

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 15, 2006 at 7:30pm there were:

PRESENT:	Kathleen A. Bartus	Councilman
	Michael M. Spence	Councilman
	Gifford M. Swyers	Councilman
	Robert R. Catalino, II	Supervisor
EXCUSED:	Karen C. Erickson	Councilman
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	Jonica B. DiMartino	Deputy Town Clerk
	J. Grant Zajas	Town Attorney
	Ronald Milks	Building Department
	Charles Katra	Finance
	Russ Manguso	Parks
	Sandra Brant	Planning Division
	Robert Ferguson	Police Chief
	Julie Roach	Seniors
	Patrick Conrad	Sturgeon Point Marina
	Lynn Krajacic	Deputy Rec. of Taxes
	Gary Noel	Water Department
	Rick Hanavan	Wendel Duscherer
	Rob Klavoon	Wendel Duscherer
EXCUSED:	Jeanne C. Ebersole	Assessor
	Lori Szewczyk	Community Development
	Edward Michalski	Highway Superintendent

RESOLUTION 355 Approve minutes

Supervisor Catalino moved and Councilman Swyers seconded that the reading of the minutes of the meeting of November 1, 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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Keith Dash, 9416 Steffi Dr., invited the Town Board and the public, on behalf of the Lake Shore Middle School, to the Middle School Auditorium on November 27, 2006 at 7pm. The program is called "Rachel's Challenge" and promotes positive change within the community. Admission is free to everyone.

Tom Gorney, 524 Sycamore requested an update on his request to purchase a section of Gray Street as he would like to clear/build on it. Thanked the Highway Department for doing a fantastic job on Summer Street. Wished everyone a Happy Thanksgiving.

Alan Pagalia, 4819 South Park Avenue, Hamburg, attorney for Glenn McKillen, was recently retained by Mr. McKillen and his intention is to make Mr. McKillen compliant to recent court order. He would like to work with the Building Inspector on this. He will also seek out Miss. Hansen to rectify her issue and appreciates the courtesy of the Board in this process.

RESOLUTION 356 Edward Schneider III RE: 2007 Budget

Supervisor Catalino moved and Councilman Bartus seconded to receive and file the communication from Edward Schneider III, regarding the 2007 budget.
Carried.

RESOLUTION 357 Sandra Brant, Chairman, Planning Division RE: Special Use Permit for Razors Brakes at 8243 Erie Road

Supervisor Catalino moved and Councilman Bartus seconded,

WHEREAS: in a letter dated November 3, 2006, the Planning Division Office has requested that the Town Board set a public hearing regarding the petition of Razors Brakes, for a Special Use Permit renewal and amendment, for motor vehicle sales and service, located at 8243 Erie Road, Angola, part of SBL#220.19-2-13

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 December 6, 2006 at 7:50pm for the consideration of said special use permit renewal and amendment, and

BE IT FURTHER

RESOLVED: that this matter be referred to the Planning Office to determine the need for Planning Board review and recommendation prior to the public hearing, and

BE IT FURTHER

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

RESOLUTION 358 Sandra Brant, Minor Subdivision Review Committee RE: Carriero minor subdivision, 9920 Erie Road

Councilman Swyers moved and Councilman Bartus seconded,

WHEREAS: in a letter dated November 8, 2006, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQRA process for the John and Pamela Carriero minor subdivision, and

WHEREAS: it has been determined that there will be no significant effect on the environment.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQRA negative declaration for the John and Pamela Carriero minor subdivision (Addendum A SEQRA short environmental assessment form),

a division of SBL#250.0041-23, dividing a 15.19+/- acre parcel to create:

1. A 5.25+/- acre parcel with 421.35+/- feet of frontage on Reeves Road
2. A 2.65+/- acre parcel with 500.00+/- feet of frontage on Reeves Road
3. A 5.3+/- acre parcel with 1000.00+/- feet of frontage on Reeves Road
4. A 1.99+/- acre parcel with 442.61+/- feet of frontage on Reeves Road

PETITIONER: John and Pamela Carriero, 9940 Erie Road, Angola, New York 14006

AND BE IT FURTHER

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

Carried.

RESOLUTION 359 Approve Carriero Minor subdivision

Councilman Swyers moved and Councilman Bartus seconded,

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WHEREAS: the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS: the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQRA process

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the John and Pamela Carriero minor subdivision, dividing a 15.19+/- acre parcel known as SBL#250.00-1-23 to create:

1. A 5.25+/- acre parcel with 421.35+/- feet of frontage on Reeves Road
2. A 2.65+/- acre parcel with 500.00+/- feet of frontage on Reeves Road
3. A 5.3+/- acre parcel with 1000.00+/- feet of frontage on Reeves Road
4. A 1.99+/- acre parcel with 442.61+/- feet of frontage on Reeves Road

PETITIONER: John and Pamela Carriero, 9940 Erie Road, Angola, New York 14006

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.

RESOLUTION 360 Sandra Brant, Minor Subdivision Review Committee RE: Mulawka Family Trust minor subdivision, 607 E Larkin Road

Councilman Bartus moved and Councilman Swyers seconded,

WHEREAS: in a letter dated November 9, 2006, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Mulawka Family Trust minor subdivision, and

WHEREAS: it has been determined that there will be no significant effect on the environment

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RESOLVED: that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQRA negative declaration for the Mulawka Family Trust Minor Subdivision (Addendum B SEQR short environmental Assessment form)

create: A division of SBL#205.00-4-30.111. dividing a 26.92+/- acre parcel to

1. A 1.71+/- acre parcel, and
2. A 25.20+/- acre parcel

14006 PETITIONER: Mulawka Family Trust, 9386 Lake Shore Road, Angola, NY

AND BE IT FURTHER

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

Carried.

RESOLUTION 361 Approve Mulawka Family Trust minor subdivision

Councilman Bartus moved and Councilman Spence seconded,

WHEREAS: the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval,

WHEREAS: a variance for the minimum lot width required was granted by the Town of Evans Zoning Board of Appeals on July 14, 2006, and

WHEREAS: the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Mulawka Family Trust minor subdivision, dividing a 26.92+/- acre parcel known as SBL#205.00-4-30.111 to create:

1. A 1.71+/- acre parcel, and
2. A 25.20+/- acre parcel,

and that the approval is conditioned upon the following:

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- that all driveway easements as recorded in all homeowners previous deeds be adhered to, and
- that no waterlines will be disrupted

PETITIONER: Mulawka Family Trust, 9386 Lake Shore Road, Angola, NY
14006

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.

Councilman Spence extended congratulations to both candidates on a good clean campaign looking forward to working with Councilman-Elect Paul Cooper.
-He spoke with FEMA representatives about the winter storm in October.
If you have any damage please contact FEMA at 1-800-621-FEMA. There is information posted in the Town Hall.

Councilman Bartus congratulated both candidates on a good campaign.
-Looking forward to working with Councilman-Elect Paul Cooper.
-She will attend Rachel's Challenge on November 27th.

Councilman Swyers wished Councilman-Elect Paul Cooper good luck in his upcoming position.

-The Town has been awarded two grants: 1.) NYS Environmental Protection Agency for a matching grant for Local Waterfront Revitalization Plan for \$13,600 2.) Federal Grant to extend the bike from Sturgeon Point Road to 18-Mile Creek along Old Lake Shore Road for \$2 million. Of that \$2 million there is \$500,000 matching grant from Erie County. The hike/bike path now has a total of three grants for a twelve mile span. The first phase is expected to start in 2007.

-Thanked Wendel Duscherer, Lori Szewczyk and Sandra Brant for their assistance with the process involved with obtaining the funding for the hike/bike path. Councilman Spence will be moving the project forward from this point on.

RESOLUTION 362 Audit of Bills

Supervisor Catalino moved and Councilman Bartus seconded to accept the Committee and Department Head reports as follows:

Carol A. Meissner, Town Clerk
 Petty Cash - October
 Games of Chance - October

\$ -0-
 \$25.00

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Town Clerk October Monthly \$11,469.52

Diana Cafferty, Rec of Taxes:
 Water - October
 Duplicate Bills - October
 Interest - October

\$81,980.38
 \$208.00
 \$20.51

Carried.

RESOLUTION 363 PLL #2 of the year 2005 (zoning/Licensing)

Supervisor Catalino moved and Councilman Spence seconded that Proposed Local Law #2 of the year 2005 (Zoning/Licensing) remain under old business on the agenda for Evans Town Board meetings.

Carried.

RESOLUTION 364 Adopt Preliminary Budget as the 2007 Budget

Supervisor Catalino moved and Councilman Bartus seconded,

WHEREAS: the Town Board of the Town of Evans has met and considered the Preliminary Budget for the fiscal year beginning January 1, 2007 and conducted a public hearing on November 1, 2006 in accordance with Article 8, Section 108 of Town Law, and

WHEREAS: the office of the New York State Comptroller and the Town's independent auditors have recommended that the Town adopt the legal budget at the personal services, equipment/capital outlay, contractual expenses, object level

THEREFORE BE IT

RESOLVED: that the object totals in the Preliminary Budget hereinafter set forth, amended, are hereby adopted as the annual budget of the Town of Evans for the fiscal year beginning January 1, 2007 and that the same shall be entered in the minutes of the Town Board.
(Addendum C)

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

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RESOLUTION 365 Accept proposal by Wendel Duscherer to continue the water study

Councilman Swyers moved and Councilman Bartus seconded,

WHEREAS: it appears to the Town Board that the best interests of the Town may be served by a consolidation with the County of water services to be supplied to the residents of the Town; and

WHEREAS: in furtherance thereof certain investigations have been made and completed and further study is necessary to determine the feasibility and desirability of such consolidation; and

WHEREAS: Wendel Duscherer, architects and engineers, have submitted a proposal dated November 9, 2006, a copy of which is on file with the Town Clerk; and

WHEREAS: it is hereby determined that it is in the best interests to the Town to engage the services of Wendel Duscherer to perform the services as related in said letter, at the costs estimated therein;

NOW THEREFORE BE IT

RESOLVED: that the Supervisor, or his designate, is authorized to accept the proposal for services outlined, at the costs set forth, in the Letter/Proposal made to the Supervisor and Town Board by letter dated November 9, 2006, in as many copies as are deemed appropriate, and subject to the Town Attorney, and to forward such accepted proposal to Wendel Duscherer, and pay to Wendel Duscherer the sums therein outlined as such work and service progresses.
(Addendum D)

Carried.

RESOLUTION 366 Angola Fire Protective Fire District contracts for 2007

Councilman Spence moved and Councilman Swyers seconded,

WHEREAS: There has been established in the Town of Evans a fire protection district known as the Angola Fire Protective District, and

WHEREAS: pursuant to notice duly published according to law, the Town Board of the Town of Evans did conduct a public hearing on November 1, 2006 at the Evans Town Hall to consider proposed contracts for the fiscal year 2007 for the furnishing of fire protection and/or emergency ambulance service and heard all persons interested in same,

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NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans enter into a contract for fire protection and/or emergency ambulance service with the Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and the Highland Hose Fire Company and said fire companies shall receive the following amounts:

Angola Fire Company
Emergency Ambulance Service \$24,700
Fire Protection \$104,159
Capital Improvement \$10,506

Lake Erie Beach Fire Company
Emergency Ambulance Service \$24,700
Fire Protection \$138,020

Capital Improvement \$94,554

Evans Center Fire Company
Emergency Ambulance Service \$24,700
Fire Protection \$138,020
Capital Improvement \$94,554

Highland Hose Fire Company
Emergency Ambulance Service \$24,700

BE IT FURTHER

RESOLVED: that the Supervisor is hereby authorized to sign the 2007 contracts with said fire companies upon approval by the Town Attorney. This resolution shall take effect immediately.

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

RESOLUTION 367 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:

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Abstract #20
Voucher #2134-2240
Prepaid Voucher #82

GENERAL	79,138.20
PART TOWN	43,592.70
HIGHWAY	22,767.35
WATER	72,202.14
SPECIAL DISTRICTS	69,060.20

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

RESOLUTION 368 Adjournment

Supervisor Catalino moved and Councilman Spence seconded to adjourn to work sessions on Wednesday, November 22, 2006 and Wednesday, November 29, 2006 at 5:00pm and then to the next regular Town Board meeting to be held on Wednesday, December 6, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Jonica DiMartino
Deputy Town Clerk

Carol A. Meissner
Town Clerk