

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, December 6, 2006 at 7:30pm there were

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|---------------|------------------------|------------------------|
| 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 |
| | Jonica DiMartino | Deputy Town Clerk |
| | Charles LaBarbera | Code Enforcement |
| | Lori Szewczyk | Community Development |
| | Timothy Cooper | Judge |
| | Charles Katra | Finance |
| | Edward Michalski | Highway Superintendent |
| | Wayne Conrad | Parks |
| | Russ Manguso | Parks |
| | Peter DelPrince | Parks |
| | Sandra Brant | Planning |
| | Robert Ferguson | Police |
| | Patrick Conrad | Sturgeon Point Marina |
| | Lynn Krajacic | Deputy Rec. Of Taxes |
| | Tom Kait | Water |
| | Rick Hanavan | Wendel Duscherer |
| EXCUSED: | Jeanne C. Ebersole | Assessor |
| | Julie Roach | Seniors |

RESOLUTION 370 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting November 15, 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.

Timothy Cooper, TLC Health Network Chair requested support from the Town Board and the community to contact our state legislators and the Governor Elect opposing the Berger Commissioner's report which would result in the loss of jobs, health care delivery and economic effect in our area.

Jonica DiMartino, Trustee of the Village of Angola invited the community to participate in Christmas in the Village on Saturday, December 8, 2006. She thanked the town for their continued support of Christmas in the Village.

Bob Catalano, Derby, New York feels the Berger Commission made a mistake in it's report and didn't plan for a pandemic or an emergency. Mr. Catalano is in favor of WalMart but questioned if the corporation has paid the town any good faith monies to show their intent to proceed with the project. He hopes this is not a ploy to encourage the Town of Hamburg to proceed with the projected WalMart in their town.

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 a renewal of a Special Use Permit for Razor Brakes, 8342 Erie Road, (a.k.a. NYS Route 5) Angola, NY being part of SBL#220.19-2-13.

Robert R. Palmer, 1780 Eden Evans Center Road is opposed to the renewal of the Special Use Permit.

Kevin Rasinski, owner of Razor Brakes spoke in favor of the renewal of the Special Use Permit.

There being no one else wishing to speak, the public hearing was closed at 8:02pm.

RESOLUTION 372 Grant Special Use Permit renewal for 8243 Erie Road, Angola

Councilman Spence moved and Councilman Erickson seconded,

WHEREAS: on September 14, 2006, Razor Brakes requested the renewal with amendments of a Special Use Permit for the purpose of continuing the operation of an auto vehicle sales and service facility, located at 8243 Erie Road (a.k.a. NYS Route 5), Angola, NY, part of SBL#220.19-23-13, 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.
2. For the purpose of sales, no more than 22 cars may be displayed or stored on the site.
3. There shall be no storage of auto parts or accessories outside of the

building.

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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. To minimize adverse effects on the character of the surrounding area, no major auto repairs will be conducted on the site. Minor repairs shall be limited to mufflers, brakes and auto detailing.

6. Said special use permit shall be issued for a one (1) year period. Said application 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 applications and the facility and have recommended the Special Use Permit be renewed and amended as requested, and

WHEREAS: the negative SEQRA declaration issued by the Evans Planning Board on November 20, 2003, 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 with amendments.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grants a Special Use Permit renewal with amendments to Razor Brakes for the purpose of continuing the operation of an auto vehicle sales and service facility, located at 8243 Erie Rd., (a.k.a. NYS Route 5), Angola, NY, and

BE IT FURTHER

RESOLVED: that the six (6) above said conditions shall again be placed upon said Special Use Permit; however, condition #5 shall be amended to read, "To minimize adverse affects on the character of the surrounding area, no major auto repairs will be conducted on the site." Also, this permit shall be renewed for a two (2) year period, and

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.

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Supervisor Catalino reopened the privilege of the floor.

Bob Catalano, Derby, New York suggested the front doors of the Town Hall and the lights in the parking lot should be opened or on at least one half hour prior to a meeting.

Anne Hussey, Angola, New York wants WalMart as we need a store in our town. She is concerned with the thriving businesses that are currently at this location along with traffic flow and truck deliveries. The Village will be torn apart. She would like to save the Grandview Drive-In which is a wonderful family event.

Cheryl Grassia, 843 Thomas Lane agrees with Mr. Cooper regarding the Berger Commission's report and feels the community would suffer and should fight the commission recommendations. ECMC also needs to be saved.

Robert L. Palmer, 1780 Eden Evans Center Road noted that Drive-Ins are making a comeback which also ties in with cruise nights. He is in favor of the WalMart but can't see giving up on an asset to get another asset.

Jody Schmidle, 90 South Lane hopes the people of the community will support WalMart.

Councilman Spence attended Rachel's Challenge at the Middle School and reported what a great inspiring event this was for the community.

-Ice rink will be opening at the Evans Town Park

Councilman Bartus encourages everyone to support Village businesses. With additional traffic flow if WalMart comes into the area should benefit the businesses.

Councilman Swyers reported that John Latimore will be appointed Chairman of the Pioneer Cemetery group to investigate the costs and funding to restore the cemetery.

Councilman Erickson reported that whatever retail establishment comes into the area, we will all miss the Drive-In and appreciate all the efforts going into saving the Drive-In.

Supervisor Catalino reported he and Councilman Spence have worked to have an ice rink at the Evans Town Park, which should be opening soon.

RESOLUTION 372 Committee & Department Head reports

Supervisor Catalino moved and Councilman Erickson seconded to

accept the committee and department head reports as follows:

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Carol A. Meissner, Town Clerk:
Petty Cash 11-1-2006 - 11-30-2006 \$2.40
Games of Chance licence fee \$25.00
Town Clerk's monthly report November 2006 \$22,306.33

Diana A. Cafferty, Receiver of Taxes & Assessments:
Water Receipts November 2006 \$223,143.77
Duplicate bills November 2006 \$47.00
Interest November 2006 \$43.41

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

RESOLUTION 373 PPL #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 374 Investigation for the restoration and funding of the Pioneer Cemetery

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: there is interest in the restoration of the cemetery on North Main Street commonly referred to as the Pioneer Cemetery; and

WHEREAS: John Latimore has indicated a willingness to investigate such restitution and the costs and funding of the same

NOW THEREFORE BE IT

RESOLVED: John Latimore is, with the thanks of the Town for such efforts, authorized and requested to conduct such investigation and report to the Supervisor

as to the estimated cost of such work, any funding discovered to aid in such project as well as the names of any residents willing to aid in any way on such project and upon the feasibility of the formation of a committee to aid the assist as to such restoration.

Carried.

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RESOLUTION 375 Investigate the possibility of the expansion of the Sturgeon Point Marina

Councilman Bartus moved and Councilman Swyers seconded,

WHEREAS: the Sturgeon Point Marina is a valuable asset to the Town and its residents; and

WHEREAS: there are many more people seeking slips than the Marina can presently accommodate; and

WHEREAS: the Town wishes to investigate all options for the expansion of the present facility

NOW THEREFORE BE IT

RESOLVED: that the Town explore and investigate the possibility of expanding the Marina to allow the increase of the number of boat slips at the Marina; and

BE IT FURTHER

RESOLVED: that the Town investigate funding options to finance any such Marina expansion.

Carried.

RESOLUTION 376 Town of Evans in support of the removing the Lackawanna toll barriers west of exit 57A

Councilman Swyers moved and Councilman Spence seconded,

WHEREAS: the Town of Evans is once again calling for the relocation of Thruway toll barriers to outside the commuting area of Buffalo because of its discriminatory impact and additional cost for residents and businesses; and

WHEREAS: through the efforts of the Town of Hamburg and Senator Dale Volker, with support from the City of Lackawanna, the Towns of Evans and Eden, and the Erie County legislature, a study was conducted regarding the impact of removing the Lackawanna toll barriers to a location further west of Exit 57A; and

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WHEREAS: after four years of delay , and considerable pressure from the community, the study was finally released and established that the relocation of the Lackawanna Toll Barrier as proposed would actually result in higher revenues for the NYS Thruway Authority, over \$1.2 million within ten years, even before tolls were raised in 2004;

WHEREAS: the success of the efforts to remove the toll barriers on the I-90 has eliminated one of the two discriminatory toll barriers that Southtown commuters encounter on a daily basis, and that the relocation of the Lackawanna Barrier would finally result in residents from Evans and the Southtowns being treated equally as the residents of other Western New York and upstate communities that now enjoy toll free passage along the NYS Thruway;

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans go on record once again to call for the immediate implementation of the Lackawanna Toll Barrier study by the NYS Thruway Authority to eliminate I-90 tolls beyond Exit 57A.

Carried.

RESOLUTION 377 Town Licenses

Supervisor Catalino moved and Councilman Erickson seconded to grant the town licenses applied for contingent upon the approval of the Chief of Police and Department of Health as follows:

Michael & Deborah Slawinski D/B/A Stroh's Tavern - refreshment, amusement & live band

Thomas J. Eoannou D/B/A Point Breeze R.V. Resort LLC - refreshment, amusement & live band

Carried.

RESOLUTION 378 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 as follows:

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| GENERAL | 82,381.70 |
| PART TOWN | 16,471.51 |
| HIGHWAY DA | 22,182.72 |

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| WATER | 73,588.68 |
| SPECIAL DISTRICTS | 29,445.27 |
| COMMUNITY DEVELOPMENT | 13,925.67 |

VOTE RESULT:

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| Councilman Spence | aye |
| Councilman Erickson | aye |
| Councilman Swyers | aye |
| Councilman Bartus | aye |
| Supervisor Catalino | aye |

RESOLUTION 379 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn to a Work Session on Tuesday, December 12, 2006 at 9:00am and then to the next regular scheduled Town Board meeting to be held on Wednesday, December 20, 2006 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk