

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, April 5, 2006 at 7:30pm there were:

RESOLUTION 155 Suspend the Rules of Order

Councilman Erickson moved and Councilman Spence seconded to suspend the rules of order for the conduct of business at Evans Town Board meetings for the purpose taking action on the appointment of Councilman.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Spence	aye
	Councilman Bartus	aye

RESOLUTION 156 Appointment of Councilman

Councilman Erickson moved and Councilman Bartus seconded to appoint Gifford M. Swyers to the position of Councilman effective immediately. Said term will expire December 31, 2006.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Bartus	aye
	Councilman Spence	aye

Town Clerk, Carol A. Meissner, administered the Oath of Office to Gifford M. Swyers.

Councilman Swyers stated he did not necessarily desire this job, as you know I served as a Councilman before. After a lot of phone calls and a lot of encouragement from people here in the Town Hall as well as other people in the community, I said well maybe for the next eight (8) months I can help out this town a little bit. That's all I've ever had an interest in doing is working for the best for this community. I thank those people who did show support and had a lot of faith in me. I just think the expectations are awfully high and the thing that I've shared with so many people is I don't want to disappoint anybody. I'm going to try to do the best we can and hopefully things can work out. Thank you all for your support and let's hope we can move forward. Thank you.

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PRESENT: Karen C. Erickson Councilman
Kathleen A. Bartus Councilman
Michael M. Spence Councilman
Gifford M. Swyers Councilman

ABSENT: 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
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
Rob Klavoon Wendel Duchscherer Engineers

ABSENT: Julie Roach Recreation Specialist/Seniors
Lori Szewczyk Dir of Community
Development
Edward J. Michalski Highway Superintendent

RESOLUTION 157 Approve minutes

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

VOTE RESULT: Councilman Erickson aye
Councilman Bartus aye
Councilman Spence aye
Councilman Swyers abstain*

*not sure what happened.

Councilman Erickson extended the privilege of the floor to any and all persons present.

David Martin, President of the Angola Fire Control Fire Police Association presented the Town Board and citizens a commendation for their financial support for always making time for the fire service and their needs.

Sharon Trembath, 466 Alfred Drive (see Addendum A)

Robert L. Palmer, 1780 Eden Evans Center Road has done some research on the Erie County Parks system. Wendt Beach and Bennett are the only two beaches available for swimming in the County. He approves parking fees for county parks. He questioned the need of special use permits required by the Town of Evans. He opposes the Precision Park proposal as written.

Ted J. Andrews, 9343 Lake Shore Road commended all the people that had a hand in getting Tim Horton's to come to Evans. It is a real plus to the Town.

Lou Palma, 6717 Derby Road questioned the \$100,000.00 amount spent on FOIL requests. He wondered if it were additional amounts of monies needed to fill the requests, such as overtime, or were these requests processed in the normal work day costing no additional monies.

Robert Reynolds, County Legislator of the 12th Legislative District updated the residents regarding HAVA requirements. Mr. Reynolds explained that Wendt Beach will remain open along with the soccer fields. He doesn't know how the park will be separated. Precision Park could lease or purchase. They have been involved with other parks in the Country. Any other concerns please contact him at 649-2640 or e-mail him at reynolds@erie.gov.

Lou Palma, questioned if Precision Park would pay taxes.

Jack Chiappone explained County Executive Giambra has negotiated to take over all the City of Buffalo's parks and now the County is looking to lease Wendt Beach. It doesn't make sense.

Sharen Trembath reiterated her concerns regarding Wendt Beach Park as outlined in Addendum A.

Rick Vogan, Independence Drive, Derby, Lake Shore Youth Soccer Association purchased a building that is located at the park and is concerned about the building, the holding of the soccer games and parking.

Ed Schneider III (see Addendum B)

Jeanne Ebersole explained other vendors were interested in the project but when they realized the scope of the project, backed off. Retention of beach access and the soccer fields was a concern of her's also.

Chuck Militello, Is concerned about retention of the soccer concession stand. This is a fund raiser for the soccer club.

Robert Palmer again expressed his concerns regarding this project at Wendt Beach Park.

Another question was raised concerning catastrophic insurance and liability.

RESOLUTION 158 Edward Schneider III RE: requesting to be appointed to the Lake Erie Beach Advisory Board

Councilman Erickson moved and Councilman Spence seconded to receive and file the communication from Edward Schneider III requesting to be appointed to the Lake Erie Beach Park Advisory Board due to a resignation.

Carried.

RESOLUTION 159 Tina Powell RE: request assistance with Best Street

Councilman Erickson moved and Councilman Swyers seconded to refer the communication from Tina Powell regarding assistance in having Best Street graded to the Highway Superintendent.

Carried.

RESOLUTION 160 E.J. Michalski, Secretary of North Evans Fire District RE: request receipts from annual tax levy be made available directly from the Receiver of Taxes

Councilman Erickson moved Councilman Bartus seconded to refer the communication from E.J. Michalski, Secretary of the North Evans Fire District requesting receipts from the annual tax levy be made available directly from the Receiver of Taxes to the Director of Finance and the Receiver of Taxes.

Carried.

RESOLUTION 161 Carol A. Meissner, Town Clerk RE: appointment of Deputy Town Clerk

Councilman Erickson moved and Councilman Bartus seconded to acknowledge the appointment by Carol A. Meissner, Town Clerk of Jonica B. DiMartino as Deputy Town Clerk effective April 3, 2006.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Bartus	aye
	Councilman Spence	aye
	Councilman Swyers	aye

RESOLUTION 62 Anthony Barone, Town Justice RE: appointment of Court Clerk

Councilman Erickson moved and Councilman Bartus seconded to acknowledge the appointment of Rachel Kijek as full time Court Clerk by Anthony J. Barone, Town Justice with a probation period not to exceed one (1) year effective immediately.

VOTE RESULT: Councilman Erickson aye
 Councilman Bartus aye
 Councilman Swyers aye
 Councilman Spence aye

Town Attorney Zajas welcomed Councilman Swyers.

Councilman Spence welcomed Councilman Swyers and presented the following reports:

- thanked the Town Highway Department for contacting County Highway regarding a hazardous tree at the intersection of Potter and South Creek Roads
- anonymous letters regarding garbage problems at Versailles and Cain Roads contact him
- Community Clean-up day is being scheduled on April 22, 2006 (Earth Day). Forms are available for any resident to fill out and participate.

Councilman Bartus presented the following reports:

- clarified the Team work extended by the Receiver of Taxes office, Building Inspector's Office, Supervisor's Office and other Councilmen for the progress made in the Assessor's Office.
- Letters from the Association of Towns regarding the very active participation of the Court Clerks and thanked Mrs. Baake who is a State Court Clerk's Officer and an instructor at the annual Association of Towns meeting.
- NYS Canal Board notified the town there is no charge for the permit for residents to take their boats down the canal.
- Letter of commendation to acting Lieutenant Macko, Officer Maslich, Officer Mayer and Dispatcher Hamm regarding a pursuit through Evans on March 18, 2006.
- Police Department report for the month of March 2006.

Councilman Erickson presented and read a letter to Sandra Brant, Planning Division, Chairman thanking her for assistance with the planning of Family Dollar.

RESOLUTION 163 Committee and Department Head reports

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

Diana A. Cafferty, Receiver of Taxes and Assessments:
Water receipts - March 2006 \$93,776.84
Duplicate bills - March 2006 \$78.00
Interest earned - March 2006 \$20.18

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VOTE RESULT: Councilman Erickson aye
 Councilman Spence aye
 Councilman Bartus aye
 Councilman Swyers aye

RESOLUTION 164 PLL #2 of the year 2005 (Zoning - Licensing); PLL #1 of the year 2006 (Sex Offender Residency) and Hike/Bike Path

Councilman Erickson moved and Councilman Bartus seconded that Proposed Local Law #2 of the year 2005 (Zoning - Licensing); Proposed Local Law #1 of the year 2006 (Sex Offender Residency) and Hike/Bike Path remain under old business on the agenda.

Carried.

RESOLUTION 165 Advertise for request for proposals for developing a Tourism Asset Inventory and Strategic Planning Guide

Councilman Erickson moved and Councilman Spence seconded,

RESOLVED: that the Evans Town Board does hereby authorize the Town Clerk to advertise for Request for Proposals for developing a Tourism Asset Inventory and Strategic Planning Guide. Proposals will be accepted by the Evans Town Clerk during business hours Monday thru Friday from 9:00am to 5:00pm until 10:00am, Monday, April 17, 2006.

Carried.

RESOLUTION 166 Advertise for a public hearing for PLL #2 of the year 2006 (amend V & T for fire lanes)

Councilman Bartus moved and Councilman Spence seconded,

RESOLVED: that a public hearing be scheduled on May 3, 2006 at 7:50pm to consider Proposed Local Law #2 of the year 2006, which would amend the Code of the Town of Evans, Chapter 193 Vehicles and Traffic, Section 193-52 Schedule XIX: Fire Lanes. Location.

Currently reads: "Ames Plaza, northeast building complex only, entire length facing Route No. 5..."

Amend to read: "Martins Store entire length facing the intersection of route #5 at Nettlecreek Drive, loading docks on side opposite Route No. 5, and the fence separating the homes on Crescent Drive from Martins parking lot..."

Carried.
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RESOLUTION 167 Appointment of Planning Board Secretary

Councilman Spence moved and Councilman Bartus seconded,

RESOLVED: that Jody D. Eder, 6753 Hamilton Dr., Derby is hereby appointed as Secretary to the Planning Board at a rate of \$70 per meeting, effective March 22, 2006. This resolution shall take effective immediately.

VOTE RESULT: Councilman Spence aye
 Councilman Bartus aye
 Councilman Swyers aye
 Councilman Erickson aye

RESOLUTION 168 Water bill adjustments

Councilman Spence moved and Councilman Swyers seconded,

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

Lester Weinheimer, 6781 Black Road
Account #02080950
Adjustment: \$299.30

Anne Moore, 125 Summerdale Road
Account #03071130
Adjustment: \$139.40

VOTE RESULT: Councilman Spence aye
 Councilman Swyers aye
 Councilman Bartus aye
 Councilman Erickson aye

RESOLUTION 169 Sign agreement with Pitney Bowes

Councilman Bartus moved and Councilman Spence seconded,

WHEREAS: the postage machine in the office of the Town Clerk is on the verge of not meeting requirements of the US Postal Service, and

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WHEREAS: the Town of Evans has solicited proposals and investigated replacements that do meet the USPS requirements, and

WHEREAS: Pitney Bowes has submitted the least expensive proposal for a machine that suites the Town's needs and meets the USPS requirements, and

THEREFORE BE IT

RESOLVED: that the Supervisor is hereby authorized to sign agreement with Pitney Bowes for lease of digital machine to replace the soon to be obsolete machine currently in use, subject to the approval of the Town Attorney and the Director of Finance. This resolution shall take effect immediately.

Carried.

RESOLUTION 170 Permissive Referendum for sale of paper roads

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 certain parcels of land being paper road rights of way, to which the Town of Evans acquired, or may have acquired 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 said properties or the 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;

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, subject to such easements and/or rights of way as may be necessary or prudent relative to 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 herinafter 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 such easements as may be necessary or prudent relative to such parcels 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.) Virginia Street right of way being 20 foot by 100 feet as the same adjoins SBL#250.17-9-7 for the sum of \$250.00, to James K. Clark and Lucretia Clark of 151 Reeves Road, Angola, NY 14006.
- 2.) Virginia Street right of way being 20 foot by 100 feet as the same adjoins SBL#250.17-9-8 for the sum of \$250.00, to Russell A. Clark of 155 Reeves Road, Angola, NY 14006
- 3.) Virginia Street right of way being 40 foot by 100 feet as the same adjoins SBL#250.17-9-21.1 for the sum of \$500.00, to Estelle Hein of 41 Marjann Terrace, Buffalo, New York 14223.

AND BE IT FURTHER

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

VOTE RESULT: Councilman Erickson aye
 Councilman Spence aye
 Councilman Bartus aye
 Councilman Swyers aye

RESOLUTION 171 Sign the 2005 contracts with fire companies

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: there has been established in the Town of Evans a fire protection district known as the Angola Fire Protective District,

WHEREAS: pursuant to notice duly published according to law, the Town Board of the Town of Evans did conduct a public hearing on November 9, 2005 at the Evans Town Hall to consider proposed contracts for the fiscal year 2006 for the furnishing of fire protection and/or emergency ambulance service and heard all persons interested in the same,

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans enter into a contract for fire protection and/or emergency ambulance with the Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and the Highland Hose Fire Company and said fire companies shall receive the following amounts:

Angola Fire Company
\$24,700 Emergency Ambulance Service
\$104,159 Fire Protection
\$10,506 Capital Improvement

Lake Erie Beach Fire Company
\$24,700 Emergency Ambulance Service
\$138,020 Fire Protection
\$94,554 Capital Improvement

Evans Center Fire Company
\$24,700 Emergency Ambulance Service
\$138,020 Fire Protection
\$94,554 Capital Improvement

Highland Hose Fire Company
\$24,700 Emergency Ambulance Service

BE IT FURTHER

RESOLVED: that the Supervisor is hereby authorized to sign the 2006 contracts with said fire companies upon approval by the Town Attorney. This resolution shall take effect immediately.

VOTE RESULT: Councilman Erickson aye
Councilman Bartus aye
Councilman Swyers aye
Councilman Spence aye

RESOLUTION 172 Suspend the rules of order

Councilman Erickson moved and Councilman Swyers seconded to suspend the rules of order for the conduct of meetings of the Evans Town Board for the purpose of taking action on a resolution for the Parks Department regarding Easter recess clean-up.

VOTE RESULT: Councilman Erickson aye
 Councilman Swyers aye
 Councilman Spence aye
 Councilman Bartus aye

RESOLUTION 173 Appointment of laborer/gateguard/nightwatchmen

Councilman Bartus moved and Councilman Spence seconded,

RESOLVED: that the following individuals be appointed to the position of laborer/gateguard/nightwatchmen; to be called as needed; to be paid the designated rate of pay:

Joseph Gian, 6928 Derby Road, Derby	\$6.75
Matthew Gian, 6928 Derby Road, Derby	\$6.75
Justin Karter, 1090 Cain Road, Angola	\$6.75
Paul Struebel, 54 Railroad Ave., Angola	\$6.75
Alexander VonSchweiger, 7643 Erie Road, Derby	\$6.75
Candice Corbin, 1711 Sturgeon Point Rd., Derby	\$6.75
Karen Corbin, 1711 Sturgeon Point Rd., Derby	\$6.75
Janice Struebel, 54 Railroad Ave., Angola	\$6.75
Brent Garner, 37 Grove St., Angola	\$6.75
Angela Jones, 8587 Larch Rd., Angola	\$7.00
Antoinette DiBella, 695 Steffi Dr., Angola	\$7.00
Frederick Bartlett, 1069 Brookwood, Derby	\$7.00
Arthur Buczkowski, 775 Sturgeon Point, Derby	\$7.00
Daniel Haidon, 6647 Gates Dr., Derby	\$7.00
Phyllis Jose, 1711 Sturgeon Point, Derby	\$7.00
Wilbur Jost, 1711 Sturgeon Point, Derby	\$7.00
James Feldman, 343 Roat Drive, Angola	\$7.00
Gerard Grosso, 577 Tuscarora Rd., Angola	\$7.00

VOTE RESULT: Councilman Bartus aye
 Councilman Spence aye
 Councilman Erickson aye
 Councilman Swyers aye

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RESOLUTION 174 Town License

Councilman Erickson moved and Councilman Spence seconded to grant the refreshment license to Ernest P. Masullo D/B/A Town of Evans Police Benevolent Association contingent upon approval of the Chief of Police and Department of Health.
Carried.

RESOLUTION 175 Audit of Bills

Councilman Spence moved and Councilman Swyers 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	504-635	84,245.76	
PART TOWN		504-635	53,829.98
HIGHWAY	504-635	27,816.82	
WATER	504-635	75,018.24	
SPECIAL DISTRICTS	504-635	145,498.77	

VOTE RESULT:	Councilman Spence	aye
	Councilman Swyers	aye
	Councilman Bartus	aye
	Councilman Erickson	aye

There is a shared Municipal Cooperative meeting between the School Board, Village of Angola, Town of Evans, Village of Farnham, Town of Brant and Town of Eden on Tuesday, April 11, 2006 at 7:30pm in the Senior High Media Center.

RESOLUTION 176 Adjournment

Councilman Erickson moved and Councilman Swyers seconded to adjourn to the next work session on Wednesday, April 12, 2006 at 5:00pm and then to the next regular Town Board meeting on Wednesday, April 19, 2006 at 7:30pm.

Carried.

Respectfully submitted

Carol A. Meissner
Town Clerk