

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: Joseph F. Govenettio Councilman
Kathleen A. Bartus Councilman
Michael M. Spence Councilman

ABSENT: Karen C. Erickson Councilman
Robert R. Catalino, II Supervisor

ALSO PRESENT: Carol A. Meissner Town Clerk
J. Grant Zajas Town Attorney
Jeanne C. Ebersole Assessor
Charles LaBarbera Building Department Head
Ron Milks Asst. Building Inspector
Lori Szewczyk Dir of Community
Development
Charles Katra Dir of Finance
John Ruszaj Maintenance Worker
Russ Manguso Parks Asst Crew Chief-A
Sandra Brant Planning Board Chairman
Robert Ferguson Police Chief
Diana Cafferty Receiver of Taxes
Patrick Conrad Maintenance Worker Laborer-
A
Tom Kait Water Crew Chief
Rick Hanavan Wendel Duchscherer Engineers

ABSENT: Edward Michalski Highway Superintendent
Julie Roach Recreation Specialist/Seniors

RESOLUTION 123 Approve minutes

Councilman Govenettio moved and Councilman Bartus seconded that the reading of the minutes of the meeting of February 15, 2006 be dispensed with and approved as submitted by the Town Clerk.

Carried.

Councilman Govenettio extended the privilege of the floor to any and all persons

present.

Meeting #5
March 1, 2006
page 66

Louis Palma, 6717 Derby Road questioned the amount of the deficit in the Water Department and how it grew to this amount. He is concerned that the residents of Evans can not afford the increase in the water rates.

Charles Militello, 6840 Prescott Drive requested that the Town Board follow through with a better response in FOIL requests.

Mary Ellen Hanna, 9615 Point Breeze Drive read the communication that she submitted for the agenda for tonights Town Board meeting regarding Muddy Creek and the flood prevention program. Requests a meeting to further discuss their concerns for the Point Breeze area and Muddy Creek.

At this time 7:50pm a public hearing is scheduled as duly advertised in the Town Crier, official newspaper of the Town of Evans to consider the adoption of Proposed Local Law #1 of the year 2006 Sexual Offender Residency.

Charles Militello, 6840 Prescott Drive questioned if the Town Board adopts this proposed local law would it also cover the Village of Angola and is the Town Board coordinating this with the Village of Angola.

John O'Donnell, 9193 Applewood questioned what could be done to protect the children at the beaches, parks and hike/bike path.

Robert Palmer, 1780 Eden Evans Center Road suggested that the Town of Evans have pop-ups on their web-site of the sexual offenders as there are other municipalities that do.

Councilman Govenettio closed the public hearing.

At this time 8:00pm a public hearing is scheduled as duly advertised in the Town Crier, official newspaper of the Town of Evans and the Buffalo News regarding the relocation of New Era Cap's headquarters and the Buffalo Empire Zone.

Doug Dimitroff, attorney with Phillips, Lytle LLP who is representing New Era Cap presented an overview of the expansion of the manufacturing plant and the relocation of the headquarters.

Charles Militello, 6840 Prescott Drive commented that he is angry with the decision of New Era to move the headquarters and feels that moving the headquarters is going to hurt local small business. Questioned if the Town would be reimbursed for deferred taxes in the past. Feels the Town of Evans is losing a tourism destination.

Bob Doering 9136 Lake Shore Road questioned what the average hourly wage of the average employee at New Era Cap is.

Louis Palma, 6717 Derby Road suggested that it would be a good faith gesture of New Era if they sent a check each year for one of local youth groups to show their

appreciation for this town being good to them.

Meeting #5
March 1, 2006
page 67

RESOLUTION 124 Shift of Operation in to an Empire Zone

Councilman Govenettio moved and Councilman Bartus seconded,

WHEREAS: New Era Cap Company, Inc., (New Era) is a world leader in sports caps and headwear and is the exclusive Authentic Collection cap of Major League Baseball (NAICS 315990). New Era is also licensed to manufacture caps for the National Basketball Association, National Hockey League and major colleges. New Era has been in business for 85 years, and

WHEREAS: New Era employed approximately five hundred eleven (511) people in 2005, at its existing and combined headquarters and manufacturing facility located at 8061 Erie Road in the Town of Evans ("Derby Facility"), and

WHEREAS: severe space constraints and a need to be closer to the majority of the population of the Buffalo Niagara region prevented New Era from retaining its headquarters operation at the Derby Facility, beyond 2006 and

WHEREAS: New Era, a successful international company, has found it necessary to relocate its headquarters in an urban center closer to amenities essential for continued growth, and

WHEREAS: New Era met with the State of Alabama Development Authority and similar agencies from other states prior to receiving a proposal to remain in New York State in close proximity to Evans, and

WHEREAS: the Town Board has heard public comments that extraordinary circumstances existed to warrant the relocation of The New Era Cap Company headquarter operation in to the Buffalo Empire Zone as a Regionally Significant Project while retaining and expanding their manufacturing operation in Evans as a Regionally Significant Project.

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans concurs with the relocation of New Era's headquarters, from the Town of Evans to the Buffalo Empire Zone.
Carried.

RESOLUTION 125 Support and Concurrence with the City of Buffalo's application for a regionally significant project

Councilman Govenettio moved and Councilman Spence seconded,
Meeting #5
March 1, 2006
page 68

- WHEREAS: New York State has created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in select municipalities across the State; and
- WHEREAS: pursuant to Section 961 of the General Municipal Law, authorized designation of certain areas as an Empire Zone within the meaning of said statute, such designation was approved by the New York State Commissioner of Economic Development and was formally designated by the Empire Zones Designation Board on July 27, 1994; and
- WHEREAS: New York State has amended the Empire Zones program legislation under GML §957 paragraph (ii) of subdivision (d) as amended in §14 of Chapter 63 of the Laws of 2005 to increase benefits and allow additional areas to be deemed as Regionally Significant Projects; and
- WHEREAS: New Era Cap Company, Inc. ("New Era") is a world leader in sports caps and headwear and is the exclusive Authentic Collection cap of Major League Baseball (NAICS 315990). New Era is also licensed to manufacture caps for the National Basketball Association, National Hockey League and major colleges. New Era has been in business for 85 years; and
- WHEREAS: New Era is planning to acquire the former Federal Reserve Bank building at 160 Delaware Avenue, Buffalo and convert that to its new global headquarters. Investment in acquisition and renovation of the new headquarter facility will total over \$10,000,000; and
- WHEREAS: New Era's expansion includes re-investment into the Town of Evans facility located at 8061 Erie Road in the Town of Evans. The renovation will modify existing office space into manufacturing space plus the addition of new equipment with a total budget of \$3,200,000; and
- WHEREAS: New Era will retain 331 manufacturing jobs and 180 headquarter jobs. In addition, the company will add 119 manufacturing jobs and 120 headquarter jobs over three years; and

NOW, THEREFORE, BE IT

- RESOLVED: that New Era Cap Company, Inc., Buffalo and Evans, New York meets the criteria of §957 (d) (ii) of the General Municipal Law as a regionally significant project by creating 50 new manufacturing jobs for inclusion within Buffalo Empire Zone #38 in an area outside the separate and distinct contiguous areas; and

BE IT FURTHER

RESOLVED: that the Town of Evans Town Board, in its capacity as governing body of the Town, does hereby support and concur with the City of Buffalo to include the properties more particularly described below as follows into Buffalo Empire Zone #38:

Tax parcels 8091 Erie Rd. (SBL # 220.00-3-26.1), 8119 Erie Rd. (SBL # 220.00-3-32), 8061 Erie Rd. (SBL # 220.00-3-27), 8115 Erie Rd. (SBL # 220.00-3-24), 8111 Erie Rd. (SBL # 220.00-3-25.13), and vacant land on Erie Rd. (SBL # 220.00-2-12)

Carried.

RESOLUTION 126 Advertise for PH for the relocation of New Era Cap's headquarters

Councilman Govenettio moved and Councilman Spence seconded,

RESOLVED: that the Evans Town Board does hereby authorize the Town Clerk to advertise for a public hearing on March 1, 2006 at 8:00pm regarding the shift of New Era's headquarters into Buffalo's Empire Zone in the earliest possible edition of the Town Crier, and due to time constraints, the Buffalo News.

Carried.

Councilman Govenettio reopened the privilege of the floor.

Mary Ellen Hanna commented on the sale of a portion of Point Breeze Drive, land on Wisconsin Road, the old youth center and a portion of Lake Erie Beach Park.

Louis Palma, 6717 Derby Road questioned why has the Town purchased three new police vehicles and they are sitting in storage and not being utilized.

Councilman Govenettio closed the privilege of the floor.

RESOLUTION 127 Sandra Brant, Minor Subdivision Review Committee RE: Mulawka Family Trust minor subdivision 607 E Larkin Road

Councilman Bartus moved and Councilman Govenettio seconded,

WHEREAS: in a letter dated February 17, 2006, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Mulawka Family Trust minor subdivision, and

WHEREAS: it has been determined that there will 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 Mulawka Family Trust minor subdivision (Addendum A SEQR short environmental assessment form),

a division of SBL#205.00-4-30.111, dividing a 29.29+/- acre parcel to create:

1. A .74+/- acre parcel,
2. A 1.63+/- acre parcel, and
3. A 26.92+/- acre parcel

PETITIONER: Mulawka Family Trust, 9386 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 128 Approve Mulawka Family Trust minor subdivision

Councilman Bartus moved and Councilman Spence seconded,

WHEREAS: the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval,

WHEREAS: variances for the lot width required, permitted principal structures and minimum lot size were granted by the Town of Evans Zoning Board of Appeals on June 8, 2005 and December 14, 2005, 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 Mulawka Family Trust minor subdivision, dividing a 29.29+/- acre parcel known as SBL#205.00-4-30.111 to create:

1. A .74+/- acre parcel,
2. A 1.63+/- acre parcel, and
3. A 26.92+/- acre parcel

and that the approval is conditional upon the following:

- Receipt of drainage plans prior to Certificate of Occupancy that are acceptable to the Code Enforcement Office,
- That all driveway easements are recorded in all homeowners previous deeds be adhered to,
- That no water lines be disrupted,
- That the barn is taken down within three (3) months after the roughing in of the new home to be built on the newly created .74+/- acre parcel.

PETITIONER: Mulawka Family Trust, 9386 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.

RESOLUTION 129 Sandra Brant, Minor Subdivision Review Committee RE: Richard Tocha minor subdivision

Councilman Bartus moved and Councilman Spence seconded,

WHEREAS: in a letter dated February 17, 2006, the Town of Evans minor subdivision review committee has recommended a negative declaration regarding the SEQR process for the Richard W. Tocha D/B/A Main, Evans Associates 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 Richard W. Tocha D/B/A Main, Evans Associates minor subdivision (Addendum B SEQR short environmental assessment form)

Meeting #5
March 1, 2006
page 72

A division of SBL#206.07-2-20./A and SBL#206.00-3-58.1, dividing a 6.97+/- acre parcel and a 10.03+/- acre parcel to create:

1. A .99+/- acre parcel with 135.00+/- feet of frontage on Erie Rd.,
2. A 6.22+/- acre parcel with 772.16+/- feet of frontage on Erie Rd., and
3. A 9.95+/- acre parcel with 475.97+/- feet of frontage on Erie Rd.

PETITIONER: Richard W. Tocha D/B/B Main, Evans Associates, 5279 Willow Lake St., Clarence, NY 14031.

AND BE IT FURTHER

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

Carried.

RESOLUTION 130 Approve Tocha minor subdivision

Councilman Bartus moved and Councilman Spence 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 Richard W. Tocha D/B/A Main, Evans Associates minor subdivision, dividing a 6.97+/- acre parcel and a 10.03+/- acre parcel known as SBL#206.07-2-20./A and SBL#206.00-3-58.1 to create:

1. A .99+/- acre parcel with 135.00+/- feet of frontage on Erie Rd.,
2. A 6.22+/- acre parcel with 772.16+/- feet of frontage on Erie Rd., and
3. A 9.95+/- acre parcel with 475.97+/- feet of frontage on Erie Rd.

PETITIONER: Richard W. Tocha D/B/B Main, Evans Associates, 5279 Willow Lake St., Clarence, NY 14031.

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 131 Robert & Mary Ellen Hanna RE: Muddy Creek and the flood prevention program

Councilman Govenettio moved and Councilman Spence seconded to receive and file the communication from Robert and Mary Ellen Hanna regarding Muddy Creek and the flood prevention program.

Carried.

RESOLUTION 132 Gale Wetzler RE: resignation

Councilman Govenettio moved and Councilman Spence seconded to accept the letter of resignation for Gale Wetzler.

Carried.

Councilman Spence reported that he has an open door policy and that he is working on scheduling a community-wide spring clean-up.

Councilman Bartus reported that she received two e-mails one from Deb Sterner regarding Delevan Lane and one from Albert Browning requesting that Burns Road be improved.

- reported on her attendance at the NYS Association of Towns meeting
- she is continuing to work with Chuck Danzi the Disaster Coordinator

RESOLUTION 133

Councilman Bartus moved and Councilman Govenettio seconded to forward the e-mails that Councilman Bartus received from Deb Sterner and Albert Browning regarding Delevan Lane and Burns Road to the Highway Superintendent.

Carried.

Councilman Govenettio presented a water department report.

- a maintenance program will begin shortly for the fire hydrants
- He did not attend the NYS Association of Towns meeting.
- working on a policy regarding the use of Town owned vehicles

Meeting #5
March 1, 2006
page 74

RESOLUTION 134 Committee and Department Head reports

Councilman Govenettio moved and Councilman Spence seconded to accept the Committee and Department Head reports.

Carried.

RESOLUTION 135 PLL #2 of the year 2005 (Zoning/Licensing)

Councilman Govenettio moved and Councilman Spence 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 136 Rate of pay for part time clerk

Councilman Spence moved and Councilman Bartus seconded,

RESOLVED: that Jeneen McSkimming is hereby be compensated at the hourly rate of \$10.50 in her position of part-time clerk in the Assessor's Office.

Carried.

RESOLUTION 137 Allow collection of partial payments for real property taxes

Councilman Bartus moved and Councilman Spence seconded,

RESOLVED: that the Tax Receiver is hereby authorized, pursuant to recent State legislation, to collect partial real property tax payments effective immediately.

Carried.

RESOLUTION 138 Sign agreement with IBEW Local #41 regarding Assistant Building Inspector "A"

Councilman Bartus moved and Councilman Spence seconded,

RESOLVED: that the Supervisor is authorized to sign the settlement agreement with the IBEW Local 41 as it pertains to Assistant Building Inspector "A".

Carried.

RESOLUTION 139 Mileage and Meal allowance

Councilman Bartus moved and Councilman Spence seconded,

RESOLVED: that the mileage allowance for Town personnel utilizing their own vehicles on Town business shall be \$.35/mile for the year 2006 and

BE IT FURTHER

RESOLVED: that lodging reimbursement rates shall be actual costs incurred and meal reimbursement rates shall be in accordance with the current and prevailing federal guidelines for the respective locations. Individual local lunch rates shall be set at \$5.00, for seminars.

VOTE RESULT:	Councilman Bartus	aye
	Councilman Spence	aye
	Councilman Govenettio	aye

RESOLUTION 140 Audit of Bills

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

	Prepaid Voucher #6	
GENERAL	319-385	656,109.28
PART TOWN	319-385	37,293.23
HIGHWAY	319-385	17,119.10
WATER	319-385	7,741.24
SPECIAL DISTRICTS	319-385	28,165.94

VOTE RESULT:	Councilman Spence	aye
	Councilman Bartus	aye
	Councilman Govenettio	aye

RESOLUTION 141 Adjournment

Councilman Govenettio moved and Councilman Spence seconded to adjourn to Wednesday, March 8, 2006 at 5:00pm for a Work Session and to Wednesday, March 15, 2006 at 7:30pm for a regular Town Board meeting.

Carried.
Respectfully submitted,

Lynn R. Stoessel
Deputy Town Clerk

Carol A. Meissner
Town Clerk