

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 19, 2006 at 7:30pm there were

PRESENT:	Karen C. Erickson	Councilman
	Kathleen A. Bartus	Councilman
	Michael M. Spence	Councilman
	Gifford M. Swyers	Councilman
	Robert R. Catalino II	Supervisor
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	Mary Ann Conrad	Assessment-Senior Clerk
	Charles LaBarbera	Building Department Head
	Paul Ryerse	Asst. Code Enforcement Officer B
	David Burke	Asst. Code Enforcement Officer RPT
	Lori Szewczyk	Dir of Community Development
	Edward J. Michalski	Highway Superintendent
	John Ruzaj	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
	Gary Noel	Water Maintenance man
ABSENT:	J. Grant Zajas	Town Attorney
	Julie Roach	Recreation Specialist/Seniors
	Charles Katra	Dir of Finance
	Rick Hanavan	Wendel Duchscherer Engineers

RESOLUTION 178 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of April 5, 2006 be dispensed with and approved as

submitted by the Town Clerk.

Carried.

Meeting #9  
April 19, 2006  
page 101

Supervisor Catalino extended the privilege of the floor to any and all persons present.

Tom Gorney, 524 Sycamore Street, asked when the Summer Street project would begin. He thanked Councilman Erickson for all her efforts for this project. The Highway Department did a good job in cleaning out the ditches in his area. A list of names was provided to Councilman Spence for the community clean-up day. He has an additional sixty (60) names to add to the list.

Sharen Trembath, 406 Alfred Drive would like an update on the Wendt Beach project the County is pursuing. She feels Mr. Yellen from Precision Parks has never managed a park and is concerned about losing any beach front.

Robert Catalano, Derby feels this is a secret deal since 2002 for Wendt Beach. If this has been in the works since 2002 did Jeanne Chase notify the Town. Did the Town of Evans grant a loan to the Town Crier as a small business. He feels it is a conflict of interest for the official Town newspaper to obtain a loan from the Town of Evans.

Robert L. Palmer, 1780 Eden Evans Center Road, verifies that three (3) loans were given out for small businesses: 1.) Ronald McPeck D/B/A Town Crier \$15,000.00 on May 3, 2004 2.) Oran Heeter D/B/A Loretto Glass Services \$10,000.00 on August 10, 2005 3.) Anthony and Cynthia Szal \$10,000.00 on September 8, 2005. As of March 29, 2006 there have not been any closeouts on these loans. Mr. Palmer is vehemently opposed to the alienation of any park. A flag goes up when it is reported remodeling is taking place rather than restore. Graycliff is a historic preservation and their organization is handling this matter well.

Charles Militello, 6940 Prescott Drive, questioned when the sex offender law would be acted on. May 27, 2006 at noon a memorial service at the Derby Veteran's Park will take place. A picnic table and garbage can is requested.

Sue Gable, 7205 Sweetland Road, questioned how the Town of Evans is protected from a lawsuit at Wendt Beach with its privitation if it occurs. She feels the Town should be held harmless and named as an additional insured on any contract.

Bob Ryzewski, 658 Best Street is seeking stone, gravel or millings for Best Street as he does not have access to his property. There is one drain unit at the corner of Steffi Drive. There should have been a swale when the subdivision was built and it is not there.

Sheri Hahn, 603 Fulton, stated the yearly problem with the sewer plants is occurring again. The stench is awful. The dumping of garbage has started in the Baypoint area. Also the woods on the County property has so much debris that it needs to be cleaned. Thanked Mr. Michalski for his assistance in filling an enormous pothole.

Elaine Ahren, 520 Sycamore, questioned if participants of the community clean-up day can go on private property to clean-up garbage or debris. She also feels recycling should be promoted more.

Barb Markiewicz, Point Breeze Drive questioned what happens if someone does not clean-up their property in conjunction with green and clean.

Meeting #9  
April 19, 2006  
page 102

Mary Ellen Hanna, 9615 Point Breeze Drive thanked Councilman Spence for the information he provided her with quickly regarding flood issues on Point Breeze Drive. At the same time the sewer department notified her their project for going out for bid. She would appreciate any updates on the project. She is concerned about the sides of the creek bed under the bridge.

Sharen Trembath, 406 Alfred Drive, questioned if so many millions of gallons of sewage is pumped in the area of Wendt Beach Park isn't there a need for a SEQR study for a bed and breakfast.

RESOLUTION 179 Mrs. Joan Kennedy RE: docking of boats at Sturgeon Point Marina

Supervisor Catalino moved and Councilman Erickson seconded to receive and file the communication from Mrs. Joan Kennedy regarding docking boats at Sturgeon Point Marina.

Carried.

RESOLUTION 180 Diana A. Cafferty, Receiver of Taxes & Assessments RE: permission to attend the 2006 seminar for Tax Collecting Officers from June 11-14, 2006

Supervisor Catalino moved and Councilman Bartus seconded to grant permission to Diana A. Cafferty to attend the 2006 seminar for Tax Collecting Officers from June 11-14, 2006 in Rochester, New York and further that all necessary and reasonable expenses incurred be a town charge in accordance with the rules and regulations governing education and travel.

Carried.

RESOLUTION 181 Charles Katra, Director of Finance RE: permission to attend the annual Town Finance & Management School from May 10-12, 2006

Supervisor Catalino moved and Councilman Bartus seconded to approve the request of Charles Katra, Director of Finance to attend the annual Town Finance and Management School from May 10-12, 2006 conditioned that a copy of the brochure be provided to the town board and further that all necessary and reasonable expenses

incurred be a town charge in accordance with the rules and regulations governing education and travel.

Carried.

RESOLUTION 182 Mark W. Raczka RE: purchase of property in front of his property located at 1656 Overhead Road, Derby, NY

Meeting #9  
April 19, 2006  
page 103

Supervisor Catalino moved and Councilman Spence to refer the request of Mark W. Raczka to purchase the property in front of his property located at 1656 Overhead Road to the proper department heads as per town policy.

Carried.

Councilman Spence requested the person who is sending the anonymous letters regarding the property located at Versailles and Cain Road to please contact him.

-Community Day Clean-Up will be taking place on Earth Day, Saturday, April 22, 2006.

Councilman Bartus read a letter of commendation for Patrolman Jeff Mayer and Lieutenant DeJohn.

-Congratulated Councilman Spence on his efforts for the Earth Day Clean-Up.

Councilman Swyers thanked the Town Board for their confidence in him.

Councilman Erickson reported the bridge work at Lake Street and Old Lake Shore Road cannot proceed until June 1, 2006 due to fish spawning season. Again, work will have to stop September 1, 2006 due to fish spawning. This will be a two season project. A temporary bridge will be put in place.

-The Towns of Evans and Brant and the Villages of Angola and Farnham along with the school district met to address various issues and to discuss the feasibility of consolidation of services.

Supervisor Catalino would like to adjourn the meeting in memory of Marge Laski who lived in the community and was a great outdoor person that was very community minded.

-Councilman Swyers will speak under old business number three as action needed to be taken at the last work session.

-The rules of order will be suspended to take action on the Town Hall hours to begin May 1, 2006.

RESOLUTION 183 Committee and Department Head reports

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

Carol A. Meissner, Town Clerk:  
Petty Cash  
April 2006 monthly report

\$-0-  
\$9,250.00  
Carried.

Meeting #9  
April 19, 2006  
page 104

RESOLUTION 184 Proposed Local Law #2 of the year 2005 (Zoning/Licensing) and Hike/Bike Path

Supervisor Catalino moved and Councilman Erickson seconded that Proposed Local Law #2 of the year 2005 (Zoning/Licensing) remain under old business on the agenda.

Carried.

RESOLUTION 185 Proposed Local Law #1 of the year 2006 (Sex Offender Residency)

Councilman Erickson moved and Councilman Swyers seconded,

LOCAL LAW #5 OF THE YEAR 2006

On March 1<sup>st</sup> a public hearing was held regarding the Sex Offender Law.

Whereas the

Section 1. Legislative Intent:

The adoption of Megan's Law has increased public awareness of sexual offenders by requiring them to become registered with authorities and making such information available to the public. The Town Board of the Town of Evans hereby enacts this local law to prevent sex offenders from residing or living near areas where children regularly meet and congregate. The Town Board of the Town of Evans believes this legislation is necessary to further protect the best interests of all children and to protect the health, safety, and welfare of the residents of the Town of Evans.

Section 2. Residency Restrictions

No person over the age of eighteen (18) years, who has been convicted of a

violation of a sexual offense upon a child of the age of 16 years or under, as defined by the New York State Penal Law which would require that individual to register as a sexual offender under State law and/or Federal law shall be permitted to reside or live within 1,500 feet of the real property of any school, park playground or day care center in the Town of Evans, unless the residency of the said offender was established prior to the enactment of this legislation, in which case such offender may continue to occupy such location for 3 months from the effective date of this local law.

### Section 3. Registration with the Town of Evans Police Department

Whereas,

Meeting #9  
April 19, 2006  
page 105

A. Any sex offender residing in the Town of Evans at the time of conviction of any sexual offense requiring registration under any Federal or State law is required to register as such with the Town of Evans Police Department within 10 days of:

1. Conviction of such offense if not incarcerated; or
2. Release from incarceration; or
3. Taking up residence in the Town of Evans; or
4. Undertaking employment with in the Town of Evans; or
5. The effective date of this legislation, whichever is later.

Residency for the purpose hereof shall be defined as having a place of residence or abode within the Town of Evans.

B. Upon registration such sexual offender shall provide to the Evans Police Department the following information:

1. Legal name and any names or aliases used or for which such offender has applied within the last year.
2. Such offender's date of birth and social security number.
3. The current address of such offender, the address of any other residences or real property owned or leased by such offender and the addresses of any other locations or places of lodging where such offender intends to stay or does stay for more than 3 consecutive days at any time or an aggregate of 10 or more days in a registration year.
4. Such offender's place of employment and the name and telephone number of any contact person who knows the location of the offender at any and all times of employment or other times such offender performs work in the scope of employment.
5. Such offender's driver's license number and license plate number, vehicle identification number and description of any and all vehicles registered, owned

or driven by him or available to him by the consent of another.

6. A list of sex offense violations of which offender has been convicted.

#### Section 4. Penalties

Whereas, Failure to comply with this local law or any provision hereof is considered a violation and may result in a fine of \$250.00 and/or imprisonment for 15 days. Each day such sex offender has failed to comply with any of the provisions in this chapter shall be deemed a separate offense, and shall be punishable as such.

#### Section 5. Applicability

Meeting #9  
April 19, 2006  
page 106

Whereas, This local law does not seek to regulate that portion of the Town of Evans within the Village of Angola.

#### Section 6. Effective Date

Whereas, This local law shall take effective immediately upon its passage, on April 19, 2006.

By order of the Town Board of the Town of Evans, Erie County, New York.  
Carried.

Councilman Swyers explained the TEA-21 grant regarding the Hike/Bike Path and other issues that needed resolve.

#### RESOLUTION 186 Hike/Bike Path

Supervisor Catalino moved and Councilman Swyers seconded to remove the Hike/Bike Path from old business.

Carried.

#### RESOLUTION 187 Proclamation of the month of May as clean up, paint up and fix up month

Councilman Spence moved and Councilman Bartus seconded,

WHEREAS: the Town Board of the Town of Evans wishes to see our community improve and grow and

WHEREAS: the Town Board of the Town of Evans wishes to cooperate with all groups in Evans to clean up, paint up and fix up!

THEREFORE BE IT

RESOLVED: the month of May be proclaimed clean up, paint up and fix up month in the Town of Evans, and urges all residents to participate in these efforts.

Carried.

RESOLUTION 188 Appointment of full-time Public Safety Dispatcher

Councilman Bartus moved and Councilman Swyers seconded,

Meeting #9  
April 19, 2006  
page 107

RESOLVED: that Deborah Dalton, 82 School Street, Angola, NY is hereby appointed to the position of full-time Public Safety Dispatcher from the Erie County Department of Personnel Civil Service List for said position at the Step 1 salary of \$35,737.00 effective immediately.

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

RESOLUTION 189 Suspend the rules of order

Supervisor Catalino moved and Councilman Spence seconded to suspend the rules of order for the conduct of business at Evans Town Board meetings for the purpose of taking action on a resolution regarding the business hours of the Town Hall.

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

RESOLUTION 190 Town Hall business hours

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: the Town Board of the Town of Evans wishes to better serve the public, the Town Hall hours for Monday, Tuesday, Thursday, Friday will be 8:00am - 4:00pm and on Wednesday from 8:00am - 6:00pm all year around starting May 1, 2006, and

WHEREAS: the Department of Motor Vehicles hours will be from 8:00am - 3:45pm.  
Carried.

RESOLUTION 191 Town License

Supervisor Catalino moved and Councilman Swyers seconded to approve the request of Linda A. Jones D/B/A Gilligan's for a refreshment license contingent upon the approval of the Chief of Police and Department of Health.

Carried.

Meeting #9  
April 19, 2006  
page 108

RESOLUTION 192 Audit of Bills

Councilman Spence 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	636-721	67,222.99	
PART TOWN		636-721	27,761.28
HIGHWAY	636-721	20,898.07	
WATER	636-721	10,897.50	
SPECIAL DISTRICTS	636-721	242,303.71	

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

RESOLUTION 193 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn in memory of Marge Laski and Marie Reynolds and the next work session on Wednesday, April 26, 2006 at 5:00pm and the next regular Town Board meeting on Wednesday, May 3, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner  
Town Clerk