

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, May 3, 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
	J. Grant Zajas	Town Attorney
	Mary Ann Conrad	Senior Clerk-Assessment
	Charles LaBarbera	Building Department Head
	Ronald Milks	Code Enforcement Officer B
	Lori Szewczyk	Dir of Community Development
	Charles Katra	Dir of Finance
	Edward J. Michalski	Highway Superintendent
	Russ Manguso	Parks Asst Crew Chief-A
	Sandra Brant	Planning Division Chairman
	Robert Ferguson	Police Chief
	Diana Cafferty	Receiver of Taxes
	Patrick Conrad	Maintenance Worker Laborer- A
	Rob Klavoon	Wendel Duchscherer Engineers
ABSENT:	Julie Roach	Recreation Specialist/Seniors
	Thomas Kait	Water Crew Chief

RESOLUTION 178 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of April 19, 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.

Tebra Howard, Eden Evans Center Road expressed concerns regarding the following matters:

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-the period of time a Special Use Permit would be issued to First Place Finishes  
-there is a storage container on Eden Evans Center Road on Mr. Tocha's property that is an eyesore

-there is a lot of machinery and noise on the BDR property  
-Power Sports Unlimited sells motorcycles on Eden Evans Center Road. She feels a Special Use Permit is needed for the business to operate and would like an interpretation from the Zoning Board of Appeals

-On the news it was stated the Angola Airport was going to become a drag strip  
Ron Carlson, 1561 Eden Evans Center Road would like the Zoning Laws amended to prevent a drag strip from coming into the area.

-BDR property on Eden Evans Center Road would like the Building Department to check into the noise and dust on the property to see what is taking place.

Richard Ward, 9655 Granger Road has previously notified the building department that on the corner of Granger and Eisenhower, many loads of dirt are piled up, along with blocks causing flood damage to his property.

Sharen Trembath, 466 Alfred Avenue addressed the following concerns:

-has any Board member checked into the parks experience of Precision Parks. Mr. Yellen is the Information Technology Director at Delaware North and has no parks management experience. Steven Sherman is involved in URS which is being investigated by the FBI.

Supervisor's corner in the local newspaper would be good to bring issues out to the public.

-she is not against change if it is in a positive manner.

-Friends of Evans are helping her get the word out on Wendt Beach Park. We should seek their help with the many resources they have.

-We should tap into our waterfront and use it for our own economic advantage.

-everyone has a reason for living in Evans. You should watch a sunset at Wendt Beach and tell me this is not a fight worth fighting.

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 #2 of the year 2006 which will amend Local Law #1 of the year 1993 commonly known as the Vehicles and Traffic Law and any amendments thereto Chapter 193-52 Article 8, Section 193-52, Schedule XIX: Fire Lanes.

There being no one wishing to speak the public hearing was closed at 8:00pm.

RESOLUTION 195 Adopt PLL #2 of the year 2006 as LL #6 of the year 2006

Supervisor Catalino moved and Councilman Erickson seconded that Proposed Local Law #2 of the year 2006 be adopted as Local Law #6 of the year 2006 amending Local Law #1 of the year 1993 commonly known as the Vehicle and Traffic Law and any amendments thereto Chapter 193-52 Article 8, Section 193-52, Schedule XIX: Fire Lanes to read Martins Store entire length facing the intersection of Route #5, and the fence separating the homes on Crescent Drive from Martin's Parking Lot.

Carried.

Supervisor Catalino reopened the privilege of the floor.

Charles Militello, 6840 Prescott Drive complimented the Town Board on addressing most issues brought to their attention. He would like to see action taken on a Code of Ethics. Other matters Mr. Militello addressed:

- Likes the position the Town Board has taken on the issue of Wendt Beach Park
- Questioned if the Town Board had a meeting with Mr. Tocha and the people regarding a drag strip.

- a memorial day observance will be held by the Lion's Club on May 27, 2006 at noon in Veterans Park, Derby. A trash receptacle is needed.

- Lion's Club is requesting consideration for an electric drop at Veteran's Park, Derby.

Robert L. Palmer, 1780 Eden Evans Center Road explained there is no room for expansion in Lancaster for their drag strip. He has research on drag strips if the Town needs the information.

Tom Gorney, 544 Sycamore Street thanked Councilman Spence for his cooperation with the Earth Day Community Clean-Up. A thank you to Councilman Erickson also for the hot dogs and doughnuts.

- Street lights are needed at Roanoke and Sycamore. Also Orange Street has no street lights.

- There are dilapidated houses on Sycamore Street and another on Orange Street.

RESOLUTION 196 Sandra Brant, Minor Subdivision Review Committee RE:  
Partridge minor subdivision Backus Road

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: in a letter dated April 27, 2006, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Thomas A. Partridge minor subdivision, and

WHEREAS: it has been determined that there will be no significant effect on the environment

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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 Thomas A. Partridge minor subdivision (Addendum A SEQR short environmental assessment form),

a division of SBL#220.00-3-11.3, dividing an 1.93+/- acre parcel to create:

1. A 1.01+/- acre parcel with 100+/- feet of frontage on Backus Road, and
2. A .92+/- acre parcel with 100+/- feet of frontage on Backus Road

Petitioner: Thomas A. Partridge, 455 Roat Drive, Angola, NY 14006

AND BE IT FURTHER

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

RESOLUTION 197 Approve Partridge minor subdivision

Councilman Erickson moved and Councilman Swyers 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

RESOLVE: 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 Thomas A. Partridge minor subdivision, a division of SBL#220.00-3-11.3, dividing an 1.93+/- acre parcel to create:

1. A 1.01+/- acre parcel with 100 +/- feet of frontage on Backus Road and
2. A .92+/- acre parcel with 100 +/- feet of frontage on Backus Road

PETITIONER: Thomas A. Partridge, 455 Roat Drive, Angola, NY 14006

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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 198 Sandra Brant, Minor Subdivision Review Committee RE: Ferber minor subdivision 1640 Overhead

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: in a letter dated April 27, 2006, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the George P. Ferber 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 George P. Ferber minor subdivision (Addendum B SEQR short environmental assessment form)

A division of SBL#193.00-2-22.2, a dividing an 10.54+/- acre parcel to create:

1. A 3.35+/- acre parcel with 137.85+/- feet of frontage on Overhead Dr., and
2. A 7.19+/- acre parcel with 294.48+/- feet of frontage on Overhead Dr.

PETITIONER: George P. Ferber, 1640 Overhead Dr., Derby, NY 14047

AND BE IT FURTHER

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

Carried.

RESOLUTION 199 Approve Ferber minor subdivision

Councilman Erickson moved and Councilman Swyers seconded,

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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 George P. Ferber minor subdivision, a division of SBL#193.00-2-22.2, dividing an 10.54+/- acre parcel to create:

1. A 3.35+/- acre parcel with 137.85+/- feet of frontage on Overhead Dr., and
2. A 7.19+/- acre parcel with 294.48+/- feet of frontage on Overhead Dr.

PETITIONER: George P. Ferber, 1640 Overhead Dr., Derby, NY 14047

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 200 Sandra Brant, Chairman Planning Division RE: schedule PH for First Place Finishes special use permit

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: in a letter dated April 27, 2006, the Planning Division Office has requested that the Town Board set a public hearing regarding the petition of First Place Finishes, for a Special Use Permit renewal, for restoration and custom painting of automobiles and motorcycles including collision repair, located at 1526 Eden Evans Center Road, Angola, part of SBL#221.00-4-29

NOW THEREFORE BE IT

RESOLVED: that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on June 7, 2006 at 7:50pm for the consideration of said special use permit renewal, and

BE IT FURTHER

RESOLVED: that this matter be referred to the Planning Office to determine the need for the Planning Board review and recommendation prior to the public hearing, and

BE IT FURTHER

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

Carried.

RESOLUTION 201 John & Rose Headley RE: request to purchase paper road

Supervisor Catalino moved and Councilman Erickson seconded to refer the communication from John and Rose Headly regarding the purchase of town property to the left of their lot at 9305 Waterman Road to the proper department heads as per town policy regarding the sale of town property (paper roads).

Carried.

RESOLUTION 202 Edward Michalski, Highway Superintendent RE: request to attend NYS Association of Town Annual Highway School June 5-7th in Ithaca, New York

Supervisor Catalino moved and Councilman Bartus seconded to grant the request of Edward J. Michalski, Superintendent of Highways to attend the New York State Association of Town of the State of New York and Cornell Local Roads Program Annual Highway School in Ithaca, New York from June 5-7, 2006 and further that all necessary and reasonable expenses incurred be a town charge in accordance with the rules and regulations governing travel and education expenses.

Carried.

RESOLUTION 203 Sandra Brant, Chairman Evans Planning Division RE: schedule PH for Southtowns Auto Auction special use permit

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: in a letter dated April 28, 2006, the Planning Division Office has requested that the Town Board set a public hearing regarding the petition of Southtowns Auto Auction, for an auto vehicle auction facility, to be located at 8418 Southwestern Blvd. (a.k.a. US Route 20), Angola, NY, part of SBL#221.00-3-22. Petitioner: Roy Emerling (Southtowns Auto Auction, Inc.), PO Box 204, Boston, NY 14025

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NOW THEREFORE BE IT

RESOLVED: that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on June 7, 2006 at 8:00pm for the consideration of said special use permit renewal, and

BE IT FURTHER

RESOLVED: that this matter be referred to the Planning Office to determine the need for Planning Board review and recommendation prior to the public hearing, and

BE IT FURTHER

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

Carried.

Councilman Spence presented the following reports:

- Earth Day Community Clean-Up went well. Thank you to Tom Gorney for organizing his community.
- Electronics disposal, May 5, 2006 at Intel Corporation
- Latex paint disposal, May 6, 2006 at General Motors Plant
- Hazardous Waste disposal May 13, 2006 at Erie County

Councilman Bartus presented the following reports:

- Village of Angola will be holding a public hearing on May 15, 2006 regarding a Sex Offender Law.
- Attended Association of Erie County Governments meeting which addressed consortium buying and a County Manager position.

Councilman Swyers attended the Economic Development Advisory Board meeting. They are doing positive things to promote our community. A realtors breakfast will be held on May 4, 2006 at 8:30pm at Evans Center Firehall.

Councilman Erickson reported Townline Road will be receiving cable.

Supervisor Catalino recognized Bob Beck who reported the Taste of Evans will be held on July 23, 2006.

RESOLUTION 204 Committee and Department Head reports

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

Carol A. Meissner, Town Clerk:

Petty Cash	\$-0-
April monthly	\$12,192.08

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

RESOLUTION 205 Proposed Local Law #2 of the year 2005 (Zoning/Licensing)

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 206 Schedule PH for PLL # of the year 2006 (amend V & T speed limit on Dennis)

Councilman Spence moved and Councilman Bartus seconded,

RESOLVED: that a public hearing be scheduled on June 21, 2006 at 7:50pm to consider Proposed Local Law #3 of the year 2006, which would amend the Code of the Town of Evans, Chapter 193, Vehicles and Traffic, Article VII, Section 193-35 Schedule II: Speed Limits to add:

<u>Name of Street</u>	<u>Speed (mph)</u>	<u>Location</u>
Dennis Road	45	From Bennett Road to Old Lake Shore Road

Carried.

RESOLUTION 207 Appt of part time clerk

Councilman Spence moved and Councilman Erickson seconded,

RESOLVED: that Karen Carlson is hereby appointed as part time clerk at a rate of pay of \$7.00 per hour. This resolution shall take effect immediately.

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

RESOLUTION 208 Authorize Supervisor to enter into a contract with University of Buffalo to complete an asset inventory

Councilman Swyers moved and Councilman Spence seconded,

WHEREAS: the communities in Southwestern Erie County realize the need to create a plan to promote the various resources and assets in the area; and

WHEREAS: the Town of Evans, Brant, Eden and North Collins as well as the Villages of Angola, North Collins and Farnham have formed the Southtowns Community Enhancement Coalition to promote tourism; and

WHEREAS: the Town of Evans is the lead agent in a contract with New York State to implement the 2005 New York State Quality Communities grant Program to develop "Phase one" of our Tourism Development and community well being of the Town of Evans the seven communities; and

WHEREAS: the Town of Evans published a Request for Proposal on April 12, 2006 for developing a Tourism Asset Inventory and Strategic Planning Guide for the Towns of Evans, Eden, Brant, North Collins and the Villages of Angola, Farnham and North Collins, which will promote tourism assets, economic prosperity and sustainable community growth; and

WHEREAS: the University of Buffalo Institute for Local Governance and Regional Growth submitted the low bid in the amount of:

Asset Inventory	\$37,275.00
Strategic Planning Guide	\$24,270.00
Total	\$61,545.00

NOW BE IT

RESOLVED: that Robert R. Catalino, II, Supervisor of the Town of Evans is hereby authorized and directed to enter into a contract with the University of Buffalo Institute for Local Governance and Regional Growth to complete and Asset Inventory for the seven communities in connection with the 2005 New York State Quality Communities Grant Program.

Carried.

RESOLUTION 209 Appt of laborer/gateguard/nightwatchmen

Councilman Bartus moved and Councilman Swyers seconded,

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

Christopher Catalano, 58 Railroad Ave., Angola	\$6.75
Gregory Conley, 6786 Belle Heights, Angola	\$6.75
Thomas Cooper, 64 Lake St., Angola	\$6.75
Matt Driscoll, 9546 Jamestown St., Angola	\$6.75
Michael Faraci, 2 S. Main St., Angola	\$6.75
Thomas Felt, 939 Bennett Road, Angola	\$6.75
Kyle Leach, 227 Kennedy Ave., Angola	\$6.75
Thomas Majkut, 6632 Hamilton Dr., Derby	\$6.75
Josh Rammacher, 301 Dawn Ave.	\$6.75
Marc Smaldino, 9239 Lakeside Ave.	\$6.75
Paul Tomaka, 9046 Joyce Lane, Angola	\$6.75
Lawrence Way, 1348 Eden Evans Center, Angola	\$6.75
Jesse Widmer-Wick, 369 Harper Road, Angola	\$6.75
John Paul Zajas, 9524 Waterfront Road, Angola	\$6.75
Nicole Ziolkowski, 313 Eastwood Road, Angola	\$6.75
Michael Krajacic, 28 John R. Dr., Angola	\$7.00
Ashley Driscoll, 9456 Jamestown Street, Angola	\$8.00
Daniel Carriero, 1293 Peppertree Dr., Derby	\$8.00
Michael Ruggino, 7003 Putnam Dr., Derby	\$6.75
Tom Castle, 9026 Joyce Lane, Angola	\$6.75
Lisa Siracuse, 9038 Joyce Lane, Angola	\$6.75
Mark Galvin, 6901 Erie Road #5, Derby	\$7.50

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

RESOLUTION 210 Evans Town Board to support NYS Assembly Bill #A3432B to prevent the inappropriate sale and desecration of monuments dedicated to the memory of veterans of the Civil War

Councilman Bartus moved and Councilman Swyers seconded,

WHEREAS: the Sons of Union Veteran of the Civil War requests the support of the Town of Evans Town Board for NYS Assembly Bill A03432 to prevent the inappropriate sale and desecration of monuments dedicated to the memory of veterans of the Civil War; and

WHEREAS: these monuments, such as memorial cannons have been placed in cemeteries, public square or community parks in public trust by local Civil War Veterans or their descendants, such as sons of Union Veterans of the Civil War, a congressionally sanctioned chartered organization; and

WHEREAS: many of these cannons or memorials are the property of the United States Government; and

WHEREAS: these memorials were placed and dedicated as permanent reminders of those citizens lost in the defense of freedom for their country; and

WHEREAS: Assembly Bill A3432B, same as NYS Senate Bill 2348-a, passed by the NYS Senate, seeks to created the crime of cemetery desecration of a veteran memorial in the second and first degree class E and D Felonies, thereby prohibiting the unauthorized sale, purchase, or transfer of any cemetery marker, flag holder, monument, statue or other physical memorabilia that is over 75 years old that commemorates any veteran or veteran group, but not limiting to a military unit, company or battalion;

THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans, resolves to support NYS Assembly Bill #A3432B and that copies of this resolution be sent to New York State Assemblyman Jack Quinn, with a copy to the Sons of Union Veterans of the Civil Ware, NYS Dept. Commander, Dale E. Theetge, 3046 Center Road, Ovid NY 14521.

This resolution shall take effect immediately.

Carried.

RESOLUTION 211 Sign agreement with Highway Unit with Local #815

Councilman Bartus moved and Councilman Erickson seconded,

WHEREAS: the collective bargaining unit between the Town of Evans Highway Unit, Local 815 and the Town of Evans expired December 31, 2005, and

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WHEREAS: representatives of both parties have negotiated a tentative agreement to

expire December 31, 2008,

THEREFORE BE IT

RESOLVED: that the Evans Town Board authorizes Supervisor Catalino to execute the agreement to be effective January 1, 2006 to December 31, 2008 subject to approval of the Town Attorney and the Director of Finance.

Carried.

RESOLUTION 212 Support the Southtowns Community Enhancement Coalition for activities associated with the implementation of the Tourism Development Plan

Councilman Swyers moved and Councilman Erickson seconded,

WHEREAS: the Town Board of the Town of Evans fully supports initiatives to enhance area-wide environmental protection, economic prosperity and community well being; and

WHEREAS: the communities in Southwestern Erie County realize the need to promote the various resources and assets in the area; and

WHEREAS: the Towns of Evans, Brant, Eden and North Collins as well as the Village of Angola, North Collins and Farnham have formed the Southtowns Community Enhancement Coalition to promote tourism to enhance the environment, economic prosperity and community well being of these municipalities; and

WHEREAS: the seven communities are in the process of completing an inventory of their collective assets for tourism development, and

WHEREAS: the Coalition continues to pursue funding opportunities to develop a Tourism Strategy to promote tourism assets, economic prosperity and sustainable community growth, and

WHEREAS: the seven communities have agreed to pledge seed-funding (\$300 per town and \$100 per village) to cover outside expenses such as: postage, stationary, advertisements, and costs associated with preparing grant proposals, and

NOW THEREFORE BE IT

RESOLVED: that Robert R. Catalino, II, Supervisor of the Town of Evans is hereby authorized and directed to support the Coalition's efforts with funding in the amount of \$300.00 for Coalition activities associated with the implementation of the Tourism Development Plan - a plan and implementation strategy which will enhance the environment, economic prosperity and community well being of the Town of Evans and our neighboring communities; and

BE IT FURTHER

RESOLVED: that this Town Board endorses the commitment of the communities identified in this resolution to continue to meet on a regular basis for the purpose of discussing other ways that we can work together for the betterment of our shared region.

Carried.

RESOLUTIONS 213 Town Licenses

Supervisor Catalino moved and Councilman Swyers seconded to grant a refreshment license to K-May Corp. D/B/A Grandview Super Freez contingent upon approval of the Chief of Police and Department of Health.

Carried.

RESOLUTION 214 Audit of Bills

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

GENERAL	722-833	59,596.11	
PART TOWN	722-833	25,091.04	
HIGHWAY	722-833	10,198.15	
WATER	722-833	3,653.59	
SPECIAL DISTRICTS	722-833		81,755.24

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

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RESOLUTION 215 Adjournment

Supervisor Catalino moved and Councilman Spence seconded to adjourn to a work session on Wednesday, May 10, 2006 at 4:00pm and then to the next regular Town Board meeting on Wednesday, May 17, 2006 at 7:30pm.

Carried.

Respectfully submitted

Carol A. Meissner  
Town Clerk