

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 15, 2006 at 7:30pm there were:

PRESENT:	Karen C. Erickson	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
	Jeanne C. Ebersole	Assessor
	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
	Tom Kait	Water Crew Chief
	Rick Hanavan	Wendel Duchscherer Engineers
	Rob Klavoon	Wendel Duchscherer Engineers

RESOLUTION 107 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of February 1, 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.

Rich Cole, 6886 Kimberly Lane, commented that the people in the hall can't hear and requested that people please speak up.

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Bob Doering, 9136 Lake Shore Road, apologized for the article in the Penny Saver for misinformation regarding the Town being self-insured. He commented he feels the Town is mismanaging funds and also that the Town should use the IRS rate for the per diem meal reimbursement rate for trips for conferences to New York City. Also commented on the Code of Conduct. Feels the Town hired the Supervisor to prepare the budget when he is already paid as Supervisor to prepare the budget. He provided copies for the public present of some e-mails that he sent to the Towns.

George Kunich, 779 Bennett Road, wanted to know who is watching the watchers regarding gas and mileage for town vehicles.

Chief of Police Robert Ferguson commented that New York State Criminal Procedure law allows you to be released when arrested with a ticket and you can be given a ride home. The ride home is an administrative duty and he expects his first line supervisors to do so. It is a process of law enforcement. He can not allow someone arrested for DWI to walk out on the street.

Mark Gallivan, 6901 Erie Road, asked why would you kick someone when they are down. Lets move forward in a positive way.

James Choinski, 6876 Minuteman Trail, requested an audit of this Town.

Rich Cole, 6886 Kimberly Lane requested that the Town Board minutes be placed on line. He read Town Code Chapter 16-7 Penalties for Offenses and questioned what precedent would be set if the situation is ignored. What is being done to replenish the reserve funds without raising taxes?

Cheryl Grassia, 843 Thomas Lane, was hit by a drunk driver and feels everyone is over reacting because he is the Town Supervisor and questioned if everybody in this room has not had a drink.

Joseph Catalano, 54 Railroad Ave., read a letter written by his daughter Janice Streubel regarding the loss of her son Matthew due to alcohol consumption at an underage party.

Robert Catalano, 7339 Erie Road, believes this situation is being handled politically and he believes there is a circle of abuse with the Supervisor regarding residents speaking at Town Board meetings. He feels the Supervisor should resign until this is adjudicated.

Louise Gugino, 6894 Kimberly Lane, understands forgive and forget but it is wrong and something should be done about it.

Dave Burke, 7815 Erie Road, stated that Supervisor Catalano was wrong and quoted from the Bible "he who is without sin cast the first stone". The police department's job is not only to make arrests but also to serve and protect and over the years when he was on the police force the department drove many people home. Quoted the Book of James "Quick to listen, slow to speak and very slow to become angry".

Charles Militello, 6840 Putnam, asked for a follow up of his comment from the last Town Board meeting of appointing an ethics committee according to Chapter 6 of the

Town Code. Could the reserve funds be put on-line to help people see how they are doing? Why was the Highway Superintendent concerned at the last Town Board meeting if the reserve

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funds are healthy? He requested that the Town look at his FOIL request of December 18, 2005 regarding take home vehicles and cell phones again.

Ken Williams, 6640 Revere Drive, questioned if the Town procured any new acreage to replace the parklands that were sold in Highland near the fire hall and if the Town received permission from New York State under the alienation law to sell the land.

John Haak, 766 Beach Road, requested that all town vehicles be labeled as such.

Cheryl Grassia, 843 Thomas Lane, commented that not all Erie County vehicles are labeled as such.

Rich Cole, 6886 Kimberly Lane, stated that this is not a personal attack on anyone and as a resident he can not sit back and do nothing.

Bob Rydzewski, 658 Best, commented that he is maintaining sections of the paper streets Best and Fairview. He has tried to purchase them in the past and he is requesting that the Town take them over or at least split the cost in half for the maintenance. Would the Town mind if he brought in heavy equipment to put in the streets. There are drainage problems at the end of Steffi and Best Street. He also requests assistance with that drainage problem.

Joseph Catalano, 183 W. Pleasant, is proud to live in this Town.

Jill Redman, 6888 Kimberly Lane, questioned where the money collected for taxes is going. What is Evans offering the residents.

Richard Hammer, 1267 Backus Road, questioned why you never hear about people from the media being arrested for DWI.

Ellsworth Ivy, 6677 Derby Road stated that four years ago people came to the Town Board meeting and said no to raises for elected officials and since then there has been raises for part-time positions along with other benefits. He suggests pay cuts and eliminate some of the perks for part-time officials.

Ernie Masullo, 22 School Street, commented that this Board is aggressive and progressive in saving money for the Town.

Mark Hagemen, Jr., 9644 Oakland, feels the Town Board is treating the people who are against the Supervisor biasedly by quietening them down.

Marie Jewitt, 1348 Eden Evans Center Road, commented that our Town is about being a community and family to each other not because of an agenda. Our Town could be better if more people got involved and volunteered and adults need to act like adults and stop screaming.

RESOLUTION 108 Negative Declaration SEQR declaration for Mazur minor subdivision

Supervisor Catalino moved and Councilman Erickson seconded,

WHEREAS: in a letter dated February 3, 2006, the Town of Evans minor subdivision review committee has recommended a negative declaration regarding the SEQR declaration for the Estate of Sophie Mazur minor subdivision, and

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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 Estate of Sophie Mazur minor subdivision (Addendum A SEQR short environmental assessment form)

A division of SBL#221.00-2-22.11, dividing an 18.0+/- acre parcel to create:

1. A 4.0+/- acre parcel with 570+/- feet of frontage on Versailles Road
2. A 1.04+/- acre parcel with 149.37+/- feet of frontage on Versailles Road (to be annexed to SBL#221.00-2-22.2), and
3. A 12.89+/- acre parcel with 781.97+/- feet of frontage on Burns Road

PETITIONER: the Estate of Sophie Mazur, 7974 Versailles Road, Angola, NY 14006

AND BE IT FURTHER

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

RESOLUTION 109 Approve Mazur minor subdivision

Supervisor Catalino moved and Councilman Erickson 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 Estate of Sophie Mazur minor subdivision, a division of SBL#221.00-2-22.11, dividing an 18.0+/- acre parcel to create:

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1. A 4.0+/- acre parcel with 570+/- feet of frontage on Versailles Road
2. A 1.04+/- acre parcel with 149.37+/- feet of frontage on Versailles Road (to be annexed to SBL#221.00-2-22.2), and
3. A 12.89+/- acre parcel with 781.97+/- feet of frontage on Burns Road

and that the approval is conditional upon the following:

That proposed lot #2 (1.04ac) be annexed to an adjacent parcel known as SBL#221.00-2-22.2 owned by Walter C. and Marie J. Stetz.

PETITIONER: the Estate of Sophie Mazur, 7974 Versailles 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.

RESOLUTION 110 Donald Higgs RE: request assistance with Meadow Lane

Supervisor Catalino moved and Councilman Erickson seconded to refer the communication from Donald Higgs requesting assistance with Meadow Lane to the Highway Superintendent.

Carried.

RESOLUTION 111 Edward Schneider III RE: request Town to repurchase portion of Lake Erie Beach Park including portion of Point Breeze Drive

Supervisor Catalino moved and Councilman Bartus seconded to receive and file the communication from Edward Schneider III requesting the Town to repurchase portion of Lake Erie Beach Park including a portion of Point Breeze Drive.

Carried.

RESOLUTION 112 Bob Doering RE: use of Town owned vehicles, payment of officials for dual positions/duties & per diem meal allowance for travel to New York City

Supervisor Catalino moved and Councilman Erickson seconded to receive and file the communications from Bob Doering regarding the use of town owned vehicles, payment of officials for dual positions/duties and the per diem meal allowance for travel and meals to New York City.

Carried.

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Councilman Govenetto reported on the following:

- residents need to get more involved and not just when something bad happens
- 5.25% increase in taxes not 11% as reported which results in \$3.05/day for an \$100,000.00 assessed home which results in a Police Department, Water Department with three less jobs, Highway Department and Parks Department which helps the children's local sports leagues. The state now makes the Town pay for pension. We are looking for further cuts and we are doing the best we can.

Councilman Erickson commented that anyone wishing to go over the budget can call or come in and talk to the Town Board or the Director of Finance.

- Councilman Bartus and herself will abide by Federal Guidelines for per diem meal allowance while in New York City this coming week with a resolution to be considered at the next Town Board meeting.

Supervisor Catalino thanked the people that are here to support him and for all of the prayers, cards and calls. He apologized for his actions and for eleven years he has tried to do things that don't embarrass this town. He believes the people in this community do bond together and everybody's entitled to their opinion. He will continue to work to the best of his ability to make sure this Town is a great place to live.

RESOLUTION 113 Committee and Department Head reports

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

Carol A. Meissner, Town Clerk:

Jan. Petty Cash	\$4.89
Jan. Games of Chance	\$25.00
Jan. Monthly report	\$9,345.68

Diana Cafferty, Rec of Taxes & Assess.:

January Water	\$107,041.75
January duplicate bills	\$46.0

January interest                      \$21.18

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

RESOLUTION 114 Proposed Local Law #2 of the year 2005 (Zoning/Licensing)

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Supervisor Catalino moved and Councilman Erickson seconded to leave Proposed Local Law #2 of the year 2005 (Zoning/Licensing) under old business on the agenda for Evans Town Board meetings.

Carried.

RESOLUTION 115 Adopt Proposed Local Law #3 of the year 2005 (Licensing of Animals) as Local Law #2 of the year 2006

Councilman Spence moved and Councilman Erickson seconded,

RESOLVED:                      that Proposed Local Law #3 of the year 2005 (Licensing of Animals) and the same is hereby adopted as Local Law #2 of the year 2006. (See Addendum B)

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

RESOLUTION 116 Adopt Proposed Local Law #4 of the year 2005 (Property Maintenance) as Local Law #3 of the year 2006

Councilman Govenettio moved and Councilman Erickson seconded,

RESOLVED:                      that Proposed Local Law #4 of the year 2005 (Property Maintenance) has been amended as attached hereto and the same is hereby adopted as Local Law #3 of the year 2006. (See Addendum C)

VOTE RESULT:                      Councilman Govenettio                      aye  
   Councilman Erickson                      aye

Councilman Bartus	aye
Councilman Spence	aye
Supervisor Catalino	aye

RESOLUTION 117 Adopt Proposed Local Law #7 of the year 2005 (amend V & T Law for a STOP sign on Seneca St) as Local Law #4 of the year 2006

Councilman Bartus moved and Councilman Erickson seconded that Proposed Local Law #7 of the year 2005 (amend V & T Law for a STOP sign on Seneca Street) being the same is hereby adopted as Local Law #4 of the year 2006. (See Addendum D)

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

RESOLUTION 118 Water bill adjustment

Councilman Govenettio moved and Councilman Bartus seconded,

RESOLVED that an adjustment be made to the following account because of a water leak:

Christopher Wilkens, 6660 Lake Shore Road  
Account # 01050930  
Adjustment \$186.04 + penalty

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

RESOLUTION 119 Water rates

Councilman Govenettio moved and Councilman Bartus seconded,

WHEREAS: the Erie County Water Authority has increased their rates over 21% since 2002,

WHEREAS: the Town of Evans water fund has absorbed these cost increases by not increasing water rates since 2002, and

WHEREAS: cost savings measures have been implemented, including reducing manpower by three positions through attrition, and

WHEREAS: despite these cost savings measure, operating expenses such as water consumption, insurance and employee pensions have continued to go up, necessitating an increase in revenues,

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RESOLVED: that pursuant to Section 106-1 the price of water be \$4.95 per 1000 gallons for Town water customers and \$5.70 per 1000 gallons for out of district customers this hereby established these rates will go into effect as follows for the quarter billing districts:

District #2, effective March 1, 2006

District #3, effective April 1, 2006

District #1, effective May 1, 2006

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

\*We need to fix this long-term and hopefully we can act and try and figure out the apparent deficit that we are incurring here. Hopefully we can work together as a Board and figure this out for the long term.

RESOLUTION 120 Town Licenses

Supervisor Catalino moved and Councilman Erickson seconded to grant the refreshment license applied for by JTKJ D/B/A Quiznos Sub contingent upon the approval of the Chief of Police and Department of Health.

Carried.

RESOLUTION 121 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 date as follows:

	Prepaid Voucher #5		
GENERAL	192-318		24,460.52
PART TOWN		192-318	11,793.80
HIGHWAY	192-318		24,055.89
WATER	192-318		77,169.41
SPECIAL DISTRICTS	192-318		69,076.61

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

#### RESOLUTION 122 Adjournment

Supervisor Catalino moved and Councilman Govenettio seconded to adjourn tonight's meeting to the next regular Town Board meeting on Wednesday, March 1, 2006 at 7:30pm and the next scheduled work session to be held on Wednesday, February 22, 2006 at 5:00pm.

Carried.

Respectfully submitted,

Carol A. Meissner  
Town Clerk