

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, June 7, 2006 at 7:30pm there were:

PRESENT:	Karen C. Erickson	Councilman
	Michael M. Spence	Councilman
	Gifford M. Swyers	Councilman
	Robert R. Catalino	Supervisor
ABSENT:	Kathleen A. Bartus	Councilman
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	J. Grant Zajas	Town Attorney
PRESENT:	Mary Ann Conrad	Senior Clerk-Assessment
	Charles LaBarbera	Asst. Code Enforcement Officer B
	Lori Szewczyk	Dir. of Community Development
	Charles Katra	Dir. of Finance
	Peter DelPrince	Laborer - RPT
	Sandra Brant	Planning Division Chairman
	Robert Ferguson	Police Chief
	Patrick Conrad	Maintenance Worker Laborer- A
	Jennifer Renaldo	part time clerk - Taxes
	Bill Haberer	Water Maintenance Man - B
	Rick Hanavan	Wendel Duscherer

RESOLUTION 229 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of May 17, 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.

Tom Gorney, 524 Sycamore Street dis cussed the following:

- Community Development grant for the paving of Summer Street
- Couches on Roanoke Street and is seeking the Town's assistance to remove the debris

Meeting #12
June 7, 2006
page 133

- Status of the delapidated house on Sycamore
- street lights

Sharen Trembath discussed the following:

- Wendt Beach Park
- County's lack of caring about lakefront in the Town of Evans
- Beach and parks are not a viable interest in the County. Golf courses are more viable

Bob Catalano, 7339 Erie Road, Derby discussed the following:

- Buffalo beach and Wendt Beach being taken over by the State as per his conversation with Congressman Higgins
- who dumped construction rubble at Sturgeon Point . The Town should clean it up.

- There are orange chemically coated rocks at the marina and some is also on the concrete.

Robert L. Palmer, 1780 Eden Evans Center Road discussed the following:

- Zoning violations regarding Town Code Section 220-48
- Lakefront revitalization project. Too much money is being spent on plans instead of implementation.
- Lake Erie Beach Park.

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 issuance of 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, New York being part of SBL#221.00-4-29 as petitioned by First Place Finishes.

Robert L. Palmer, 1780 Eden Evans Center Road spoke on behalf of Tebra Howard. She is disgusted with what is going on with First Place Finishes.

Lori Szewczyk, 9393 Orange Street spoke in favor of the renewal of the Special Use Permit for First Place Finishes. They have done everything the Town has requested.

There being no one else wishing to speak, the public hearing was closed at 7:53pm.

RESOLUTION 230 Grant Special Use Permit renewal for First Place Finishes

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: on April 24, 2006, First Place Finishes requested the renewal of the Special Use Permit for the purpose of 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, and

Meeting #12
June 7, 2006
page 134

WHEREAS: said Special Use Permit was originally issued with the following conditions:

1. The site must be developed in accordance with the site plan as approved by the Town of Evans Planning Board on January 28, 2004.
2. For the purpose of preparation or staging, only two (2) vehicles may be stored on the site as shown on said site plan.
3. There shall be no storage of vehicle parts, accessories or scrap parts outside of the building.
4. Any painting, sandblasting, machine grinding or sanding must occur inside of the building with a ventilation system designed in accordance with State and Federal standards.
5. All vegetation situated along the northwestern property boundary shall remain intact to provide a buffer for the adjoining residential property.
6. There shall be no use of the airport runway.
7. If a future need for a dumpster arises it shall be screened in accordance with the Town Code.
8. This Special Use Permit shall be for a one (1) year period. Said applications shall be reviewed at such time, and

WHEREAS: the Town of Evans Planning Office and the Building Department have conducted a proper review of the application and the facility, have found that all conditions are being met, and have recommended the Special Use Permit be renewed, and

WHEREAS: the negative SEQRA declaration issued by the Evans Town Board on February 18, 2004, for said action is still sufficient and valid, and

WHEREAS: the Town Board of the Town of Evans has conducted a public hearing regarding said Special Use Permit renewal

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grants a Special Use Permit renewal to First Place Finishes for the purpose of continuing the business of restoration and custom painting of automobiles and motorcycles including collision repair, located at 1526 Eden Evans Center Road, Angola, New York part of SBL#221.00-4-29, and

BE IT FURTHER

Meeting #12
June 7, 2006
page 135

RESOLVED: that the eight (8) above said conditions shall again be placed upon said Special Use Permit; however, this permit shall be renewed for a five (5) year period.

BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Office, Assessor's Office and the Code Enforcement Office.

Carried.

RESOLUTION 231 Advertise for a PH for PLL # of the year 2006 (rezoning of 6775 Erie Road)

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: Catalano Motors has requested that the Town Board of the Town of Evans rezone 0.52+/- acres located at 6775 Erie Road at the corner of Revere Drive, Derby, New York SBL#192.20-6-1, from General Business (GB) to Motor Service (MS) for the purpose of operating a new and used auto sales facility, and

WHEREAS: in a letter dated June 1, 2006, the Evans Planning Office has requested that the Town Board set a public hearing regarding the request of Catalano Motors.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans authorize the Town Clerk to advertise for a public hearing to be held on July 12, 2006 at 8:00pm for the consideration of said rezoning and Special Use Permit request.

AND BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Division Office, Assessor's Office and the Code Enforcement Office.

Carried.

Councilman Spence presented the following reports:

-hazardous waste (oil based paints, batteries, oil, gasoline, pesticides etc) drop-off at ECC South on June 17, 2006.

-Lake Erie Beach Park, as liaison, we have made huge progress and moved forward. He is not going to stand for people who want to come and bash this project.

Meeting #12
June 7, 2006
page 136

The Town Board is moving forward with their ideas. It is going to create great access for the public. We want to protect the park and keep the beach access for the residents. Parks personnel is working down there now and the fireworks will be held on July 3, 2006 with a rain-date of July 4, 2006.

Councilman Swyers presented the following reports:

-Southtowns Coalition meeting was attended by Legislator Reynolds who promoted the objective of the coalition to promote the area and tourism on a cable access station. Articles and ads will be appearing in various publications.

-Economic Development Committee has a meeting last month with realtors and was very positive.

-Purvis Landing has been fixed up into small park by the Parks Department. Hydroseeding was donated by Ray Zelinski.

-Lavatories on the beach side of the Town Board have been fixed up.

-A Transportation Enhancement Program grant is being put together. This is a new round of grants. We are looking to go from Sturgeon Point Road to Eighteen Mile Creek along Old Lake Shore Road for the hike/bike path An outline for a support letter is here. We need the support of the residents.

Councilman Erickson presented the following reports:

-at the Southtowns Coalition meeting it was explained to the gentleman from Business First that the lakefront doesn't end at the skyway or Hamburg.

-Economic Development meeting was very positive with the realtors.

-The detour at Old Lake Shore Road and Lake Street for the bridge has not occurred yet but will soon.

-Annual storm water report from the state.

At this time 8:00pm a public hearing is scheduled as duly advertised in the Town Crier, official newspaper of the Town of Evans to consider the issuance of a Special Use Permit Renewal for an auto vehicle auction to be located at 8418 Southwestern Boulevard (a.k.a.) Route 20, Angola, New York being part of SBL#0221.00-3-22 as petitioned by Southtowns Auto Auction, Inc., Roy Emerling, PO Box 204, Boston, New York.

Robert L. Palmer, 1780 Eden Evans Center Road, spoke in favor of the special use permit.

There being no one else wishing to speak the public hearing was closed at 8:07pm.

RESOLUTION 232 Grant Special Use Permit renewal for Southtowns Auto Auction

Meeting #12
June 7, 2006
page 137

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: on April 28, 2006, Southtowns Auto Auction requested the renewal of the Special Use Permit for the purpose of continuing the operation of an auto vehicle auction facility, located at 8418 Southwestern Blvd. (A.k.a. US Route 20), Angola, NY, part of SBL#221.00-3-22, and

WHEREAS: said Special Use Permit was issued with the following conditions:

1. The site must be developed in accordance with the site plan as approved by the Town of Evans Planning Board dated April 3, 2001 and revised on November 13, 2002.
2. No vehicles shall be stored on the site in excess of 30 days.
3. The 30.57 acre parcel that remains zoned Suburban Residential (SR) be dedicated forever wild through deed restrictions, a conservation easement of some other means as deemed acceptable to the Town Attorney.
4. The natural vegetation that exists along the southwestern property line shall remain fully intact to provide a visual buffer.
5. Said special use permit be issued for a two (2) year period. Applicant may apply for renewal. Said applications shall be reviewed at such time.

WHEREAS: the Town of Evans Planning Office and the Building Department have conducted a proper review of the application and the facility and have recommended the Special Use Permit be renewed, and

WHEREAS: the negative SEQRA declaration issued by the Evans Town Board on July 26, 2000, for said facility is still sufficient and valid, and

WHEREAS; the Town Board of the Town of Evans has conducted a public hearing regarding said Special Use Permit renewal,

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grants a Special Use Permit renewal to Southtowns Auto Auction for the purpose of continuing the operation of an auto vehicle auction facility, located at 8418 Southwestern Blvd. (a.k.a. US Route 20), Angola, New York, and

BE IT FURTHER

RESOLVED: that the five (5) above said conditions shall again be placed upon said Special Use Permit; however, this permit shall be renewed for a five (5) year period.

Meeting #12
June 7, 2006
page 138

BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Office, Assessor's Office and the Code Enforcement Office.

Carried.

RESOLUTION 233 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 May 2006	\$-0-
Games of Chance License May 2006	\$25.00
Town Clerk Montly report May 2006	\$14,376.65

Diana A. Cafferty, Receiver of Taxes & Assessments:	
Water receipts May 2006	\$118,133.36
Duplicate Bills & Receipts May 2006	\$76.00
Interest May 2006	\$24.29

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

RESOLUTION 234 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 235 Water bill adjustments

Councilman Swyers moved and Councilman Spence seconded,

RESOLVED: that an adjustment be made to the following accounts because of various water problems:

Betty Hanks, 484 Gordon
Account #02060150
Adjustment: \$188.36

Meeting #12
June 7, 2006
page 139

American Legion, 7353 Erie Road
Account #01091235
Adjustment: \$44.28

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

RESOLUTION 236 Appt of part time clerk

Councilman Spence moved and Councilman Swyers seconded,

RESOLVED: that Dianne E. Johnson, 6771 Prescott Drive, Derby is hereby appointed as part time clerk at a rate of pay of \$7.00 per hour and Karen Sullivan, 1233 Peppertree Drive, Derby is also hereby appointed as a part time clerk at a rate pay of \$6.75.

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

RESOLUTION 237 File application with NYS Dept of Transportation for funding for financial assistance for the continuation of the multi-use pathway

Councilman Swyers moved and Councilman Erickson seconded,

WHEREAS: the Town of Evans benefits from a substantial length of waterfront and waterfront assets along the route of the Seaway Trail, including parks, beaches, marina and scenic overlooks, and Frank Lloyd Wright's Graycliff Estate the significant coastal resources of Lake Erie; and

WHEREAS: the Town of Evans is nearing the construction phase of two (2) segments of the proposed Town of Evans Multi-Use Lakeshore Pathway Wendt Beach to Evans Town Park (Section C) and Evans Town Park to Lake Erie Beach (Section D); and

WHEREAS: the pathway is one component of a broader project concept that includes the development of the trail system to provide a continuous waterfront trail along the length of Lake Erie in Erie County as part of the Shoreline Trail from Lake Ontario to Chautauqua County; and

Meeting #12
June 7, 2006
page 140

WHEREAS: in the absence of multi-use pathway, bicyclists or pedestrians traveling along the lake shore in the Town, must share the roadway with automobile traffic, creating a safety hazard; and

WHEREAS: the Town has the opportunity to apply for funding from the State and Federal Government to construct a significant portion (4.25) miles of the proposed pathway, nearly completing the waterfront corridor in the Town of Evans.

THEREFORE BE IT

RESOLVED: that Robert R. Catalino, as Supervisor of the Town of Evans, is hereby authorized and directed to file an application with the New York State Department of Transportation for funding not to exceed \$2 million and upon approval of said request to enter into an execute a project agreement with the State for such financial assistance to the Town of Evans for continuation of the Multi-Use Pathway.

Carried.

RESOLUTION 238 Appt of lifeguard supervisor, lifeguard captains, alternate lifeguard captains & lifeguards

Councilman Erickson moved and Councilman Swyers seconded,

RESOLVED: that Lance Harrison of 9640 Ellicott Street, Angola be appointed to the position of Lifeguard Supervisor to be paid the rate of \$14.00 per hour

RESOLVED: that the following individuals be appointed to the position of Lifeguard Captain; to be called as needed; to be paid the designated rate of pay:

Kim Covino, 1645 South Creek, Derby	\$8.65/hr
Ben Farley, 9878 Shorecliff, Angola	\$8.85/hr
Brian Ruffles, 590 Ainsworth, Angola	\$8.65/hr

RESOLVED: that the following individuals be appointed to the position of Alternate Lifeguard Captain; to be called as needed; to be paid the designated rate of pay:

Derek Greiner, 8175 Erie Road, Angola	\$8.10/hr
Andrew Wincenciak, 7588 Depot R., Derby	\$8.10/hr
Alicia Beck, 12 Ward Rd., Angola	\$8.10/hr

Meeting #12
 June 7, 2006
 page 141

Laura Klopp, 1280 Wisconsin Road, Derby	\$8.10/hr
Ian Widmer-Wick, 369 Harper Rd., Angola	\$7.60/hr

RESOLVED: that the following individuals be appointed to the position of lifeguard; to be called as needed; to be paid the designated rate of pay:

Patrick Murphy, 664 Monroe Ave., Angola	\$8.00/hr
Brittany O'Connor, 8812 Lake Shore Rd., Angola	\$7.90/hr
Alicia Beck, 12 Ward Rd., Angola	\$7.60/hr
Laura Klopp, 1280 Wisconsin Rd., Derby	\$7.60/hr
Derek Greiner, 8175 Erie Rd., Angola	\$7.60/hr
Laura Klopp, 1280 Wisconsin Rd., Derby	\$7.60/hr
Andrew Wincenciak, 7588 Depot Rd., Derby	\$7.60/hr

VOTE RESULT:

Councilman Erickson	aye
Councilman Swyers	aye
Councilman Spence	aye
Supervisor Catalino	aye

RESOLUTION 239 Appt of lifeguards, alternate lifeguards & pool attendants

Councilman Erickson moved and Councilman Swyers seconded,

RESOLVED: that the following individuals be appointed to the position of lifeguard; to be called as needed; to be paid the designated rate of pay:

Jacqueline Ball, 7929 Dennis Road, Angola	\$7.10
Charles Coomer III, 9386 Lafayette, Angola	\$7.10
David Farley, 9878 Shorecliff, Angola	\$7.10
Frederick Garrasi, III, 88 Middle Lane, Angola	\$7.10
Alicia Gottorff, 92 Middle Lane, Angola	\$7.10
Bradley Gottorff, 92 Middle Lane, Angola	\$7.10
Deidre Hartz, 9194 Applewood, Angola	\$7.10
Ryan Held, 7933 Lake Shore, Angola	\$7.10
Richard Kelleher, 506 Kennedy, Angola	\$7.10
Megan Maslach, 1781 South Creek, Derby	\$7.10
Sarah Murphy, 664 Monroe, Angola	\$7.10
Laura Valtin, 9619 Northfield, Angola	\$7.10
Robert Beck, 12 Ward, Angola	\$6.75

Allyson Klopp, 1280 Wisconsin, Derby	\$6.75
Joseph Klopp, 1280 Wisconsin, Derby	\$6.75
Megan Kait, 282 South Herr, Angola	\$6.75
Claire Petersen , 1145 Sturgeon Point, Derby	\$6.75
Richard Voltz, Lake Shore, Angola	\$6.75

Meeting #12
 June 7, 2006
 page 142

RESOLVED: that the following individuals be appointed to the position of Alternate Lifeguard; to be called if needed; to be paid the designated rate of pay:

Shannon Griffin, 1627 South Creek, Derby	\$6.75
Corey Jenkins, 6697 Derby Rd., Derby	\$6.75
Kelly O'Donnell, 9193 Applewood, Angola	\$6.75
Allyson Pantano, 6899 Kimberly, Derby	\$6.75
Christopher VonVolkenburg, 124 Chestnut, Angola	\$6.75
Laura Zailac, 1207 Backus, Derby	\$6.75

RESOLVED: that Darrah Vona of 6585 Lake Shore, Derby be appointed to the position of pool attendant; to be paid \$6.75 per hour.

VOTE RESULT:

Councilman Erickson	aye
Councilman Swyers	aye
Councilman Spence	aye
Supervisor Catalino	aye

RESOLUTION 240 Appt of laborer/gateguard/nightwatchmen

Supervisor Catalino moved and Councilman Erickson seconded,

RESOLVED: that the following individuals be appointed to the position of laborer/gateguard/nightwatchmen; to be called if needed; to be paid the designated rate of pay of \$6.75/hr:

Ben Loos, 70 High St., Angola
 Michael Storey, 42 Washington Street, Angola
 Josh Senior, Angola
 Jason Gleason, Derby

VOTE RESULT:

Supervisor Catalino	aye
Councilman Erickson	aye
Councilman Spence	aye
Councilman Swyers	aye

RESOLUTION 241 Town License

Supervisor Catalino moved and Councilman Swyers seconded to grant a fireworks license to Michael and Deborah Slawinski contingent upon approval by the Chief of Police and Town Clerk, with all proper documentation.

Carried.

Meeting #12
June 7, 2006
page 143

RESOLUTIONS 242 Audit of Bills

Councilman Spence moved and Supervisor Catalino 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:

	Voucher 951-1089	
	Prepaid Voucher 60-66	
GENERAL		\$82,788.86
PART TOWN		42,927.35
HIGHWAY		56,498.88
WATER		8,714.94
SPECIAL DISTRICTS		23,914.15
COMMUNITY DEVELOPMENT		183.96

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

RESOLUTION 243 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn to Wednesday, June 14, 2006 for a work session at 5:00pm and then to the next regular Town Board meeting to be held on Wednesday, June 21, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk