilities.

Charles Militello, 6840 Prescott, questioned if there is a grant money available for electric for the Derby Memorial area and requested a meeting with the Town Engineers to address the safety issues. Commented that the Town of Evans was not mentioned in an article in the Buffalo News regarding waterlines. The Town of Evans needs waterlines on Eden Evans Center Road which is in the Eden School District. The tree branches that he mentioned at the last meeting are still hanging onto the right of way on a county. He is concerned about water laying on Route #5 and the narrowing of it's lanes causing accidents and facilities.

Rev. Alice Mullen, 331 Kennedy, commented that it is nice to save the shoreline but what good is it when the kids have nothing to do. There needs to be a basketball court at Lake Erie Beach Park. The doors into Town Hall are not handicap accessible.

Supervisor Catalino pulled the communication from Evans Minor Subdivision Review Committee regarding the Forti minor subdivision at 7434 Derby Road, Derby, New York.

RESOLUTION 286 Edward Schneider III RE: access to Lake Erie Beach Park

Supervisor Catalino moved and Councilman Erickson seconded to receive and file the communication from Edward Schneider III regarding access to Lake Erie Beach Park.

Carried.

RESOLUTION 287 Schedule PH for PLL #5 of the year 2006 (rezoning of 1670 Eden Evans Center Road from GB & MS to LI)

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: Tom Perkins has requested that the Town Board of the Town of Evans rezone 8.97+/- acres from General Business (GB) and Motor Service (MS) to Light Industry (LI) for the purpose of expanding an existing public self-storage facility located at 1670 Eden Evans Center Road, Angola, New York SBL#221.00-3-16.11, and

WHEREAS: in a letter dated August 24, 2006, the Evans Planning Board after review of the application of Tom Perkins, has recommended approval and has requested that the Town Board set a public hearing regarding this request

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans authorize the Town Clerk to advertise for a public hearing to be held on October 4, 2006 at 7:50pm for the consideration of said rezoning.

AND BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Division Office, Assessor's Office and the Code Enforcement Office.

Carried.

RESOLUTION 288 SEQR Declaration for Kellogg minor subdivision

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: in a letter dated August 25, 2006, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Howard Kellogg Trust Minor Subdivision, and

WHEREAS: it has been determined that there will be no significant effect on the environment

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans adopts the findings of the Town of Evans minor subdivision review committee and issues a SEQR negative declaration for the Howard Kellogg Trust Minor Subdivision

(Addendum A SEQR short environmental assessment form)

A division of SBL#205.00-1-1, dividing a 62.37+/- acre parcel to create:

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1. A 37.31+/- acre parcel with 400+/- feet of frontage on Old Lake Shore Road,
2. A 12.67+/- acre parcel with 200+/- feet of frontage on Old Lake Shore Road,
3. A 12.39+/- acre parcel with 458.23+/- feet of frontage on Old Lake Shore Road,

PETITIONER: Howard Kellogg Trust, 7220 Old Lake Shore Road, Angola, NY 14006

AND BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Office.
Carried.

RESOLUTION 289 Approve Kellogg Trust minor subdivision

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: the Town of Evans minor subdivision review committee has completed a review and recommended approval, and

WHEREAS: the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process

NOW THERE FOR BE IT

RESOLVED: that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review committee and approves the Howard Kellogg Trust Minor Subdivision, dividing a 62.37+/- acre parcel known as SBL#205.00-1-1 to create:

1. A 37.31+/- acre parcel with 400+/- feet of frontage on Old Lake Shore Road,
2. A 12.67+/- acre parcel with 200+/- feet of frontage on Old Lake Shore Road,
3. A 12.39+/- acre parcel with 458.23+/- feet of frontage on Old Lake Shore Road,

PETITIONER: Howard Kellogg Trust, 7220 Old Lake Shore Road, Angola, NY 14006

AND BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Office, the Assessor's Office and the Code Enforcement Office.

Carried.

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RESOLUTION 290 Sandra Brant, Chairman Planning Division RE: request for herself and one member to attend NYS Planning Federation 2006 Conference in Saratoga Springs, NY Oct 8 - Oct 10, 2006 & Timothy Cooper, Justice RE: request for himself and clerk to attend NYS Magistrates & NYS Court Clerks Assoc. Meeting and Training in Ellenville, NY Oct 8 - Oct 11, 2006

Supervisor Catalino moved and Councilman Bartus seconded to approve the request of Sandra Brant, Chairman and Edward Edward Gerecki, member of the Planning Board to attend the New York Planning Federation 2006 Conference in Saratoga Springs, New York October 8 - October 10, 2006 and the request of Timothy Cooper, Justice and Court Clerk Mary Ann Baake to attend the New York State Magistrates and New York State Court clerks Association annual meeting and training in Ellenville, New York October 8 - October 11, 2006 with all reasonable expenses to be paid as per town policy for travel and training with training expenses Court Clerk Baake to be paid by the Association.

VOTE RESULT:	Supervisor Catalino	aye
	Councilman Bartus	aye
	Councilman Swyers	aye
	Councilman Spence	aye
	Councilman Erickson	aye

RESOLUTION 291 Diana Cafferty, Receiver of Taxes RE: request extension of hours and services of police officer for the collection of taxes

Supervisor Catalino moved and Councilman Swyers seconded to grant the request of Diana A. Cafferty, Receiver of Taxes for the extension of hours for the collection of taxes on October 13, 2006 and October 16, 2006 to 6:30pm along with the services of a police officer from 4:00pm tp 6:30pm pending the approval of the Chief of Police.

Carried.

Councilman Spence reported that there will be a household hazardous waste drop off on Peabody Street on September 9th.

- propane tanks can be dropped off at any local gas station
- Electronics drop off September 30th at ECC South

-Ace Hardware is opening the end of this week

Councilman Erickson was presented with the grant check by the Secretary of State at the Southtowns Coalition meeting at the Williamsville Town Hall.

RESOLUTION 292 Committee and Department Head reports

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Supervisor Catalino moved and Councilman Spence seconded to accept the Committee and Department Head reports as follows:

Carol A. Meissner, Town Clerk:	
August Petty Cash	\$-0-
August Monthly Report	\$25,838.89

Diana A. Cafferty, Receiver of Taxes & Assessments:	
August Water	\$147,583.23
August Duplicate Bills & Receipts	\$72.00
August Interest	\$27.58

VOTE RESULT:	Supervisor Catalino	aye	
	Councilman Spence		aye
	Councilman Erickson		aye
	Councilman Swyers		aye
	Councilman Bartus		aye

RESOLUTION 293 Proposed Local Law #2 of the year 2005 (Zoning/Licensing)

Supervisor Catalino moved and Councilman Bartus seconded that Proposed Local Law #2 of the year 2005 (Zoning/Licensing) remain under old business on the agenda.

Carried.

RESOLUTION 294 Accept Summer Avenue between Peach Street and Lemon Street

Councilman Swyers moved and Councilman Erickson seconded,

WHEREAS: a certain parcel of land being commonly and locally known as Summer Avenue and drawn, shown, depicted and described as such on a certain map filed in the Erie County Clerk's Office under cover number 1158 and a certain map filed in the Erie County Clerk's Office under cover number

1347 had been offered for dedication to the Town of Evans by virtue of its depiction such filed subdivision maps; and

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WHEREAS: the owners of property having frontage on said Summer Avenue have executed certain quit claim deeds conveying to the Town of Evans whatever right, title and interest the same may have in said Summer Road and further granting to said Town a permanent and perpetual easement on, over, through and concerning, and a right to use, an additional five (5) feet, from the edge of the aforesaid Summer Avenue, on each side of Summer as such road is shown, depicted and described on a certain map filed in the Erie County Clerk's Office under cover number 1158 and a certain map filed in the Erie County Clerk's Office under cover number 1347, onto the property of the parties making such grant, to be used as a roadway; and

WHEREAS: the Highway Superintendent of the Town of Evans has recommended acceptance of said parcel for dedication for highway purposes.

NOW THEREFORE BE IT

RESOLVED: by the Town of Evans accepts said deeds and easements relative to Summer Avenue between Peach Street and Lemon Street.
Carried.

RESOLUTION 295 Authorize Supervisor to sign Community Development Block Grant for 2007-2008 (Rural Transit Van Service)

Councilman Spence moved and Councilman Erickson seconded,

RESOLVED: that the Evans Town Board authorize Supervisor Catalino to sign on the Rural Transit Van Service for the Community Development Block Grant for 2007-2008 for low to moderate income, seniors and the disabled

AND BE IT

RESOLVED: that a certified copy of this resolution be given to the Supervisor's Office.
Carried.

RESOLUTION 296 Advertise for Public Hearing for Community Development Block Grant for 2007-2008

Councilman Bartus moved and Councilman Spence seconded,

WHEREAS: the Town of Evans will be applying for the Community Development Block Grant for the year 2007-2008,

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AND

WHEREAS: the Evans Town Board authorize the Town Clerk to advertise a public hearing on October 4, 2006 at 8:00pm for the purpose of eliciting citizen input regarding the Town's Community Development Grant,

AND FURTHER BE IT

RESOLVED: that the Evans town Board authorized the Supervisor to sign, submit and execute a contract with Erie County Community Development Grant Program

AND FURTHER BE IT

RESOLVED: that a certified copy of this resolution be given to the Supervisor's Office.
Carried.

RESOLUTION 297 Authorize Supervisor to sign Stop-DWI grant program contract for 2005-2007

Councilman Bartus moved and Councilman Swyers seconded,

WHEREAS: it is the Town of Evans' intention to participate in the Erie County Stop-DWI grant program which returns DWI fines to communities through grants;

THEREFORE BE IT

RESOLVED: that Supervisor Catalino is hereby authorized to sign the 2005-2007 Stop-DWI contract on behalf of the Town of Evans and that the Town

Clerk is hereby directed to prepare a certified copy of this resolution to be attached to the Stop-DWI contract package.

Carried.

RESOLUTION 298 SEQR resolution for Lake Erie Beach Park Walking Path

Councilman Swyers moved and Councilman Spence seconded,

WHEREAS: in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Evans Town Board has reviewed the proposed project and conducted a coordinated review beginning on June 28, 2006, and

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WHEREAS: the Town received comments from various involved agencies, and

WHEREAS: in response to the comments from various involved agencies, and

WHEREAS: in making this determination, the Town Board carefully considered all of the criteria for Determination of Significance listed in the SEQR regulations (6NYCRR 617.11), and has found that the proposed action is not anticipated to result in any significant impacts on the environment

NOW THEREFORE BE IT

RESOLVED: that the Town Board hereby issues a negative declaration, thereby concluding that the project will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations, and

BE IT FURTHER

RESOLVED: that the attached negative declaration be filed with the Town Clerk, and that the Supervisor be authorized to sign the EAF and have the Evans Planning Office prepare the appropriate notices and filings in accordance with the SEQR regulations.

Carried.

RESOLUTION 299 Authorize Supervisor to sign documents transferring title of 2001 Dodge Van in exchange for 2006 van

Councilman Spence moved and Councilman Bartus seconded,

RESOLVED: that the Town of Evans hereby declares 2001 Dodge Ram van as surplus equipment,

AND BE FURTHER

RESOLVED: that the Supervisor is hereby authorized to sign documents transferring the 2001 Dodge van in exchange for a 2006 van with comparable specifications, subject to the approval of the Town Attorney, Senior Citizens Recreation Specialist and the Director of Finance of this donation.

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VOTE RESULT:	Councilman Spence	aye
	Councilman Bartus	aye
	Councilman Erickson	aye
	Councilman Swyers	aye
	Supervisor Catalino	aye

RESOLUTION 300 Declare surplus vehicle

Councilman Bartus moved and Councilman Swyers seconded,

WHEREAS: a 2003 Crown Vic police vehicle (#46) with 115, 700 miles has been replaced;

THEREFORE BE IT

RESOLVED: the following vehicle is no longer of any use to the Police Department and therefore declared surplus:

2003 Ford Crown Vicotria - VIN #2FAFP71W53X208338

Carried.

RESOLUTION 301 Authorize Highway Superintendent to purchase wood chipper per NYS Purchasing Contract

Councilman Spence moved and Councilman Bartus seconded,

RESOLVED: that the Superintendent of Highways is hereby authorized to purchase

one (1) wood chipper for recycling from NYS Purchasing Contract at a cost not to exceed \$25,000 subject to the approval of the Town Attorney and the Director of Finance. This resolution shall take effect immediately.

VOTE RESULT: Councilman Spence aye
Councilman Bartus aye
Councilman Erickson aye
Councilman Swyers aye
Supervisor Catalino aye

RESOLUTION 302 Audit of Bills

Councilman Spence moved and Councilman Swyers seconded that all properly audited bills be paid out of their respective funds as set forth under abstract of claims on this date as follows:

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Abstract #15
Voucher #1598-1746
Prepaid Voucher #71

GENERAL	105,775.50
PART TOWN	54,080.31
HIGHWAY	63,755.15
WATER	14,022.77
SPECIAL DISTRICTS	24,178.27
COMMUNITY DEVELOPMENT	2,308.31

VOTE RESULT: Councilman Spence aye
Councilman Swyers aye
Councilman Erickson aye
Councilman Bartus aye
Supervisor Catalino aye

RESOLUTION 303 Adjournment

Supervisor Catalino moved and Councilman Bartus seconded to adjourn in memory of Claire Hutchings who passed away and then to Wednesday, September 13, 2006 at 5:00pm and then to Wednesday, September 20, 2006 at 7:30pm for the next regular scheduled Town Board meeting.

Carried.

Respectfully submitted,

Lynn R. Stoessel
Deputy Town Clerk

Carol A. Meissner
Town Clerk