

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, July 12, 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	Assessment
	Charles LaBarbera	Building Department
	Lori Szewczyk	Community Development
	Charles Katra	Finance Department
	Peter DelPrince	Parks Department
	Sandra Brant	Planning Division
	Doug Czora	Police
	Julie Roach	Seniors
	Patrick Conrad	St Pt Marina
	Diana Cafferty	Receiver of Taxes
	Bill Haberer	Water Department

RESOLUTION 255 Approve minutes

Supervisor Catalino moved and Councilman Bartus seconded that the reading of the minutes of the meeting of June 21, 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 Drive, Derby, New York expressed his feelings that the 4th of July celebration was much improved from the previous year's celebration as far as facilities and restrooms. The Parks department on the morning of celebration cleaned up and manicured the east side of Lake Erie Beach Park at Muddy Creek however the west side of the beach was not cleaned up and manicured and was unsightly. Perhaps next year both areas of the beach can be taken care of. He hasn't

received a FOIL request in its entirety. Who may he contact regarding this matter.

Meeting #13
July 12, 2006
page 153

Thomas Gorney, 544 Sycamore Street, Angola, New York addressed the following matters:

- Status of the street light on Roanoke Street
- delapidated house on Sycamore Street
- date for the paving of Summer Street

Richard Ward, 9655 Granger Street is still attempting to resolve a dispute in regard to a neighboring property which contain construction debris, possible asbestos and dirt fill which elevated the property level.

RESOLUTION 256 Shawn Arcara Re: Assistance in the cost of repair of a waterline

Supervisor Catalino moved and Councilman Erickson seconded to refer the communication from Shawn Arcara regarding assistance with the cost of repair for a waterline to the proper department heads.

Carried.

RESOLUTION 257 Edward G. Schneider III Re: Appeal of a FOIL request dated May 9, 2006

Supervisor Catalino moved and Councilman Bartus seconded to refer the communication from Edward G. Schneider III regarding the appeal of a FOIL request dated May 9, 2006 to the proper department head and receive and file.

Carried.

RESOLUTION 258 Thomas Perkins, Owner Advocate Re: Request to rezone the property of Baerbel Perkins and Francis Myers located on the northeast corner of Southwestern Blvd and Eden-Evans Center Road

Supervisor Catalino moved and Councilman Erickson seconded to refer the communication from Thomas Perkins regarding a request to rezone property located on the northeast corner of Southwestern Boulevard and Eden-Evans Center Road to the proper department heads to contact Mr. Perkins on the possibility of the rezoning.

Carried.

RESOLUTION 259 Maryann Baake Re: Permission to attend the annual North Country training at SUNY Potsdam from July 24-26, 2006

Supervisor Catalino moved and Councilman Erickson seconded the request of Maryann Baake, Court Clerk to attend the Annual North Country training for Court Clerks and Judges to be held at SUNY Potsdam from July 24-26, 2006 be approved.

Carried.

Meeting #13
July 12, 2006
page 154

Councilman Swyers explained that Mrs. Baake has been nominated for First Vice-President of the N.Y.S. Association of Magistrates Court Clerks and has also been commended for the dedication and training of other clerks.

Councilman Erickson also stated that Mrs. Baake is well known around the state and when you mention where you are from they always have very nice things to say about Maryann.

Councilman Bartus was trained by Maryann when she worked in the court and is always very professional and knowledgeable. Other court clerks are always calling her for advice relative to their job.

Councilman Spence presented the following reports:

- commended the Parks Department for the quick clean-up so quickly after the fireworks celebration at Lake Erie Beach Parks
- Taste of Evans, July 23, 2006 at Evans Town Park
- he has received several e-mails and letters commending the Town of Evans parks and beaches

Councilman Bartus presented the following reports:

- commended the Sturgeon Point Advisory Board for the time they devote and also the Marina and how impressive and enjoyable it is for all to partake
- read a letter of commendation for Detective Lieutenant DeJohn and Detective Masullo

Councilman Swyers presented the following reports:

- read a letter of commending the parks department for the beautiful town park and Maureen Andrews for always being so accommodating from the Occupational Skills Program at Lake Shore Central Schools
- Town of Evans has received an Archives Grant to update some imaging technology in the Assessor's Office for \$6,000.00.

Councilman Erickson presented the following reports:

- Jamfest in the Village of Angola on July 22, 2006
- Taste of Evans on July 23, 2006
- commended and thanked the parks department and police department over the weekend preceding July 4, 2006 and the holiday itself. There were many people utilizing our parks and beaches and they did a great job.
- Building Department report for June, 2006

Supervisor Catalino reported he talked with Hamburg Supervisor Walters and will not meet with him next week. The Town of Hamburg will be offering a discount to all Town of Evans residents at Town of Hamburg golf courses.

Meeting #13
July 12, 2006
page 155

RESOLUTION 260 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 June 2006	\$-0-
Monthly June 2006	\$17,271.27

Diana A. Cafferty, Receiver of Taxes & Assessments:	
June 2006 water receipts	\$88,685.37
June 2006 duplicate bills & receipts	\$62.00
June 2006 interest	\$19.45

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

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 adoption of Proposed Local Law #4 of the year 2006 which will amend Local Law #8 of the year 1987 commonly known as the Zoning Law and any amendments thereto and the Zoning Map by rezoning property situate in the Town of Evans as requested by Catalano Motors located at 6775 Erie Road at the corner of Revere Drive, Derby, New York 14047 being 0.52+/- acres. SBL#192.20.-6-1 from General Business (GB) to Motor Service(MS).

Supervisor Catalino read a letter from Sandra L. Brant, Chairman of Evans Planning Board dated July 11, 2006.

Norm Sikora, 6785 Revere Drive questioned the aesthetics of the project. He is not opposed to the project.

The following people spoke in favor of the rezoning:

Dave Glashauser, Revere Drive
Jack Dentice, Route 5 and Putnam Drive

Charles Militello, Prescott Drive

There being no one wishing to speak the public hearing was closed at 8:10pm.

RESOLUTION 261 Negative Declaration for SEQR for PLL #4 of the year 2006

Meeting #13
July 12, 2006
page 156

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: Catalano Motors has requested the rezoning of .524 +/- acres from General Business (GB) to Motor Service (MS) for the purpose of operating a new and used auto sales facility, to be located at 6777 Erie Road (a.k.a. Route 5), Derby, NY a.k.a. SBL#192.20-6-1, and

WHEREAS: the Town of Evans Planning Board has recommended a SEQR negative declaration for the action

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 rezoning and special use permit for Catalano Motors (Addendum A SEQRA long environmental assessment form)

AND BE IT FURTHER

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

RESOLUTION 262 Adopt PLL #4 of the year 2006 as LL #7 of the year 2006

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: Catalano Motors has requested the rezoning of .52 +/- acres from General Business (GB) to Motor Service (MS), for the purpose of operating a new and used auto sales facility, to be located at 6777 Erie Road (a.k.a. NYS route 5), Derby, NY, a.k.a. SBL#192.20-6-1, and

WHEREAS: the Town Board of the Town of Evans has held a public hearing for consideration of said rezoning, and

WHEREAS: in a letter dated July 11, 2006, the Town of Evans has held a public hearing for consideration of said rezoning, and

WHEREAS: in a letter dated July 11, 2006, the Town of Evans Planning Board has voted two against and two in favor of a recommendation to rezone said property based on the following reasons:

- The project appears to be consistent with the Town of Evans Comprehensive Plan.

Meeting #13
July 12, 2006
page 157

- The project will revitalize a deteriorated and unutilized property in the
- Town, improving the value of the property.
- The project is not expected to result in any undo traffic impacts or adverse changes to the character of the surrounding community.
- The applicant has successfully operated a longstanding business in the Town of Evans for over 58 years, and

WHEREAS: the Town Board of the Town of Evans has issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT

RESOLVED: that Proposed Local Law #4 of the year 2006 regarding the above rezoning of SBL#192.20-6-1 be adopted as Local Law #7 of the year 2006, and

NOW THEREFORE BE IT

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

Carried.

RESOLUTION 263 Grant Special Use Permit for Catalano Motors at 6777 Erie Road, Derby

Councilman Swyers moved and Councilman Bartus seconded,

WHEREAS: Catalano Motors has requested a Special Use Permit for the operation of a new and used auto sales facility to be located at 6777 Erie Road a.k.a. NYS Route 5, Derby, NY a.k.a. SBL#192-20-6-1, and

WHEREAS: the Town Board of the Town of Evans has held a public hearing regarding said Special Use Permit, and

WHEREAS: the Town of Evans Planning Board has conducted a proper review of

the application and has voted 3 in favor and 1 abstention to recommended the granting of said Special Use Permit, and

WHEREAS: the Planning Board has recommended that the following conditions be placed on the approval of said Special Use Permit:

1. The site must be developed in accordance with the site plan as approved by the Town of Evans Planning Office.

Meeting #13
July 12, 2006
page 158

2. For the purpose of sales, no more than 12 cars may be displayed or stored outside on the site.

3. There shall be no storage of vehicle parts, accessories, or scrap parts anywhere on the site.

4. Under no circumstances shall cars be displayed or parked in the required 20-foot parking setback or in the NYS Department of Transportation right-of-way.

5. The existing driveway curb cut located at the center portion of this property shall be closed and restored with appropriate landscaping and curbing.

6. In accordance with Section 200-29D.(6) of the Town Code, no posters, pennants, ribbons, streamers, spinners or other moving, fluttering, flashing or revolving signs or devices or strings of lights shall be permitted on site.

7. This Special Use Permit shall be for a one (1) year period. Applicant may apply for renewal.

8. This Special Use Permit shall be attached to the applicant, Catalano Motors, and not the property or the business.

WHEREAS: the Town Board of the Town of Evans has issued a negative declaration regarding the SEQR process for the issuance of the Special Use Permit.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grants a Special Use Permit to Catalano Motors for the purpose of operating a new and used auto sales facility to be located at 6777 Erie Road a.k.a. NYS Route 5, Derby, NY a.k.a. SBL#192-20-6-1, and

BE IT FURTHER

RESOLVED: that the eight (8) above-recommended conditions be placed upon said

Special Use Permit.

AND BE IT FURTHER

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

Carried.

RESOLUTION 264 Proposed Local Law #2 of the year 2005 (Zoning/Licensing)

Meeting #13
July 12, 2006
page 159

Supervisor Catalano moved and Councilman Bartus seconded that Proposed Local Law #2 of the year 2005 (zoning/licensing) remain under old business.

Carried.

RESOLUTION 265 Proposed Local Law #3 of the year 2006 - Speed Limit on Dennis Road

Supervisor Catalino moved and Councilman Bartus seconded,

RESOLVED: that Proposed Local Law #3 of the year 2006 regarding the speed limit on Dennis Road be adopted as Local Law #8 of the year 2006 to reduce the speed limit from 55 m.p.h. to 40m.p.h. on Dennis road from Bennett Road to Lake Shore Road.

Carried.

RESOLUTION 266 Appointment of a laborer/gateguard/nightwatchman

Councilman Bartus moved and Councilman Swyers seconded,

RESOLVED: that Paul Labinski, 25 School Street, Angola be appointed to the position of laborer/gateguard/nightwatchman; to be paid \$6.75/hr; to be called if needed.

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

RESOLUTION 267 Water bill adjustment

Councilman Spence moved and Councilman Bartus seconded,

RESOLVED: that an adjustment be made to the following account because of a

water leak:

Andrew Kehrer, 9462 Lafayette
Account #03020830
Adjustment: \$460.74 + penalty

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

Meeting #13
July 12, 2006
page 160

	Councilman Erickson	aye
	Supervisor Catalino	aye

RESOLUTION 268 Appointment of lifeguards and an alternate lifeguard captain

Councilman Bartus moved and Councilman Spence seconded,

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

Brian Murphy, 664 Monroe, Angola	\$7.90/hr
Ryan Walter, 320 Lakeside, Angola	\$6.76/hr

RESOLVED: that Arwen Tisdale, 258 Garfield, Angola be appointed to the position of lifeguard, effective 7-1-2006; to be paid \$6.75/hr

RESOLVED: that Andrew Wincenciak, lifeguard, be paid \$7.90 per hour effective 7-1-2006

RESOLVED: that Brittany O'Connor, lifeguard, be appointed to the position of Alternate Lifeguard Captain, effective 7-1-2006; to be paid \$8.40/hr.

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

RESOLUTION 269 Town of Evans to enter into a contract with Youth Football

Supervisor Catalino moved and Councilman Swyers seconded,

WHEREAS: Lakeshore Youth Football, Inc., hereinafter termed Lakeshore Youth Football, has in the past organized and sponsored a youth football program in the Town of Evans which provides a benefit and enjoyment

to residents of the Town, and particularly the youth of the Town; and

WHEREAS: Lakeshore Youth Football is willing to commit to undertake and see to the organization and sponsorship of such youth football program for the 2007 and 2008 seasons, in addition to the present season in consideration of the payment by the Town to Lakeshore Youth Football of a sum not to exceed \$7,000.00 to help defray the cost of such program for the 2007 season, and an additional sum no to exceed \$7,000.00 to help defray the cost of such program for the 2008 season; and

Meeting #13
July 12, 2006
page 161

WHEREAS: to defray the cost of operations for such seasons and present expenses, Lakeshore Youth Football no requests an advance of \$3,000.00 against any and all sums otherwise to be paid to the same by the Town of Evans relative to such 2007 and 2008 football seasons; and

WHEREAS: with the understanding that such present payment of \$3,000.00 is to be a credit against any further sums paid by the Town to Lakeshore Youth Football for such 2007 and 2008 seasons, the Town is willing to make such advance against such future services;

NOW THEREFORE BE IT

RESOLVED: that the Supervisor of the Town of Evans or his designate is hereby authorized to enter into a contract with Lakeshore Youth Football, Inc. For the same to undertake and see to the organization and sponsorship of a youth football program for the 2007 and the 2008 seasons in which residents of the Town, qualified by the rules and regulations of said Lakeshore Youth Football, Inc. And the league with which it is affiliated, shall be allowed to enroll and participate and will deliver to the Town vouchers for the actual cost of equipment, materials, supplies and expenses related to such youth football program, and

FURTHER BE IT

RESOLVED: that the Town, in consideration of such undertaking, agreement and promise by Lakeshore Youth Football, Inc. to field teams in the number committed and with rosters sufficient to field such required teams, and each of them, and the execution with Lakeshore Youth Football, Inc. Of a contract acceptable to the Town Attorney, to provide such services, with deliver to Lakeshore Youth Football, Inc. a sum in total for the 2007 season not exceed \$7,000.00, upon submission of vouchers, as

aforesaid, satisfactory to the Town to evidence the actual cost of equipment, materials, supplies and expenses for such season and a further sum in total for the 2008 season not to exceed \$7,000.00, upon submission of vouchers, as aforesaid, satisfactory to the Town to evidence the actual cost of equipment materials, supplies and expenses for such season, to be paid as follows:

a.) Upon execution of such contract the total sum of \$3,000.00, to be deemed a credit of \$1,500.00 relative to any sum due for the 2007 season, and a like sum of \$1,500.00 to be deemed a credit against any sum due for the 2008 season; and

Meeting #13
July 12, 2006
page 162

b.) A further sum not to exceed \$5,500.00, for the 2007 season upon approval of vouchers evidencing the actual cost of equipment, materials, supplies and expenses for such season; and
c.) A further and additional sum not to exceed \$5,500.00 for the 2008 season upon approval of vouchers evidencing the actual cost of equipment, materials, supplies and expenses for such season;

with the understanding and agreement that if Lakeshore Youth Football, Inc. defaults in the provision of any agreed services for any such season, the advance of \$1,500.00 presently made for such season shall immediately be repaid to the Town.

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

RESOLUTION 270 Proceed with documentation regarding Lake Erie Beach parkway

Councilman Spence moved and Councilman Bartus seconded,

WHEREAS: at a regularly scheduled Work Session held at the Evans Town Hall on June 28, 2006, it was resolved that the Evans Town Board wishes to declare Lead Agency and conduct a coordinated review authorized Wendel Duschscherer and the Town of Evans Planning Office to conduct a coordinated review pursuant to SEQR and coordinate the required mailings and notifications relative to the walkway at Lake Erie Beach Park

NOW THEREFORE BE IT

RESOLVED: that such designation of the Evans Town Board as Lead Agency and the authorization of Wendel Duhscherer and the Evans Planning Office to conduct a coordinated review pursuant to SEQR and coordinate the required mailings and notifications is hereby reaffirmed and all actions taken heretofore in furtherance of such designation and authorization is adopted, ratified and affirmed.

Carried.

RESOLUTION 271 Town Licenses

Supervisor Catalino moved and Councilman Bartus seconded to grant the

Meeting #13
July 12, 2006
page 163

following town licenses:

Lawrence C. Miller D/B/A El Taco Cantina - Refreshment.
Harvey Ketcher - Fireworks

contingent upon approval of the Chief of Police, Department of Health and the Town Clerk's Office as applicable.

Carried.

RESOLUTION 272 Audit of Bills

Councilman Spence moved and Councilman Bartus 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:

Abstract 12
Voucher 1189-1341

GENERAL	133,197.74
PART TOWN	16,142.59
HIGHWAY	49,486.50
WATER	109,330.86
SPECIAL DISTRICTS	27,183.59

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

RESOLUTION 273 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn to work session on July 19, 2006 and July 26, 2006 at 5:00pm and then to the next regular Town Board meeting on Wednesday, August 2, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk