

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 18, 2006 at 7:30pm 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 66 Approve Minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the Organizational Meeting and January 4, 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.

Tom Gorney, 524 Sycamore thanked Councilman Erickson for giving him a call and updating him on the road. The highway department did a wonderful job on Elmwood Street. He also thanked the Town Board for standing behind everything as the road is in terrible condition. STOP signs in the area that need attention are at: Lemon and Sycamore, Sycamore and Peach, Orange and Roanoke and Granger and Roanoke. A street sign is needed at Peach and Roanoke.

Norma Bish, 501 Sycamore Avenue is concerned about a creek that runs across Sycamore Avenue that is very unsafe. It is also filled with two (2) tires and four (4) bikes. Children run in this area and have slid under the guard rail between the culvert pipes. A strong stench comes from the creek.

Bob Doering, 9136 Lake Shore Road, Angola (see Addendum A)

Robert L. Palmer, 1780 Eden Evans Center Road discussed the following items:

-a copy of the current budget being placed on file in the library

-dismissal of Mr. Schneider from the Lake Erie Beach Advisory Board. He feels that based on Mr. Schneider's knowledge of the Lake Erie Beach area and having served as President of the Lake Erie Beach Property Owners Association he should be reappointed to that board

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-concerned about the Town Board's position of leaving labels at the door and having a one party system. He feels there should be more public input on town issues.

RESOLUTION 67 Timothy Cooper, Justice RE: request permission for himself, his clerk and Justice Barone to attend the Annual Association of Towns meeting in NYC from Feb 20-22, 2006

Supervisor Catalino moved and Councilman Bartus seconded to grant permission to Town Justices Cooper and Barone and Court Clerk Baake to attend the Annual Association of Towns meeting in New York City from February 20-22, 2006 and further that all necessary and reasonable expenses incurred be a town charge in accordance with the rules and regulations governing travel and education expenses.

Carried.

RESOLUTION 68 Diana A. Cafferty, Rec. of Taxes & Assessments RE: request additional hours for the collection of taxes on Feb. 14 & 15, 2006 from 5:00pm - 7:00pm and the services of a police officer

Supervisor Catalino moved and Councilman Spence seconded to approve the request of Diana A. Cafferty, Receiver of Taxes and Assessments for additional hours for tax collection on February 14 and 15, 2006 from 5:00pm to 7:00pm and further that the services of a police officer be granted during this time period.

Carried.

Councilman Spence presented a garbage report.

-Recycling bins are available in his office in the Town Hall.

-Christmas trees should be cut in four (4) foot lengths.

-e-mail address is mspence@TownofEvans.org He is also available at 947-9936 beside the Town Hall.

Councilman Bartus commended the Highway Department on the good road conditions in the Town of Evans.

Councilman Erickson reported on an article in the Town Crier about a town resident, Sharen Trembath who won an award from "Stand on a Better World" and a donation of \$10,000.00 to her cause, the Lake Erie Beach Sweep.

Supervisor Catalino will be suspending the rules of order of the conduct of business at Evans Town Board meetings to consider a resolution to accept partial payment in any amount for payment of property taxes.

RESOLUTION 69 Reports of Committee and Department Heads

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

Carol A. Meissner, Town Clerk:

Petty Cash	\$-0-
Games of Chance	\$50.00
Monthly report	\$15,740.30
2005 annual report	

Diana Cafferty, Rec of Taxes & Assess.:

Dec water	\$118,289.86
Dec duplicate bills	\$30.00
Dec interest	\$28.42
2005 annual report	

VOTE RESULT:

Supervisor Catalino	aye
Councilman Bartus	aye
Councilman Spence	aye
Councilman Govenettio	aye
Councilman Erickson	aye

RESOLUTION 70 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 71 Sign contract with Community Concern of Evans and Brant

Councilman Erickson moved and Councilman Govenettio seconded,

WHEREAS: Community Concern of Evans and Brant, NY, Inc. referred to herein as Community Concern, has offered to provide certain services to the residents of the Town of Evans, set forth in a proposed agreement for the period commencing January 1, 2006 and terminating on December 31, 2006, the compensation for which services pursuant to said agreement shall be \$46,000; and

WHEREAS: the services contemplated by said agreement, and to be provided by Community Concern, benefit the residents of the Town of Evans;

NOW THEREFORE BE IT

RESOLVED: that Robert R. Catalino, II, the Supervisor of the Town of Evans, is hereby directed to execute on behalf of the Town of Evans, said proposed agreement, in as many counterparts as deemed appropriate in his discretion, and to deliver the same to Community Concern and that the aforesaid payment be made to Community Concern; and

BE IT FURTHER

RESOLVED: that a copy of this resolution be delivered to Community concern, when and if required or requested by Community Concern.

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

RESOLUTION 72 Sign contract with Southtowns HAZ- MAT

Councilman Spence moved and Councilman Bartus seconded,

WHEREAS: Southtowns HAZ-MAT Team has, in the past agreed with the Town of Evans to provide emergency response to hazardous materials and incidents in the Town of Evans (excluding the Village of Angola) and to provide containment, entry reference decontamination and resource information and other services in consideration of the sum of \$5,000 per year, the period of such agreement to run from January 1, 2006 to December 31, 2006; and

WHEREAS: the services contemplated by said Agreement, and to be provided by Southtowns HAZ-MAT, benefit the residents of the Town of Evans;

THEREFORE BE IT

RESOLVED: that Robert R. Catalino, II, Supervisor of the Town of Evans, is hereby directed to execute on behalf of the Town of Evans, such agreement, as many counterparts as deemed appropriate in his discretion, and to deliver the same and the aforesaid payment to Southtowns HAZ-MAT Team.

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

RESOLUTION 73 Sign contract with Lakeshore Employee Testing Solutions, Inc.

Councilman Govenettio moved and Councilman Erickson seconded,

RESOLVED: that the Town Board of the Town of Evans authorize Supervisor Catalino to sign the Lake Shore Employee Services, Inc. agreement effective January 1, 2006 through December 31, 2006 as per attached and subject to the approval of the Town Attorney. (See Addendum B.)

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

RESOLUTION 74 Sign contract with Meals on Wheels of Buffalo and Erie County, Inc.

Councilman Erickson moved and Councilman Govenettio,

WHEREAS: Meals on Wheels of Buffalo and Erie County, Inc. has in the past provided services to residents in the Town of Evans and is willing to provide such services for the calendar year 2005 and,

WHEREAS: Meals on Wheels of Buffalo and Erie County, Inc. has been providing such services for the year 2006, and is willing in consideration of the sum of \$8,000, to provide meal service for the elders of the Town of Evans, such service to consist of meals a day, 5 days a week, and alternate provisions if weather prohibits scheduled service, as well as a birthday card for the year 2006,

NOW THEREFORE BE IT

RESOLVED: that Robert R. Catalino, II, Supervisor of the Town of Evans, is hereby authorized to execute on behalf of the Town of Evans, an agreement in as many counterparts deemed appropriate in his discretion, and to deliver the same, and the aforesaid payment to Meals on Wheels of Buffalo and Erie County, Inc.

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

RESOLUTION 75 Sign agreement for Angola Public Library

Councilman Spence moved and Councilman Bartus seconded,

WHEREAS: the Angola Public Library, herinafter referred to as the “Library” as a part of the Buffalo and Erie County Public Library system, has in the past provided a valuable cultural and educational resource for the residents to the Town, and to made its resources available to the residents of the Town, who are qualified and registered users of the same, pursuant to the rules and circulation of books, videos and other media, and

WHEREAS: the Library seeks from the Town funds to help defray the cost of its operations in providing such services to the residents of the Town and other, and

WHEREAS: the Town is willing to pay the Library, in consideration of such continued service the sum of \$2,500.00 towards the operational costs incurred by the Library in the current calendar year;

NOW THEREFORE BE IT

RESOLVED: that upon the full execution of such agreement, and in consideration of the provisions of such services by the Library, the Town make the aforementioned payment of \$2,500.00 to the Angola Public Library in accord with said agreement.

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

RESOLUTION 76 Declare surplus equipment in the Parks Department

Councilman Govenettio moved and Councilman Bartus seconded,

WHEREAS: the Parks Department has a vehicle that is no longer useable;

THEREFORE BE IT

RESOLVED: that a 1999 Ford Windstar, VIN #2FMZA51U4XBB72524 be declared surplus vehicle.

Carried.

RESOLUTION 77 Town Hall business hours

Councilman Bartus moved and Councilman Erickson seconded,

WHEREAS: the Town Hall shall be open from 9:00am to 5:00pm Monday through Friday, except for the period of May 1st to September 29th, where the Town Hall hours shall be from 8:00am to 4:00pm and

WHEREAS: the Town Board of the Town of Evans will hold its regular meetings on the first and third Wednesday, of each month at 7:30pm, except for July when they will meet on the second Wednesday and August when they will meet on the first Wednesday only;

THEREFORE BE IT

RESOLVED: that, in addition to the hours listed above, Town Hall shall also be open until 7:00pm on the Wednesday evenings that correspond to regular meeting nights listed above. This resolution shall take effect immediately.

Carried.

RESOLUTION 78 Sign contract with LaSalle Ambulance D/B/A Rural Metro Medical Services

Councilman Bartus moved and Councilman Erickson seconded,

WHEREAS: the Town of Evans has contracted with LaSalle Ambulance D/B/A Rural Metro Medical Services (Rural Metro) for ambulance service since 2001; and

WHEREAS: the Town Board of the Town of Evans deems it reasonable and appropriate to extend said contract for an additional one year period pursuant to the existing terms and conditions;

NOW THEREFORE BE IT

RESOLVED: that the Supervisor is hereby authorized to extend the agreement with Rural Metro for ambulance service for the period of January 1, 2006 to December 31, 2006, subject to the approval of the Town Attorney. This resolution shall take effect immediately.

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

RESOLUTION 79 Sign contract with Corporate Cost Solutions for worker's compensation premium recovery program

Councilman Erickson moved and Councilman Spence seconded,

RESOLVED: that the Supervisor is hereby authorized to sign agreement with Corporate Cost Solutions for Worker's Compensation Premium Recovery Program subject to the approval of the Town Attorney and the Director of Finance.

Carried.

RESOLUTION 80 Sign contract with Evans Brant School District for recreation program

Councilman Govenettio moved and Councilman Erickson seconded,

RESOLVED: that the Supervisor is hereby authorized to sign agreement with Evans-Brant (Lake Shore) Central School District for summer and adult recreation programs in substantially the form attached hereto and which authorizes payment in the amount of \$85,000 for the year 2006 and 2007. (See attached agreement Addendum C) This resolution shall take effect immediately.

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

RESOLUTION 81 Suspend the Rules of Order for the conduct of business

Supervisor Catalino moved and Councilman Bartus seconded that the rules of order for the conduct of business at Evans Town Board meetings be suspended for the purpose of taking action on a resolution to accept partial payment in any amount for the payment of property taxes.

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

RESOLUTION 82 Town Board approves the acceptance of partial payment in any amount for the payment of property taxes

Councilman Erickson moved and Councilman Govenettio seconded,

WHEREAS: the Erie County Legislature unanimously approved a request for Home Rule Legislation from New York State that allows municipalities to accept partial payment in any amount for payment of property taxes, and

WHEREAS: the NYS Legislature is reviewing the request and formulating the necessary bills to be returned to the County of Erie for Home Rule approval; and

WHEREAS: the legislation is vital to all residents and taxpayers of Erie County and the Town of Evans, particularly the senior citizens and impoverished; and

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WHEREAS: the Town Board of the Town of Evans deems it imperative that this legislation is acted upon as soon as possible to maximize the benefits to the affected parties

THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans hereby approves that the Erie County Legislature acts on said Home Rule as soon as bill numbers are available, even if special session is required, to ensure that partial payments be accepted during this tax cycle

BE IT FURTHER

RESOLVED: the Town Board of the Town of Evans hereby authorizes acceptance of partial payments in any amount pursuant to the aforementioned legislation.
Carried.

RESOLUTION 83 Town Licences

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

Lakeshore @ Bennett D/B/A Peppers Restaurant - refreshment
Eugene J. Wachala D/B/A Pasquale's - refreshment
Derrick W. & Donald J. Decker D/B/A Decker's Corner LLC - refreshment
Vincent J. Cala, Jr. D/B/A Cala's Kitchen & Catering - refreshment
Joe C. Voltz D/B/A Joey V's Pizza - refreshment
George P. Williams D/B/A Super Freeze Drive-In - refreshment & amusement
Gary J. Ballowe D/B/A South Shore Beach Club- refreshment, amusement & live band
Daniel R. Hontz D/B/A Newcomb-Long Post #928 American Legion - refreshment, amusement & live band
Mobile Home Development
William R. Pfeil D/B/A Triton Valley Estates - Derby
William R. Pfeil D/B/A Triton Valley Estates - Angola

Carried.

RESOLUTION 84 Audit of Bills

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Councilman Govenettio moved and Councilman Erickson 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	1-95	61,643.26
PART TOWN		1-95 14,372.04
HIGHWAY	1-95	19,674.64
WATER	1-95	81,738.65
SPECIAL DISTRICTS	1-95	66,322.72

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

RESOLUTION 85 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn in memory of Frank Bergum and Dave Hosler and to a work session on Tuesday, January 24, 2006 at 4:00pm and the regular Town Board meeting of Wednesday, February 1, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk