

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

ABSENT: Robert R. Catalino II Supervisor

ALSO PRESENT: Lynn Stoessel First Deputy Town Clerk
J. Grant Zajas Town Attorney
Jeanne Chase Assessor
Paul Ryerse Code Enforcement Officer B
Lori Szewczyk Dir of Community Development
Edward J. Michalski Highway Superintendent
Russ Manguso Parks Asst Crew Chief-A
Sandra Brant Planning Division Chairman
Charles Danzi Lieutenant
Diana Cafferty Receiver of Taxes
Patrick Conrad Maintenance Worker Laborer-A
Thomas Kait Water Crew Chief
Rob Klavoon Wendel Duchscherer Engineers

ABSENT: Julie Roach Recreation Specialist/Seniors
Charles Katra Dir of Finance

RESOLUTION 216 Approve minutes

Councilman Erickson moved and Councilman Bartus seconded that the reading of the minutes of the meeting of May 3, 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.

Charles Militello, 6840 Prescott Dr. complimented the Town Board for answering his requests over the last two years. He also requested that the Code of Ethics be posted in

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each town building as stated in the Town Code. He also suggests that a copy of the Code of Ethics be distributed to each employee as done in the Town of Amherst.

Robert Palmer, 1780 Eden Evans Center Road feels that tourism is the #1 goal of this town for the application for financial assistance for the Local Waterfront Program update. Thanked the Town Board for the progress with the Lake Erie Beach Park situation however he feels that there is still more progress to be made. He is concerned about public right of ways being blocked.

RESOLUTION 217 Bill & Sue Geary RE: request the Town maintain Meier Road extension

Councilman Erickson moved and Councilman Spence seconded to refer the communication from Bill and Sue Geary requesting the Town maintain Meier Road extension to the Highway Department.

Carried.

RESOLUTION 218 Paul Moore, Commander, American Legion #928 RE: requests the removal of all late charges from their water bill

Councilman Erickson moved and Councilman Spence seconded to refer the communication from Paul Moore, Commander of the American Legion Post #928 requesting that the late charges being removed from their water bill to the Water Department.

Carried.

RESOLUTION 219 Michael DeMarie, Disabled American Veterans #177 RE: request to sell Forget-Me-Nots June 30 & July 1, 2006

Councilman Erickson moved and Councilman Swyers seconded to grant the request of Michael DeMarie, Disabled American Veterans #177 to sell Forget-Me-Nots on June 30 and July 1, 2006 in the Town of Evans.

Carried.

RESOLUTION 220 Thomas Csati RE: resignation from Assessment Review Board

Councilman Erickson moved and Councilman Swyers seconded to accept the resignation of Thomas Csati from the Assessment Review Board.

Carried.

Councilman Swyers congratulated Edward Michalski, Highway Superintendent for being named the Elected Official of the Year by the Southtowns Walleye Association.

Councilman Bartus read a letter from the District Attorney's office regarding the assistance of Detective Massullo on a case.

- reported of a press release from the Association of Towns for hearings for Erie County Charter Review Commission to be held on May 31st at North Campus, June 1st at South Campus and June 6th at B.W. Smith Center at St. John Baptist Church
- Sturgeon Point Marina report
- Building Department report

Councilman Spence commended Ed Michalski, Highway Superintendent and Russ Manguso, of the parks department for picking up the garbage from the community wide clean-up and also thanked Mr. Gorney for his involvement.

- Town picks up refrigerators when tagged that the FREON as been removed. Mr. Haberer will remove the FREON for a minimal fee and he can be contacted at 563-3600.
- American Legion is still open with upcoming event.
- commends the Board for the progress made in just the short period of time that he has been on the Board.

Councilman Erickson congratulated Ed Michalski for the Southtowns Walleye Association Award.

- Congratulations to Richard Vogan and Jennifer Wackowski the winners of the yesterdays school board election.
- Town Hall is open till 6pm on Wednesday and Department of Motor Vehicles is open till 5:45pm on Wednesdays.

RESOLUTION 221 Committee and Department Head reports

Councilman Erickson moved and Councilman Swyers seconded to accept the committee and department head reports.

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

RESOLUTION 222 PLL #2 of the year 2005 (Zoning/Licensing)

Councilman Erickson moved and Councilman Bartus seconded that Proposed Local Law #2 of the year 2005 remain under business on the agenda.
Carried.

RESOLUTION 223 Authorize Supervisor to file an application with NYS Office of Parks, Recreation & Historic Preservation for the rehabilitation of Nettlecreek Park

Councilman Spence moved and Councilman Swyers seconded,

WHEREAS: Nettlecreek Playground area was originally developed approximately 1991; and

WHEREAS: the park has seen deterioration to the extent that the playground equipment is unsafe for use due to broken boards and exposed screws and nails that pose a safety risk for children; and

WHEREAS: the current wooden play structure, common to school and municipal playgrounds, is constructed of lumber treated with chromated copper arsenate (CCA), a toxic pesticide designed to protect the wood from pests and decay; surfacing under the current play structure is stone and grass rather than energy absorbing materials suggested by the National program for Playground Safety; and

WHEREAS: Nettlecreek Playground is extensively used by local residents in the densely populated hamlet of Derby; and

WHEREAS: there are no similar facilities within three miles of this parks and those facilities are suffering from over use; and

WHEREAS: the Evans Parks Department inventoried all municipal facilities and make recommendations to the Town Board for repairs and improvements based on severity of need in an effort to effectively Town funding; and

WHEREAS: Evans Parks Crew Chief, Wayne Conrad and his staff identified the Nettlecreek Playground area as the highest priority of need, based on the physical deterioration of the site, the frequency of use, and, most importantly, safety concerns for users of the facility; and

WHEREAS: based upon these recommendations, former Town Councilman, Joe Govenettio, a Derby resident, conducted an informal survey of neighbors in the Nettlecreek area affirming residents support for proposed improvements to the Nettlecreek Playground facility; and

WHEREAS: the Town of Evans Master Plan, which was adopted in 1998 does not specifically mention replacement of the Nettlecreek play structure as deterioration began to accelerate over the last 5 years; and

WHEREAS: the 1998 Town of Evans Master Plan does call for the replacement of all playground equipment as a Town-wide objective; and

WHEREAS: although the planning document is dated, the Town of Evans reaffirms its support in the Town of Evans Parks and Recreation Master Plan, specifically recommendations for improving the safety and accessibility of playground equipment; and

WHEREAS: the Town of Evans Planning Office has reviewed the Environmental Assessment Form for this project, in accordance with 6NYCRR Part 617-SEQRA Regulations, and has determined that there will be no significant environmental impacts and, therefore, recommends the issuance of a SEQR negative declaration;

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans adopts these findings and issues a negative declaration in accordance with the SEQRA requirements for the Nettlecreek Park Playground Project (addendum-SEQR short environmental assessment form).

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans will endeavor to install energy absorbing protective surfacing on the 116'x67' protective area and replace the current wooden structure with playground equipment constructed of durable powder coated steel and plastic meeting all Consumer Product Safety Commission (CPSC) and Americans with Disabilities Act (ADA) requirements; and

FURTHER, IT IS

RESOLVED: that Robert R. Catalino, II, Supervisor of the Town of Evans, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$100,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Evans for rehabilitation of Nettlecreek Park, and if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Carried.

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RESOLUTION 224 Evans Town Board to support the Graycliff Conservancy, Inc. application to environmental Protection Fund for the restoration funding for Phase III restoration of Graycliff

Councilman Bartus moved and Councilman Swyers seconded,

WHEREAS: the Graycliff Estate (Graycliff) located in the Town of Evans at 6472 Old Lake Shore Road was designated in 1926-28 by Frank Lloyd Wright, one of America's premier architects, and

WHEREAS: Graycliff was built as the summer home of Isabelle R. and Darwin D. Martin, whose primary residence on the corner of Jewett and Summit in the City of Buffalo was also designated by Frank Lloyd Wright in 1904, and

WHEREAS: Graycliff is a designated New York State Landmark, is listed on the National Register of Historic Places, is an official project of Save America's Treasures and is an important landmark on the Seaway Trail, and

WHEREAS: Graycliff is one of the most significant historic sites in the Town of Evans, and

WHEREAS: restored Graycliff will provide additional heritage tourism attraction for Western New York that will offer economic benefits to the entire region.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans does hereby put itself on record in strong support of efforts for the preservation and restoration of Graycliff, and

BE IT FURTHER

RESOLVED: that the Evans Town Board recognizes the need for responsible stewardship of this valuable historic treasure, and supports the application of the Graycliff Conservancy, Inc. for restoration funding from the Environmental Protection Fund for the purpose of Phase III restoration of this historic property.

Carried.

RESOLUTION 225 Execute maintenance agreement with Erie County for the Evans Multi-Use Pathway - Phase I

Councilman Swyers moved and Councilman Bartus seconded,

RESOLVED: that the Supervisor be and hereby authorized and directed to enter into and execute on behalf of the Town of Evans a maintenance agreement relative to the Town of Evans multi-use pathway - phase I, with the County of Erie, and a copy of which is on file with the Town.

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

RESOLUTION 226 Authorize Supervisor to file an application to NYS Dept of State for funding for financial assistance for the Local Waterfront Revitalization Program update

Councilman Swyers moved and Councilman Spence seconded,

WHEREAS: the Town of Evans benefits from a substantial length of waterfront and the significant coastal resources of Lake Erie; and

WHEREAS: the Town adopted a Local Waterfront Revitalization Program (LWRP) in 1986 to protect and guide the use of the waterfront; and

WHEREAS: the Town's LWRP has not been updated in nearly 20 years and issues effecting the Town's waterfront have changed since the original adoption of the program; and

WHEREAS: the Town has the opportunity to apply for funding from the State to update the LWRP

THEREFORE BE IT

RESOLVED: that Robert R. Catalino, II, as Supervisor of the Town of Evans, is hereby authorized and directed to file an application with the New York State Department of State for funding not to exceed \$30,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Evans for the Local Waterfront Revitalization Program

update.

Carried.

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RESOLUTION 227 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 abstrict of claims on this date as follows:

	Voucher #840-950	
	Prepaid #55-57	
GENERAL	22,920.40	
PART TOWN		7,383.11
HIGHWAY	10,841.86	
WATER	74,528.10	
SPECIAL DISTRICTS	71,261.20	

Voucher #834-839 were not actual voucher but corrections.

Prepaid Voucher #11-54 were not actual prepaids but corrections to system as per Harris, Accounting Programmer.

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

RESOLUTION 228 Adjournment

Councilman Erickson moved and Councilman Spence seconded to adjourn tonight's meeting to Wednesday, May 24, 2006 and May 31, 2006 at 4:00pm for work sessions and then to the next regular Town Board meeting on Wednesday, June 7, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Lynn Stoessel
First Deputy Town Clerk

Carol A. Meissner

Town Clerk