

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, October 4, 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
	Ronald Milks	Building Department
	Charles Katra	Finance Department
	Peter DelPrince	Parks Department
	Sandra Brant	Planning Division
	Robert Ferguson	Police Chief
	Julie Roach	Seniors
	Rick Truskowski	St. Pt. Marina
	Diana A. Cafferty	Rec. of Taxes & Assessments
	Tom Kait	Water
	Rick Hanavan	Wendel Duscherer
EXCUSED:	Jeanne C. Ebersole	Assessor
	Lori Szewczyk	Dir. of Community Development
ABSENT:	Edward Michalski	Highway Superintendent

RESOLUTION 320 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of September 20, 2006 and the work session of July 19, 2006 and September 13, 2006 be approved as submitted by the Town Clerk.  
Carried.

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

Sharen Trembath, 466 Alfred Drive, Angola, New York commented that this month

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marks the one year anniversary of Save Our Shoreline. What happened to the \$300,000.00 grant received by the Town for the Sturgeon Point Bluff's parks? She questioned the classification of a park and stated Russ Biss of the D.E.C. would be interested in participating in this project.

Robert L. Palmer, 1780 Eden Evans Center Road feels when the grant was applied for the area in question was a parkland and after the Town applied for the grant the zoning was changed on April 17, 2000. He can understand some zoning changes but doesn't agree with other changes as they are too confusing. Orchard Park has received \$100,000.00 from Congressman Higgins for baseball diamonds. Funding is much easier to obtain when lands are designated parks.

Tom Gorney, 524 Sycamore Street thanked the Evans Police Department for contacting the DEC after someone dumped oil into the creek. He also thanked the Highway Department, Town Board and Mr. Swyers for the Summer Street project. He was offended at the last town Board meeting when it was mentioned about the Middleton, Colorado shootings as he was raised there.

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 #5 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 located at 1670 Eden Evans Center road, Angola, New York being SBL#221.00-3-16.11 from GB (General Business) and MS (Motor Service) to LI (Light Industrial).

There being no one wishing to speak the public hearing was closed at 7:56pm.

RESOLUTION 321 Negative Declaration for PLL #5 of 2006 (rezoning of 1670 Eden Evans Center Road)

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: Tom Perkins has requested the rezoning of 8.97+/- acres from General Business (GB) and Motor Service (MS) to Light Industrial (LI) for the purpose of expanding an existing public self storage facility, located at 1670 Eden Evans Center Road, Angola, New York, a.k.a. SBL#221.00-3-16.11

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

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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 for Tom Perkins. (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 322 Adopts PLL #5 as LL #9 of the year 2006 (rezoning of 1670 Eden Evans Center Road)

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: Tom Perkins has requested a rezoning of 8.97+/- acres from General Business (GB) and Motor Service (MS) to Light Industrial (LI) for the purpose of expanding an existing public self-storage facility, located at 1670 Eden-Evans Center Road, Angola, New York a.k.a. SBL#221.00-3-16.11 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 August 24, 2006, the Town of Evans Planning Board has unanimously voted in favor of a recommendation to rezone said property based on the following reasons:

-The application and plans are in accordance with the Town's regulations and requirements, and the project appears to be consistent with the Town of Evans Comprehensive Plan.

-The project is not expected to result in any undo traffic impacts, adverse impacts to natural resources or adverse changes to the character of the surrounding community, and

-The project will provide an additional benefit to the surrounding community and complement the existing mix of businesses.

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

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RESOLVED: that Proposed Local Law #5 of the year 2006 regarding the above rezoning of SBL#221.00-3-16.11 be adopted as Local Law #9 of the year 2006, 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.

At this time 8:00pm a public hearing is scheduled as duly advertised in the Town Crier, official newspaper of the Town of Evans regarding the use of Federal Community Development Funds in the Town of Evans.

Supervisor Catalino explained some of the previous Community Development projects being for Rural Van Service, paving of Ivy, Meadow and Summer Streets and handicap access the Senior Center.

There being no one wishing to speak the public hearing was closed at 8:05pm.

Supervisor Catalino reopened the Privilege of the Floor.

Colleen Henson, 9588 Hardpan Road questioned a letter from 2005 regarding property adjacent to her's on Hardpan Road. The property owner was supposed to have the property cleaned up on May of 2006 and it has not been done. Her property is being devalued and needs action taken.

RESOLUTION 323 Sandra Brant, Chairman Planning Division RE: request to schedule public hearing for PLL #6 (rezone Suburban Residential {SR} areas to proposed Agricultural Open Space {AOS}, Rural Agriculture {RA} and Rural Residential {RR})

Supervisor Catalino moved and Councilman Swyers seconded,

WHEREAS: the Town of Evans adopted a Comprehensive Plan in January of 1999; and

WHEREAS: the Comprehensive Plan sets forth goals, objectives and recommendations to effectively guide future growth and development in the Town of Evans including appropriate legislative action to achieve the goals and objectives of the Comprehensive Plan; and

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WHEREAS: in accordance with the Comprehensive Plan, the Town Board authorized amendments to Chapter 200 of the Town Code - the Zoning Ordinance, to revise the Suburban Residential (SR) zoning classification which will be renamed Rural Residential (RR), and incorporate two new zoning classifications to be known as Agriculture and Open Space (AOS) and Rural Agriculture (RA), and

WHEREAS: the Evans Planning Board has reviewed the areas in the Town that are currently zoned Suburban Residential and prepared zoning amendment recommendations for these areas, which have been reviewed by the Planning Board and Town Board; and

WHEREAS: in accordance with Part 617 of the implementing regulations pertaining to Article 8 of the Environment Conservation Law (State Environmental Quality Review - SEQR), the Evans Town Board must conduct a coordinated review for these zoning amendments, which a Type I action.

NOW THEREFORE BE IT

RESOLVED: that the Evans Town Board seeks to declare itself the SEQR Lead Agency for this action and authorizes the mailing of all required notifications for this action.

BE IT FURTHER

RESOLVED: that Sandra L. Brant, Planning Division Chairman, be designated as the contact person for this coordination of said SEQR review; and

BE IT FURTHER

RESOLVED: that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on November 1, 2006 at 7:50pm for the required SEQR review and for consideration of Proposed Local Law #6 of the year 2006; and

BE IT FURTHER

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

Carried.

Councilman Spence recently went down to the Sturgeon Point Marina and the Sturgeon Point Advisory Board and other gentlemen donated a plaque to George Hutchings.

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Councilman Bartus received a letter from Town of North Collins Supervisor, Thomas O'Boyle commending Town of Evans, Assessor Jeanne Ebersole. She also provided notification to residents regarding a defensive driving class, holiday jewelry and candy making being held at the Carrier Center.

RESOLUTION 324 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 - September 2006	\$-0-
Monthly Rpt - September 2006	\$18,814.19
Diana Cafferty, Receiver of Taxes:	
September 2006 Water	\$127,597.77
Duplicate Bills - September 2006	\$76.00
Interest - Sept 2006	\$25.37

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

RESOLUTION 325 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 326 Appt of Provisional Court Clerk RPT

Councilman Spence moved and Councilman Swyers seconded,

RESOLVED: that Sharon Majewski of 43 Long Beach Lane, Angola, NY 14006 be appointed to the position of Provisional Court Clerk; to be paid \$9.00/hour effective September 7, 2006.

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

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Councilman Erickson	aye
Supervisor Catalino	aye

RESOLUTION 327 Request change to NYS Retirement to add another tier

Councilman Bartus moved and Councilman Spence seconded,

WHEREAS: the Town of Evans and all municipalities within New York State face continuing increases in the cost of government, including ever rising pension expenses, and

WHEREAS: the employer share of pension contributions in New York has risen by more than three billion dollars in the last five years, straining taxpayers and municipalities throughout the State; and

WHEREAS: a new retirement tier has not been established since 1983 and the Town of Evans faces increasing budgets due to pension costs that have escalated many times the rate of inflation for several years;

NOW THEREFORE BE IT

RESOLVED: that Town of Evans calls upon the Governor, the New York State Legislature and the State Comptroller to change the present pension system with the establishment of another tier that provides that the ten year employee member contributory period be extended to the entire period of municipal employment and

BE IT FURTHER

RESOLVED: that the Town Clerk of the Town of Evans forward a copy of this

resolution to NYS Assemblyman Jack Quinn, NYS Senator Dale Volker, Erie County Legislator Robert Reynolds, Governor George Pataki, NYS State Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, G. Jeffrey Haber, Executive Director of the Towns of New York State, County Executive Joel Giambra, Chairman of the Erie County Legislature Lynn Marinelli, Gary Eppolito, Chairman of the Association of Erie County Governments.  
Carried.

RESOLUTION 328 Declare surplus equipment

Councilman Bartus moved and Councilman Swyers seconded,

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RESOLVED: that the following equipment be declared surplus:

1987 Ford dump truck #19 VIN #1FDYK82A6HVA33371  
2000 SALSCO chipper serial #214001200520921  
Said vehicles are from the Highway Department.

Carried.

RESOLUTION 329 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 abstract of claims on this date as follows:

Abstract #17  
Voucher #1849-1937  
Prepaid Voucher #76-77

GENERAL	29,335.15
PART TOWN	15,277.00
HIGHWAY	119,824.57
WATER	4,031.24
SPECIAL DISTRICTS	419.98

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

RESOLUTION 330 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn to the next scheduled Work Session to be held on Wednesday, October 11, 2006 at 5:00pm and then to the next regularly scheduled Town Board meeting to be held on Wednesday,

October 18, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner  
Town Clerk