

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, January 4, 2006 held immediately following the Organizational Meeting there were:

PRESENT: Karen C. Erickson Councilman
 Kathleen A. Bartus Councilman
 Joseph F. Govenettio Councilman
 Michael M. Spence Councilman
 Robert R. Catalino, II Supervisor

ALSO PRESENT: Carol A. Meissner Town Clerk
 J. Grant Zajas Town Attorney

RESOLUTION 50 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of December 21, 2005 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.

Edward Schneider, 9575 Redwing Street, questioned why he was removed from the advisory board.

Supervisor Catalino stated, you were removed from the advisory board because it is an advisory board, Mr. Schneider and some of the things that are on your web site and other things are detrimental to the community and we feel that someone that is not going to be working with the Town Board should not be on an advisory board.

Charles Militello, 6840 Prescott Drive, Derby, New York stated Megan's Law is about to expire at the end of the month and Cheektowaga, Buffalo and Amherst are enacting stricter laws regarding sex offenders. He questioned if the town would look into this also. Mr. Militello noted at the organizational meeting the order of business for Town Board meetings was enacted. He wondered if it were feasible for citizens to be recognized during the meeting or at the end of the meeting to address concerns on issues taken up during the meeting.

Supervisor Catalino explained that all non-elected department heads would be in attendance at Town Board meetings for questions by the citizens.

RESOLUTION 51 Michael Spence RE: request to attend NYS Assoc of Town training for newly elected officials in Rochester, NY from Jan 9-11, 2006

Supervisor Catalino moved and Councilman Erickson seconded to approve the request of Councilman Spence to attend the NYS Association of Towns training for newly elected officials in Rochester, New York from January 9-11, 2006 and further that all necessary expenses be a town charge in accordance with the rules governing travel and education.

Carried.

RESOLUTION 52 NYS Assoc of Towns RE: 2006 Training School & Annual Meeting to be held on February 19-22, 2006 and delegation of voting delegate & alternate voting delegate

Supervisor Catalino moved and Councilman Bartus seconded that Councilman Erickson be designated as the voting delegate at the Association of Towns meeting in New York City from February 19-22, 2006 and Councilman Govenettio be designated as alternate voting delegate.

Carried.

RESOLUTION 53 Sandra Brant RE: Minor Subdivision Review Committee RE: Gugliuzza minor subdivision, 741 Lake St.

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: in a letter dated December 23, 2005, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Michael and Rachel Gugliuzza minor subdivision. (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL#235.00-3-14.111, dividing a 58.34+/- acre parcel to create:

1. A 3.4+/- acre parcel with 108.82+/- feet of frontage on Erie Rd., and
2. A 54.94+/- acre parcel with 446.47+/- feet of frontage on Lake St.

PETITIONER: Michael and Rachel Gugliuzza, 741 Lake St., Angola, NY 14006

AND BE IT FURTHER

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

RESOLUTION 54 Approve the Gugliuzza 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 THEREFORE 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 Michael and Rachel Gugliuzza Minor Subdivision Review Committee and approves the Michael and Rachel Gugliuzza minor subdivision, a division of SBL#235.00-3-14.111, dividing a 58.34+/- acre parcel to create:

1. A 3.4+/- acre parcel with 108.82+/- feet of frontage on Erie Rd., and
2. A 54.94+/- acre parcel with 446.47+/- feet of frontage on Lake St.

PETITIONER: Michael and Rachel Gugliuzza, 741 Lake St., 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.

Town Attorney Zajas thanked the Town Board for the opportunity to work with them again. He wished everyone a Happy New Year.

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Councilman Spence thanked the community for electing him and their support.

He looks forward to working with the rest of the board. He also looks forward to some accomplishments and working with the community.

Councilman Bartus welcomed Councilman Spence to the Board and looks forward to working with him. She wished the community a Happy New Year.

Councilman Govenettio welcomed Councilman Spence to the Board. He looks forward to working with him.

Councilman Erickson welcomed Councilman Spence to the Board. She presented building department reports for the months of November and December.

Supervisor Catalino thanked the department heads he has worked with over the past ten years. There is a daunting task to complete some projects already begun in the next two years. He looks forward to everyone working together in a positive approach not being negative. He feels Councilman Spence will see that everyone is working towards positive goals for the Town of Evans.

RESOLUTION 55 Committee and Department Head reports

Supervisor Catalino moved and Councilman Erickson seconded to accept the Committee and Department Head reports.

Carried.

RESOLUTION 56 Proposed Local Law #2 of the year 2005 (Zoning/Licensing); Proposed Local Law #3 of the year 2005 (Licensing of Animals); Proposed Local Law #4 of the year 2005 (Property Maintenance); Proposed Local Law #7 of the year 2005 (amend V & T Law for a STOP sign on Seneca St)

Supervisor Catalino moved and Councilman Erickson seconded that Proposed Local Law #2 of the year 2005 (Zoning/Licensing); Proposed Local Law #3 of the year 2005 (Licensing of Animals); Proposed Local Law #4 of the year 2005 (Property Maintenance); Proposed Local Law #7 of the year 2005 (amend V & T Law for a STOP sign on Seneca St) remain under old business on the agenda.

Carried.

RESOLUTION 57 Adopt PLL #5 as LL #1 of the year 2006

Councilman Erickson moved and Councilman Bartus seconded,

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WHEREAS: Lake Shore Family Medicine has requested the rezoning of 15.3 acres of land from Residential (R-1) to General Business (GB), for the purpose of

constructing a 13,400 square foot medical office building and three other structures in the future, located on Erie Road, near Delamater Road, Derby, NY, part of SBL#206.00-3-39.11, and

WHEREAS: the Town Board of the Town of Evans has held a public hearing for consideration of the rezoning of a 15.3+/- acre parcel from Residential-1(R-1) to General Business (GB), and

WHEREAS: in a letter dated December 30, 2005, the Town of Evans Planning Board has unanimously voted to recommend the rezoning of said property based on the following reasons:

- The project appears to be consistent with the Town of Evans Comprehensive Plan.
- The project will provide a benefit to the surrounding community and complement the existing mix of businesses.
- The project is not expected to result in any undo traffic impacts or adverse changes to the character of the surrounding community, and

WHEREAS: the Planning Board also found no apparent significant environmental concerns, and has issued a SEQRA negative declaration for the action.

NOW THEREFORE BE IT

RESOLVED: that Proposed Local Law #5 of the year 2005 regarding the above rezoning of part of SBL#206.00-3-39.11 be adopted as Local Law #1 of the year 2006, and

BE IT FURTHER

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

RESOLUTION 58 Schedule PH for Pension Reserve Fund transfer

Councilman Bartus moved and Councilman Govenettio seconded,

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RESOLVED: that a public hearing be held February 1, 2006 at 7:50pm to hear those people desiring to discuss the proposed transfer of reserve funds

established pursuant to Section 6-c of General Municipal Law and raised from the same tax base to the corresponding "Pension Reserve Fund" established pursuant to Section 6-r of said General Municipal Law.

BE IT FURTHER

RESOLVED: that the Town Clerk is hereby directed to advertise said public hearing in the Official Newspaper in order to provide at least fifteen days prior published notice in accordance with the aforementioned laws.

Carried.

RESOLUTION 59 Shared Municipal Services Incentive Grant Program

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: The Town Board of the Town of Evans fully supports intermunicipal initiatives to enhance area-wide environmental protection, economic prosperity and community well being; and

WHEREAS: the communities in Southwestern Erie County realize the need to create a plan to promote the various resources and assets in the area; and

WHEREAS: the Towns of Evans, Brant, Eden and North Collins as well as the Villages of Angola, North Collins and Farnham have come together to form the Southtowns Community Enhancement Coalition; and

WHEREAS: the seven communities have expressed a willingness to promote tourism to enhance the environment, economic prosperity and community well being of these municipalities; and

WHEREAS: the Southtowns Community Enhancement Coalition is in the process of completing a Southtowns Tourism Development Plan, which includes an inventory of their collective assets for tourism development and a Tourism Strategy to promote tourism assets, economic prosperity and sustainable community growth, and

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WHEREAS: the seven communities have reached a critical juncture in this project and desire to formalize their relationship by incorporation and application to the IRS for tax exemption status under section 501 © 3, and

WHEREAS: incorporation and registration as a not-for-profit entity will allow the Southtowns Community Enhancement Coalition to advance intermunicipal, public, private and not-for-profit partnerships, which will support the implementation of the Southtowns Tourism Development Plan NOW, BE IT

RESOLVED: that Robert R. Catalino II, Supervisor of the Town of Evans is hereby authorized and directed to support an application filed by the Town of Evans on our behalf to the 2005-06 New York State Department of State - Shared Municipal Service Incentive Grant Program to obtain financial assistance, not to exceed \$30,000 (local cash match of \$3,000), to develop the Southtowns Community Enhancement Corporation - an organization responsible for planning and implementation of strategies which will enhance the environment, economic prosperity and community well being of the Town of Evans and upon approval of said grant request, will enter into an agreement with New York State as well as the collaborating communities to begin the process of incorporating the Southtowns Community Enhancement Coalition; and BE IT FURTHER

RESOLVED: that this Town Board endorses the commitment of the communities identified in this resolution to continue to meet on a regular basis for the purpose of discussing other ways that we can work together for the betterment of our shared region.

Carried.

RESOLUTION 60 Formation of the Industrial and Commercial Incentive Board

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: the Town of Evans has participated in the Real Property Tax Exemption for Commercial, Business or Industrial Real Property also known as the 485-b Tax Abatement Program as an incentive to attract and retain business development in New York State, and

WHEREAS: a 1995 amendment to the Real Property Tax Law enables municipalities to modify the 485-b program within certain parameters, and

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WHEREAS: it is the intent of the Town Board of the Town of Evans to establish the Town of Evans Industrial and Commercial Incentive Board, and

WHEREAS: the Town of Evans Industrial and Commercial Incentive Board will be comprised of the members of the Town of Evans Economic Development Advisory Committee and the Town Assessor, and

WHEREAS: the Industrial and Commercial Incentive Board will conduct an extensive analysis consisting of review of the existing program including: consultation with Town of Evans Department Heads, economic analysts, commercial real estate developers and realtors, and the general public, and

WHEREAS: following the research and analysis phase, the Industrial and Commercial Incentive Board will make recommendations to the Evans Town Board regarding modifications to the Town of Evans 485-b Program, determinations as to the locations of any Neighborhood Redevelopment Areas, as well as issues relating to the redevelopment of the Town of Evans;

NOW THEREFORE BE IT

RESOLVED: that the Evans Town Board hereby establishes the Town of Evans Industrial and Commercial Incentive Board to conduct an extensive analysis and review of the existing 485-b program and make recommendations to the Town of Evans Town Board for modifications of said program based on the review; and

BE IT FURTHER

RESOLVED: that this Town Board reaffirms its commitment to the 485-b Tax Abatement Program as an incentive to attract and retain business development in our community.
Carried.

RESOLUTION 61 Appt of Assistant Code Enforcement Officers

Councilman Govenettio moved and Councilman Erickson seconded,

WHEREAS: there was a need for two Assistant Code Enforcement Officers, and Town of Evans appointed Paul Ryerse, and Ronald Milks as Provisional Asst. Code Enforcement Officers pending the outcome of the Civil Service Exam; and

WHEREAS: the Civil Service Exam has been received by the Town of Evans;

THEREFORE BE IT

RESOLVED: that Paul Ryerse of 594 Herr Road, Angola, NY is hereby appointed Assistant Code Enforcement Officer at the Step 1 annual salary of \$37,128.00, and

FURTHER BE IT

RESOLVED: that Ronald Milks of 1107 Church Road, Angola, NY is hereby appointed Assistant Code Enforcement Officer at Step 1 annual salary of \$37,128.00

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

RESOLUTION 62 Sign Intermunicipal agreement for the Town of Evans to provide Assessor services for the Town of North Collins

Councilman Spence moved and Councilman Erickson seconded,

RESOLVED: the Supervisor of the Town of Evans is hereby authorized to sign intermunicipal agreement to provide Assessment Services to the Town of North Collins through December 31, 2012, subject to the approval of the Director of Finance and the Town Attorney.

This resolution shall take effect immediately.
Carried.

RESOLUTION 63 Town Licenses

Supervisor Catalino moved and Councilman Erickson seconded that all town licenses applied for be granted contingent upon the approval of the Chief of Police and Department of Health as follows:

Mobile Home Development

Melody Meadows Home Construction Inc.

Town Licenses

P.J.R. Tavern Inc. D/B/A Captain Kidds - refreshment, amusement & live band

Lake Erie Beach Vol. Fire Co., Inc. - refreshment, amusement & live band

Salvatore Aronica D/B/A Tubby's Take Out - refreshment

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J.J. Parks Pub, Inc. D/B/A Castaways Bar & Grill - refreshment, amusement & live band
Henry W. Laskowski D/B/A Henri's - refreshment
Robert J. Pasinski D/B/A Jovial Bar II, Inc. - refreshment & amusement
Thomas J. Perkins D/B/A East Evans Country Depot, Inc. - refreshment
Carried.

RESOLUTION 64 Audit of Bills

Councilman Govenettio moved and Councilman Bartus 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:

GENERAL	2699-2833	48,699.95
PART TOWN	2699-2833	18,053.97
HIGHWAY	2699-2833	27,892.39
WATER	2699-2833	3,800.88
SPECIAL DISTRICTS	2699-2833	41,284.73

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

RESOLUTION 65 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn to a work session on Wednesday, January 11, 2006 at 5:00pm and then to the next regular scheduled Town Board meeting on Wednesday, January 18, 2006 at 7:30pm.
Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk