

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, February 1, 2006 at 7:30pm there were:

PRESENT:	Karen C. Erickson	Councilman
	Joseph F. Govenettio	Councilman
	Michael M. Spence	Councilman
	Robert R. Catalino, II	Supervisor
ABSENT:	Kathleen A. Bartus	Councilman
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Asst. Building Inspector
	Ron Milks	Asst. Building Inspector
	Lori Szewczyk	Dir of Community Development
	Charles Katra	Dir of Finance
	Edward Michalski	Highway Superintendent
	John Ruszaj	Maintenance Worker
	Russ Manguso	Parks Asst Crew Chief-A
	Sandra Brant	Planning Board Chairman
	Robert Ferguson	Police Chief
	Julie Roach	Recreation Specialist
	Diana Cafferty	Receiver of Taxes
	Patrick Conrad	Maintenance Worker Laborer- A
	Rob Klavoon	Wendel Duchscherer Engineers
ABSENT:	Thomas Kait	Water Crew Chief

RESOLUTION 86 Approve minutes

Supervisor Catalino moved and Councilman Spence seconded that the reading of the minutes of the meeting of January 18, 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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Tom Gorney, 524 Sycamore Street, Angola, NY complained of debris on the side of the road in his neighborhood is seeking the Town's assistance in the clean-up.

Robert L. Palmer, 1780 Eden Evans Center Road inquired about the Town budget being placed in the library two weeks ago and is requesting the Town budget be put on-line.

Charles Militello, 6840 Prescott Drive, Derby, NY thanked the Town Board for their more resident friendly approach. He is requesting three (3) items for the board to consider in future meetings:

- a form to be placed on-line so residents can complain to the Town Board
- open the privilege of the floor at the end of the meeting to discuss only what has occurred at that particular meeting.
- appointment of an ethics committee to review and suggest to the board any and all activities pursuant to the Town Code.

Legislator Bob Reynolds reported his new office is located at 3 Buffalo Street, Hamburg. His e-mail address is Reynolds@erie.gov.

- HEAP programs will be held in Eden in February and March in Boston.
- Any County issues please contact him.

Norma Bish, 501 Sycamore Street is under the impression a guardrail is supposed to be bumper high. The guardrail in her neighborhood is waist high. A backhoe is needed to clean the debris from the creek so it will blow properly.

RESOLUTION 87 J. Grant Zajas, Town Attorney RE: request to attend 2006 Assoc. of Towns Training School & annual meeting in NYC Feb 19-22, 2006

Supervisor Catalino moved and Councilman Erickson seconded to approve the request of J. Grant Zajas, Town Attorney to attend the 2006 Association of Towns Training School and annual meeting in New York City, February 19-22, 2006 and that all necessary and reasonable expenses incurred be a town charge in accordance with the rules and regulations governing travel and education expense.

Carried.

RESOLUTION 88 Daniel Pacos, Business Administrator of Evans-Brant School District RE: request use of four (4) voting machines for annual school election May 16, 2006

Supervisor Catalino moved and Councilman Erickson seconded to approve the request of Daniel Pacos, Business Administrator of the Evans-Brant School District for the use of four (4) voting machines at the Annual School District Budget Vote and Election of Board Members to be held on Tuesday, May 16, 2006.

Carried.

RESOLUTION 89 Edward Schneider III RE: request a grievance hearing regarding not being re-appointed to the Lake Erie Beach Advisory Board

Supervisor Catalino moved and Councilman Spence seconded to receive and file the communication from Edward Schneider III requesting a grievance hearing due to his not being reappointed to the Lake Erie Beach Park Advisory Board.

Carried.

RESOLUTION 90 Russell, James & Lucretia Clark RE: request to purchase section of Virginia Street

Supervisor Catalino moved and Councilman Erickson seconded to refer the request of Russell, James and Lucretia Clark to purchase a section of Virginia Street to the proper department heads as per town policy regarding the sale of paper roads.

Carried.

Councilman Spence read a letter from the Board of Trustees of the Village of Angola thanking the Town Board for allowing Highway Superintendent Michalski to assist them in cleaning a drainage ditch on Franklin Street to Route 5.

-Any garbage complaints or problems, please contact him.

Councilman Govenettio read commendations for Patrolmen Ralph Maslach and Luke Fioretti.

-presented a police department report for the month of January, 2006

Councilman Erickson will be attending a meeting regarding the bridge on Lake Shore Road.

-February 5, 2006 from 9:00am - 10:30am there will be a meeting in the Town Hall for any interested persons to attend regarding Tourism and Development in the Southtowns.

RESOLUTION 91 Committee and Department Head reports

Supervisor Catalino moved and Councilman Erickson seconded to receive and file the department head reports.

Carried.

At this time 7:50pm a public hearing is scheduled as duly advertised in the Town Crier, official newspaper of the Town of Evans regarding the proposed transfer of reserve funds to the "Pension Reserve Fund".

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Robert L. Palmer, 1780 Eden Evans Center Road questioned if the Legal Notice was advertised.

Ed Michalski questioned if this is going to be an annual problem in the event he needs a piece of equipment in an emergency situation.

There being no one else wishing to speak the public hearing was closed at 7:55pm.

RESOLUTION 92

Supervisor Catalino moved and Councilman Erickson seconded,

WHEREAS: on February 1, 2006, a public hearing was held in accordance with Chapter 260 of the NYS Laws of 2004 and pursuant to §6-r of General Municipal Law to hear those people desiring to discuss the proposed transfer of reserve funds established pursuant to §6-c of General Municipal Law to a newly created "Pension Reserve Fund"

THEREFORE BE IT

RESOLVED: that the Town of Evans hereby authorizes the following transfers of funds from the reserves established pursuant to §6-c of General Municipal Law to Pension reserves established pursuant to §6-r of General Municipal Law for the purpose of financing retirement contributions:

FROM		TO
Equipment Capital Reserve	\$191,000	General Pension Reserve
Part Town Equipment Capital Reserve	\$195,300	Part Town Pension Reserve
Highway Equipment Reserve	\$75,760	Highway Pension Reserve

BE IT FURTHER

RESOLVED: that the aforementioned amounts are hereby authorized for transfer from the particular Pension Reserves to the respective operating budgets for payment of the Town of Evans' pension obligations in accordance with the terms set forth by the NYS Retirement System for fiscal year 2005-06. This resolution shall take effect immediately.

VOTE RESULT: Supervisor Catalino aye
Councilman Erickson aye
Councilman Govenettio aye
Councilman Spence abstain*

*This is a short time solution that needs a long term solution.

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RESOLUTION 93 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 94 Approve requests to attend 2006 Assoc.of Towns Training School & annual meeting in NYC Feb 19-22, 2006

Councilman Spence moved and Councilman Govenettio seconded,

RESOLVED: that the Town of Evans Town Board approves the request of Karen Erickson and Kathy Bartus to attend the annual Association of Towns meeting in New York City from February 18-22, 2006 and that all expenses to be paid per Town Policy.

Carried.

RESOLUTION 95 Dare Officer to attend NYS DARE Officer Association Annual Conference from April 27-29, 2006

Councilman Govenettio moved and Councilman Erickson seconded,

RESOLVED: D.A.R.E. Officer William Sills is approved to attend the N.Y.S.D.A.R.E. Officer Association Annual Conference from April 27-29, 2006 and that all necessary and reasonable expenses incurred are approved in accordance with the rules and regulations governing travel and education.

Carried.

RESOLUTION 96 Sign Agreement with Western New York Stormwater Coalition for 2006

Councilman Spence moved and Councilman Erickson seconded,

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RESOLVED: the Supervisor is hereby authorized to sign the Memorandum of Agreement to create the Western New York Stormwater Coalition for the year 2006 for a total cost of \$2,500. This resolution shall take effect immediately.

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

RESOLUTION 97 Sign contract/agreements for Building Relationships in Development Government Education Services, Angola Park & Gazebo Committee, Evans Art Guild, Kids Day in the Park & Lions Club of the Town of Evans

Councilman Govenettio moved and Councilman Erickson seconded,

WHEREAS: in the past the Town of Evans has entered into contract and/or agreements with various organizations willing to organize and sponsor various events, programs and/or activities in the Town of Evans or available to residents of the Town of Evans which provide a benefit and enjoyment to residents of the Town; and

WHEREAS: various organizations have indicated a willingness to organize and sponsor certain such events, programs and/or activities; and

WHEREAS: to defray the cost of the same the certain such organizations seek funds from the Town; and

WHEREAS: the Town is willing, in consideration of the efforts of such organizations, to make payment of sums to be herein specified to help defray the actual costs and expenses of such program and activities, or a portion thereof;

NOW THEREFORE BE IT

RESOLVED: that conditioned as further set forth herein, the Supervisor is authorized to enter into and execute any contract or agreement appropriate, subject to the approval of the Town Attorney, to monument such arrangements and that the Town make the specified payments to such organizations in accord with such agreement or contract as follows:

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- 1.) Building Relationships in Development Government Education Services (B.R.I.D.G.E.S.) to render a service in providing organizing and sponsoring post senior prom activities relative to the 2006 Lake Shore Central High School Senior Prom a sum not to exceed \$250.00.;
- 2.) Angola Park and Gazebo Committee to render a service in providing, organizing and sponsoring various concerts and cultural events held, generally, at the Angola Village Gazebo and surrounding park for the year 2006, a sum not to exceed \$450.00.
- 3.) Evans Art Guild, to render a service in providing, organizing and sponsoring various activities and cultural events, including, but not to limited to an art show or shows for the year 2006, a sum not to exceed \$285.00;
- 4.) Kids Day in the Park, to render a service in providing, organizing and sponsoring various activities and cultural events generally and commonly referred to as "Kids Day in the Park" for the year 2006, a sum not to exceed \$200.00; and
- 5.) Lions Club of the Town of Evans, to render a service in providing organizing and sponsoring a Halloween parade for the year 2006 a sum not to exceed \$450.00.

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

RESOLUTION 98 Sign contract/agreements for Evans Little Cagers, Evans Junior Archery Program, Evans Buddy Baseball, Evans Youth Baseball, Inc., Evans Youth Baseball Inc., Lake Shore Youth Football, Inc. & Lake Shore Youth Soccer Association

Councilman Govenettio moved and Councilman Erickson seconded,

WHEREAS: in the past the Town of Evans has entered into contracts and/or agreements with various organizations willing to organize and sponsor various events, programs and/or activities in the Town of Evans or available to residents of the Town of Evans which provide a benefit and enjoyment to residents of the Town; and

WHEREAS: various organizations have indicated a willingness to organize and sponsor certain such events, programs and/or activities; and

WHEREAS: to defray the cost of the same the certain such organizations seek funds from the Town; and

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WHEREAS: the Town is willing, in consideration of the efforts of such organizations, to make payment of sums to be herein specified to help defray the actual costs and expenses of such program and activities, or a portion thereof;

NOW THEREFORE BE IT

RESOLVED: that conditioned as further set forth herein, the Supervisor is authorized to enter into and execute any contract or agreement appropriate, subject to the approval of the Town Attorney, to monument such arrangements and that the Town make the specified payments to such organizations in accord with such agreement or contract as follows:

- 1.) Evans Little Cagers to render a service in providing a youth basketball program for the year 2005-2006, a sum not to exceed \$1,500.00;
- 2.) Evans Junior Archery Program to render a service in providing an archery program for the year 2006, a sum not to exceed \$450.00;
- 3.) Evans Buddy Baseball, Inc. to render a service in providing a league for handicapped individuals for the year 2006, a sum not to exceed \$700.00;
- 4.) Evans Youth Baseball, Inc. to render a service in providing a youth baseball program for the year 2006, a sum not to exceed \$7,000.00;
- 5.) Evans Youth Baseball, Inc. to render a service in providing a girls' softball program for the year 2006, a sum not to exceed \$1,600.00;
- 6.) Lake Shore Youth Football, Inc. to render a service in providing a youth football program for the year 2006, a sum not to exceed \$7,000.00; and
- 7.) Lake Shore Youth Soccer Association to render a service in providing a soccer program for the year 2006, a sum not to exceed \$7,000.00

BE IT FURTHER

RESOLVED: that, in the sole discretion of the Supervisor, the Supervisor may make a condition of such contract and the payment of such funds to any such organization as the Supervisor may elect a satisfactory review of said Organization's operating budget and presentment to the Town of vouchers regarding expenditures made by said Organization, and the filing with the Town of an inventory satisfactory to the Supervisor, of assets, equipment and supplies employed in, or in connection with, said program, as well as a summary of disposition of such assets, equipment and supplies disposed of since the last payment made by the Town, detailing to whom such assets, equipment and supplies were transferred, the consideration for such transfer and the date or dates of the same, or the manner in which such assets, equipment and supplies were otherwise consumed.

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

RESOLUTION 99 Permissive Referendum for the sale of paper streets

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: the Town of Evans has acquired, or may have acquired, title to certain parcels of land located in the Town of Evans; and

WHEREAS: the Town Board of the Town of Evans has from time to time resolved to sell whatever interest, if any, it may have in certain parcels of land being paper road rights of way, to which the Town of Evans acquired, or may have acquired, or may be entitled or able to acquire, title, or may have a right or option to acquire title in the future; and

WHEREAS: it is no longer necessary for the Town of Evans to retain any interest in, or potential interest in, said properties or any right or claim to the same; and

WHEREAS: certain persons or parties have offered to purchase whatever right title and

interest, if any, the Town of Evans may have in such parcels of land; and

WHEREAS: the Town is willing to sell whatever interest, if any, it may have in such parcels of land, subject to a permissive referendum as permitted by law, by way of a quit claim deed conveying any such right title and interest, if any, had by the town of Evans in such parcels, generally, and subject to the approval of the Town Attorney and the appropriate department heads; and

NOW THEREFORE BE IT

RESOLVED: that, subject to a permissive referendum as permitted by law, the Town Board of the Town of Evans in regular session duly convened does hereby authorize and direct the Supervisor of said Town of Evans to execute and deliver to each of the purchasers set forth hereinafter a quit claim deed conveying any right title or interest the Town of Evans has, if any, in any parcel of real property hereinafter described, subject to the reservation in, and the exemption to, the Town of Evans, it successors and/or assigns, an easement and right-of-way, over, in, on, through and/or relative to such parcel or parcels, for drainage, water services and utility purposes and for the

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purpose of installing, maintaining, repairing and/or replacing pipes, conduits, tiles and all materials and structures related to such purposes, and for the purposes of coming upon the premises, and for ingress and egress, over, upon and through the premises, whether by vehicle or otherwise, for any and all purposes deemed appropriate by the Town and further subject to the approval of the Town Attorney and the appropriate department heads, in exchange for the payment of the sums hereinafter set forth to be paid by such Purchasers, that is:

- 1.) Ellicott Street Between Eisenhower Avenue and Kennedy Avenue to Claddagh Commission Inc., 7200 Lake Shore Road, PO Box 266, Derby, NY 14047, as the same adjoins SBL#250.12-10-15, a 50 foot by 100 foot right-of-way for \$500.00; and
- 2.) Ellicott Street between Eisenhower Avenue and Kennedy Avenue to Timothy B. Casey, 580 Eisenhower Avenue, Angola, NY 14006 as the same adjoins SBL#250.12-10-305, a 50 foot by 100 foot right-of-way for \$500.00; and

AND BE IT FURTHER

RESOLVED: that any and all notices be posted and/or published as required by law.

Carried.

RESOLUTION 100 Change in scope engineering for multi-use pathway

Councilman Erickson moved and Councilman Govenettio seconded,

WHEREAS: additional work by the engineers was needed on the Town of Evans Multi-Use Pathway project related to: unforeseen property acquisition, a County directive to revise the pathway location, coordinating with the County sewer project and performing a geotechnical investigation at the proposed pedestrian bridge site over Little Sister Creek and

WHEREAS: the funding for this additional work is included in the TEA 21 grant for the multi-use pathway project, and

WHEREAS: Wendel Duchscherer has requested authorization to perform these services in their Scope Change Authorization dated January 25, 2006;

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RESOLVED: that the Town Board hereby approves Wendel Duchscherer's request in the amount of \$41,950.00 for their services and \$20,600.00 for the services of their sub-consultants.

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

RESOLUTION 101 Sex Offender Residency

Councilman Erickson moved and Councilman Spence seconded,

RESOLVED: that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing at the Town Hall, 8787 Erie Road, in said Town of Evans on

March 1, 2006 at 7:50pm to consider the advisability of adopting Local Law Intro No. 2006-1 entitled "Sex Offender Residency Prohibition".

Carried.

RESOLUTION 102 Suspend the rules of order for the conduct of business

Supervisor Catalino moved and Councilman Govenettio seconded to suspend the rules of order for the conduct of business at Evans Town Board meetings for the purpose of considering a resolution granting permission to the Building Department to attend required training classes.

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

RESOLUTION 103 Authorize training for Assistant Building Inspectors to attend training

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: it is required by the State of New York that all Code Enforcement Officers be certified, and

WHEREAS: a continuing education conference is scheduled for March 20, 21, 22 and 23rd to be held in Rochester, New York

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NOW THEREFORE BE IT

RESOLVED: that Charles LaBarbera, Paul Ryerse and Ron Milks be authorized to attend the above stated conference with all reasonable expenses incurred being a town charge in accordance with the rules and regulations governing travel and education.

Carried.

RESOLUTION 104 Town Licenses

Supervisor Catalino moved and Councilman Erickson seconded to grant the refreshment, amusement and live band license applied for by Joyce Capitano D/B/A

Ragoos contingent upon the approval of the Chief of Police and Department of Health.
Carried.

RESOLUTION 105 Audit of Bills

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 as follows:

GENERAL	96-191		\$157,246.05
PART TOWN		96-191	37,104.16
HIGHWAY	96-191		21,825.45
WATER	96-191		10,708.89
SPECIAL DISTRICTS	96-191		37,352.13

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

RESOLUTION 106 Adjournment

Supervisor Catalino moved and Councilman Govenettio seconded to adjourn to the next regular Town Board meeting on Wednesday, February 15, 2006 at 7:30pm and the next scheduled work session to be held on Wednesday, February 8, 2006 at 5:00pm.
Carried.

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Respectfully submitted,

Carol A. Meissner
Town Clerk