

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, November 1, 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
ALSO PRESENT:	Mary Ann Conrad	Assessment
	Charles LaBarbera	Building Department
	Lori Szewczyk	Community Development
	Charles Katra	Finance
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks
	Sandra Brant	Planning
	Robert Ferguson	Police
	Patrick Conrad	Sturgeon Point Marina
	Lynn Krajacic	Taxes
	Rick Hanavan	Wendel Duscherer
	Rob Klavoon	Wendel Duscherer
ABSENT:	Julie Roach	Seniors

RESOLUTION 345 Approve Minutes

Supervisor Catalino moved and Councilman Bartus seconded that the reading of the minutes of the meeting of October 18, 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.

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Sharen Trembath, 466 Alfred Drive, Angola, is still pursuing her fight to save Wendt Park and Sturgeon Point. She met with government officials regarding the park issues and has been assured that Wendt and Bennett will be open next summer and have lifeguards. The bed and breakfast is tabled for now. She will continue her fight to reclaim Sturgeon Point parkland for the Town of Evans.

Tom Gorney, 524 Sycamore Street thanked the building department for their help with the dilapidated homes in his area. He recommended storm drainage sewers as a Federal Community Development block grant in the Point Breeze area. Mr. Gorney thanked the highway department for the work they performed on Summer Street.

RESOLUTION 346 Erie County Dept of Environment & Planning RE: Agricultural District Request for local landowners

Supervisor Catalino moved and Councilman Swyers seconded to receive and file the communication from the Erie County Department of Environment and Planning regarding Agricultural District request for local landowners. (See Addendum A).

Carried.

Councilman Spence reported there is a leaf drop-off at the Evans Town Park beach side in the fenced in area. Residents may also include leaf bags with their garbage collection eight item limit.

Councilman Bartus asked for patience from Town residents with the brush pick-up from the storm. The highway department is doing the best job they can. She commended the highway, water and police departments for their hardwork.

Councilman Swyers heard from a resident in Highland who was grateful for the quick removal of brush by the Highway Department. Residents of Highland were also very pleased with the police presence during trick or treat hours on Halloween.

Councilman Erickson thanked the highway department for doing such a good job with the brush removal. If you reside on a County road, the County will be handling brush removal. She read a letter addressed to Lori Szewczyk, Director of Community Development for receiving the Governor's Quality Community Award for excellence for the Southtowns Community Enhancement Coalition for partnering with other communities to promote tourism.

Supervisor Catalino thanked Sandra Brant, Norm Bromley and Joe Kwilos for their hard work on the agriculture areas in the Town. He also thanked the highway, water and parks departments for their collaborative efforts during and after the recent storm. On November 2, 2006 there will be a meeting with FEMA at the Town Hall regarding the October storm. There will be a local contest for Councilman on Election Day and commends the two candidates for the type of campaign they have conducted.

RESOLUTION 347 Committee and Department Head reports

Supervisor Catalino moved and Councilman Bartus seconded to accept the Committee and Department Head reports.

Carried.

RESOLUTION 348 Proposed Local Law #1 of the year 2005 (Zoning/Licensing)

Supervisor Catalino moved and Councilman Swyers seconded that Proposed Local Law #1 of the year 2005 (Zoning/Licensing) remain under old business on the agenda.

Carried.

RESOLUTION 349 Advertise for Request for Proposals for ambulance services

Councilman Bartus moved and Councilman Erickson seconded,

WHEREAS: the contract between the Town of Evans and LaSalle Ambulance D/B/A Rural Metro Medical Services (Rural Metro) for ambulance service has expired; and

WHEREAS: the Town Board of the Town of Evans deems it reasonable and appropriate to advertise for proposals for such services pursuant to a "Request for Proposal" prepared and approved by the Town Attorney;

THEREFORE BE IT

RESOLVED: that the Town Clerk is hereby authorized to advertise for proposals for ambulance service pursuant to the format approved by the Town Attorney. Said proposals shall be available November 8, 2006 and shall be opened on November 27, 2006.

Carried.

RESOLUTION 350 Extend agreement for trash and recycling disposal services

Councilman Spence moved and Councilman Swyers seconded,

WHEREAS: the Town of Evans has contracted with Westfield Disposal for trash and recycling disposal service since 2001; and

WHEREAS: the Town Board of the Town of Evans deems it reasonable and appropriate to extend said contract for an additional one year period pursuant to the existing terms and conditions;

NOW THEREFORE BE IT

RESOLVED: that the Supervisor is hereby authorized to extend the agreement with Westfield Disposal for trash and recycling disposal service for the period January 1, 2007 to December 31, 2007, and the Town Attorney is hereby directed to prepare the necessary documentation.

Carried.

RESOLUTION 351 Audit of Bills

Councilman Spence moved and Councilman Erickson 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 #19
Voucher #2039-2133
Prepaid Voucher #80 & 81

GENERAL	55,999.98
PART TOWN	39,857.12
HIGHWAY	184,892.65
WATER	13,721.87
SPECIAL DISTRICTS	25,883.85

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

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 #6 of

the year 2006 which will amend and/or add to Local Law #8 of the year 1987 commonly known as the Zoning Law and the Zoning Map and any amendments thereto Town Code Chapter 200 Zoning, Chapters 200-7, 200-10B. (1) (d), 200-11 B.(1)(c), 200-12 B.(1)(c), 200-17, 200-20 B.(1)(a), 200-22 B.(2), 200-30 C.(1) and 200-34C.

Sandra Brant, Chairman of the Town of Evans Planning Board presented the following comments. (see Addendum B)

Robert L. Palmer, 1780 Eden Evans Center Road basically backs the Ag plan but has a few concerns which he outlined to the Town Board.

Supervisor Catalino suspended the public hearing regarding the Zoning Law as another public hearing is scheduled at this time.

At this time 8:00pm a public hearing is scheduled as duly advertised in the Town Crier, official Newspaper of the Town of Evans for the purpose of considering proposed contracts with the Village of Angola and the Village of Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and Highland Hose Fire Company for fire protection and/or emergency ambulance service for the year 2007.

There being no one wishing to speak, Supervisor Catalino closed the public hearing at 8:04pm.

Supervisor Catalino reopened the public hearing regarding the Zoning Law at 8:05pm.

Robert L. Palmer, 1780 Eden Evans Center Road questioned why his property not included in the Ag district.

Supervisor Catalino suspended the public hearing regarding the Zoning Law as another public hearing is scheduled at this time.

At this time 8:10pm a public hearing is duly scheduled as advertised in the Town Crier, official newspaper of the Town of Evans for the purpose of receiving input regarding the 2007 Preliminary Budget.

There being no one wishing to speak the public hearing was closed at 8:11pm.

Supervisor Catalino reopened the public hearing regarding the Zoning Law at 8:12pm.

Edmund Gleason, 7414 Southwestern Boulevard is opposed to the proposed changes in the Zoning Law.

Norman Bromley, Versailles Road assisted the Town of Evans with the new Zoning changes and is in favor of the proposed changes.

Clark Phillips represents Phillips Family Farm, owns approximately 90 acres on Pontiac

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Road, is favor of the law.

Barbara Hunt owns the property at 7452 Southwestern Boulevard spoke on an issue not related to the public hearing.

Sue Gramse, 1169 Church Road, thanked Norm Bromley and Joe Kwilos for their work on the law.

Mortimer Sullivan Jr. owns property in the Town of Evans feels even though you may not be violating any zoning restriction doesn't mean you cannot be sued.

Joe Kwilos, 7678 Erie Road assisted the Town of Evans with the new zoning changes and is in favor of the proposed changes. He submitted petitions continuing a few hundred signatures of residents who also support the proposed changed. (see Addendum C)

Marie Jewett, 1348 Eden Evans Center Road is in favor of the law.

There being no one else wishing to speak, the public hearing was closed at 8:32pm.

RESOLUTION 352 SEQR declaration for PPL #6 of the year 2006 (Agriculture Districts)

Councilman Bartus moved and councilman Erickson seconded,

WHEREAS: the Town of Evans adopted a Comprehensive Plan in January of 1999, and accepted the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins on March 6, 2002; and

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

WHEREAS: in accordance with these Plans, the Town Board authorized amendments to Chapter 200 of the Town Code - the Zoning Ordinance, to revise the Suburban Residential (S-R) zoning classification, which will be renamed Rural Residential (R-R), and to incorporate two new zoning classifications to be known as Agriculture and Open Space (A-OS) and Rural Agriculture (R-A); and

WHEREAS: in furtherance of this authorization, the Planning Board prepared provisions for establishing an Agriculture Advisory Committee and local Right to Farm legislation to foster collaboration and promote an understanding of agriculture in the Town; and

WHEREAS: the Evans Planning Board has reviewed the areas on the Town of Evans Zoning Map that are currently zoned Suburban Residential and prepared corresponding amendment recommendations for the Map to illustrate lands to be rezoned Agriculture and Open Space (A-OS) and Rural Agriculture (R-A), 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 Environmental Conservation Law (State Environmental Quality Review SEQR), the Evans Town Board, as the SEQR Lead Agent, conducted a coordinated review for these zoning provisions and amendments, which are a Type I Action; and

WHEREAS: pursuant to SEQR, the Town Board held a public hearing on November 1, 2006 to receive input from the public and has taken a hard look at the potential social, economic and environmental impacts of these proposed actions

NOW THEREFORE BE IT

RESOLVED: that the Evans Town Board has determined that the adoption of the proposed zoning amendments, the amendment of the Town of Evans Zoning Map, the adoption of local Right-To-Farm legislation and the establishment of an Agriculture Advisory Committee, will not have a significant impact on the environment, and, therefore, issues a negative declaration. Based upon this determination of non-significance, no further review under SEQRA is required, and,

BE IT FURTHER

RESOLVED: that the Town Board authorizes the Evans Planning Division to conduct all necessary filings in accordance with the SEQRA requirements for Type I actions, and that a copy of this resolution be provided to the Evans Planning Office.
Carried.

RESOLUTION 353 Adopt PLL #6 of 2006 as LL #8 of 2006 (Agriculture Districts)

Supervisor Catalino moved and Councilman Erickson seconded,

WHEREAS: the Town of Evans adopted a Comprehensive Plan in January of 1999 and accepted the Regional Farmland Protection Plan for the Town of Brant, Evans and North Collins on March 6, 2002; and

- WHEREAS: these plans set forth goals, objectives and recommendations to effectively guide future growth and development in the Town of Evans including appropriate legislative action to achieve those goals and objectives; and
- WHEREAS: in accordance with these plans, the Town Board authorized the preparation of amendments to Chapter 200 of the Town Code - the Zoning Ordinance, to include provisions to protect productive farmland and open space, and cultivate a viable agricultural economy; and
- WHEREAS: pursuant to this authorization, the Planning Board set forth to revise the Suburban Residential (S-R) zoning classification, and rename it Rural Residential (R-R), and to develop two new zoning classifications to be known as Agricultural and Open Space (A-OS) and Rural Agriculture (R-A); and
- WHEREAS: furtherance of this authorization, the Planning board prepared provisions for establishing an Agricultural Advisory Committee and Right to Farm legislation to foster collaboration and promote an understanding of agriculture in the Town; and
- WHEREAS: the Evans Planning Office evaluated the areas on the Town of Evans Zoning Map that are currently zoned Suburban Residential and prepared zoning amendment recommendations for the Map to illustrate lands to be rezoned Agriculture and Open Space (A-OS) and Rural Agriculture (R-A), which have been reviewed by the Planning Board and Town Board; and
- WHEREAS: the Town Board held a public hearing on November 1, 2006 at 7:50pm for consideration of adopting Local Law #6 of the year 2006 to revise the Suburban Residential (S-R) zoning classification and rename it Rural Residential (R-R), to incorporate the Agriculture-Open Space (A-OS) and Rural Agriculture (R-A) zoning classifications into the Zoning Ordinance, to amend the Town of Evans Zoning Map, to establish the Town of Evans Agricultural Advisory Committee, to create local Right to Farm legislation, and amendment to Local Law #8 of the year 1987 to revise all other sections of Chapter 200, as deemed necessary and appropriate, to reflect these actions; 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 declared itself the SEQR Lead Agency, and conducted a coordinated review and public hearing for these actions and issued a negative declaration of significance.

NOW THEREFORE BE IT

RESOLVED: that the Evans Town Board adopts Proposed Local Law #6 of the year 2006 as Local Law #10 of the year 2006 and amends Local Law #8 of the year 1987, as proposed, and

BE IT FURTHER

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

Carried.

RESOLUTION 354 Adjournment

Supervisor Catalino moved and Councilman Spence seconded to adjourn to a work session on Wednesday, November 8, 2006 at 5:00pm and then to the next regular Town Board meeting to be held on Wednesday, November 15, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk