

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 20, 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:	Lynn R. Stoessel	Deputy Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Code Enforcement
	Paul Ryerse	Code Enforcement
	Lori Szewczyk	Community Development
	Edward Michalski	Highway Superintendent
	Sandra Brant	Planning Division
	Dennis Feldman	Police
	Patrick Conrad	Sturgeon Point Marina
	Diana Cafferty	Rec. of Taxes & Assess.
	Gary Noel	Water
	Rob Klavoon	Wendel Duscherer
ABSENT:	Chuck Katra	Finance
	Tom Kait	Water
	Julie Roach	Seniors

RESOLUTION 380 Approve Minutes

Supervisor Catalino moved and Councilman Bartus seconded that the reading of the minutes of the meeting of December 6, 2006 and the Work Session of November 8, 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.

Tom Mroz, Sturgeon Point Road inquired when and if there will be another informational meeting regarding the helicopter airport. He believes that the rights of the

residents to be heard have been taken away.

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Robert Palmer, 1780 Eden Evans Center Road inquired how the helicopter airport property was rezoned without a public hearing.

Charles Militello, 6840 Prescott requested a status update of the installation of the electric at the Lions Memorial Park in Derby. Questioned how each Town Board member felt about the installation of electric.

- Is the parking lot at the Joel Harvey fishing site going to be paved?

- Questioned the status of the signage of the Evangola State Park on the Thruway.

- Commented that the Town Board is more apt to open government and following Robert's Rules of Order.

- Why hire outside council when the Town has a Town Attorney?

- Questioned the time frame for Work Session minutes.

Kathleen O'Connell, 1600 Depot Street requested the website address referred to earlier in the meeting regarding the helicopter airport.

Town Attorney Zajas wished everyone a Merry Christmas and a Happy New Year.

Councilman Spence reported that there will a computer recycling drop-off January 13, 2007 at the Buffalo Zoo. Contact him for further information.

Councilman Bartus reported on the following:

- Merry Christmas

- Farewell to Councilman Swyers and thanked him for his service

- Letters of commendation for Patrolman Bradley DiMartino for a burglary on Cradle Avenue on October 27, Patrolman Feldman and Massullo for a burglary on November 29 on Lake Shore Road and Patrolman Massullo for a burglary on Revere Drive on November 3.

- Thanked all Department Heads and Town Employees for a great job done this year.

- Chamber of Commerce is helping to promote small business in Town. Contact Lori Szewczyk, Director of Community Development.

- We have had a very progressive year a lot has been accomplished even with bumps along the way. There is a lot of promise for the future for our Town.

Councilman Swyers thanked the Town Board for putting him in here for the last few months and having faith and confidence in him. Being Councilman is an enjoyable job. Thanked all the Town Employees for their assistance and support and Department Heads. Thanked the residents for showing patience, understanding support and encouragement. Hopes in 2007 that some of the differences can be put aside as this community has so much going for it, the potential is here, work together as we all have a common goal. Focus on the positive in this community and we will be a lot better off.

We see the same thing and just go about it a different way.

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-Wished everyone a Blessed Christmas and Great New Year and thank you for letting me be here.

Councilman Erickson reported on the following:

-Watch for articles and advertisements for the program to help small businesses in Town to better market themselves and benefit from increased traffic.

-Thanked Councilman Swyers stated he is an asset to our community.

-The Town is receiving the New York State Governor's Quality Communities Award for the Southtowns Enhancement Coalition. There were only three awarded across the State. It was stated that the members of the Southtowns Enhancement Coalition is a role model for communities working together and stopping duplication of services.

-Thanked Lori Szewczyk for all of her with grant writing.

-Thanked everyone present for coming to tonight's Town Board meeting.

-Thank you to all our Town Departments.

Supervisor Catalino thanked the Town Employees and Department Heads for their work throughout the year.

-Town wide re-val will occur next year as it has not occurred since 1991. Action will be taken in January.

-WalMart is coming to Town.

-Merry Christmas and Happy New Year.

#### RESOLUTION 381 Committee and Department Head reports

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

Carried.

#### RESOLUTION 382 PLL #2 of the year 2005

Councilman Swyers moved and Councilman Bartus seconded to remove Proposed Local Law #2 of the year 2005 (zoning/licensing) from the agenda.

Carried.

#### RESOLUTION 383 **Schedule PH for Pension Reserve Fund**

Councilman Bartus moved and Councilman Swyers seconded,

RESOLVED: that a public hearing be held on January 17, 2007 at 7:50pm to hear those people desiring to discuss the proposed transfer of reserve funds established pursuant to section 6-c of General Municipal Law and raised

from the same tax base to the corresponding "Pension Reserve fund" established pursuant to section 6-r of said General Municipal law.

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BE IT FURTHER

RESOLVED: that the Town Clerk is hereby directed to advertise said Public Hearing in the official newspaper in order to provide at least fifteen days prior published notice in accordance with the aforementioned laws.

Carried.

**RESOLUTION 384 Schedule PH for PLL #1 of the year 2007 (special use permit - 8563 Erie Road)**

Councilman Spence moved and Councilman Erickson seconded,

RESOLVED: to set a public hearing regarding the petition of David Laskowski, D/B/A D & L Trucking and Excavating for a Special Use Permit for the purpose of storing and dispatching trucks located at 8563 Erie Road (a.k.a. NYS Route 5), Angola, NY 14006, SBL#235.06-1.13

NOW THEREFORE BE IT

RESOLVED: that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on January 17, 2007 at 8:00pm for the consideration of Proposed Local Law #1 of the year 2007

AND BE IT FURTHER

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

Carried.

**RESOLUTION 385 Support Friends of the Village 6<sup>th</sup> Annual Christmas in the Village**

Councilman Swyers moved and Councilman Bartus seconded,

WHEREAS: Christmas in the Village is an annual event that promotes our local businesses and provides activities for our Town residents, and

WHEREAS: the Town of Evans has supported this endeavor in past years and continues to support the efforts of the Friends of the Village

THEREFORE BE IT

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RESOLVED: the Town of Evans hereby authorizes payment of \$300 to the Friends of the Village in support of the Sixth Annual Christmas in the Village. This resolution shall take effect immediately.

VOTE RESULT:

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

**RESOLUTION 386 Authorize Councilman, Director of Community Development and Planning Board Chairman to attend award presentation for Governor's Quality Communities Award for Excellence**

Councilman Erickson moved and Councilman Swyers seconded,

WHEREAS: the Town of Evans, as Lead Agent for the Southtowns Community Enhancement Coalition has been awarded the Governor's Quality Communities Award for Excellence for the Coalition's project, "Partnering for Tourism Development in the Southtowns of Erie County; and

WHEREAS: the Southtowns Community Enhancement Coalition members have been asked to travel to Albany for presentation of the award by Lieutenant Governor Mary O'Donohue; and

WHEREAS: the Coalition members representing the Town of Evans have requested reimbursement for the expenses associated with traveling to Albany; and

NOW THEREFORE BE IT

RESOLVED: that Councilwoman Karen Erickson, Director of Community Development Lori Szewczyk, and Planning Board Chairperson Sandra Brant are hereby authorized to attend said award ceremony and the travel expenses associated with traveling to Albany shall be an authorized Town expenditure.

VOTE RESULT:

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

**RESOLUTION 387 Award proposal for emergency ambulance service**

Councilman Bartus moved and Councilman Spence seconded,

WHEREAS: pursuant to a resolution of the Town Board a notice was published requesting proposals for the provision of ambulance service to the Town of Evans; and

WHEREAS: in response thereto one proposal was received from LaSalle Ambulance, Inc., doing business as Rural Metro Medicaid Services, sometimes referred to as Rural Metro or Rural Metro, Inc., hereinafter termed LaSalle; and

WHEREAS: pursuant to resolution of this Board the Town has entered into negotiations with LaSalle for the provision of such services;

NOW THEREFORE BE IT HEREBY

RESOLVED: that the Supervisor is hereby authorized to negotiate and enter into a contract with LaSalle Ambulance, Inc., doing business as Rural Metro Medical Services, for the period from January 1, 2007 through December 31, 2007 subject up to five annual renewals, if any, in consideration of the proposal received by the same, and subject to approval of the Town Attorney with such revisions as he deems appropriate, a final copy of such contract to be filed with the Town Clerk after execution by all parties.

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

**RESOLUTION 388 Amend Resolution #384 of the year 2006**

Supervisor Catalino moved and Councilman Swyers seconded to amend Resolution #384 to read:

RESOLVED: that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on January 17, 2007 at 8:00pm for the consideration of said Special Use Permit.

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

VOTE RESULT ON ORIGINAL AS AMENDED:	Supervisor Catalino	aye	
	Councilman Erickson		aye
	Councilman Bartus		aye
	Councilman Swyers		aye
	Councilman Spence		aye

Supervisor Catalino thanked Councilman Swyers for al of the work that he has done and hopes that he will continue as a Consultant.

#### RESOLUTION 389 Town Licenses

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

##### Mobile Home Development

Ralph Hogg, Jr D/B/A Melody Meadows

##### Town Licenses

David Jacobson D/B/A Pats Pizzeria - refreshment

Evans Land Corp D/B/A Grandview Golf Course - Refreshment

Fei Ni D/B/A China King - refreshment

Robert J Insalaco D/B/A Bobbo's Tacos & Sub Inc - refreshment

Robert J Insalaco D/B/A Bobbo's Tacos & Sub Inc Patio - refreshment

Robert J Pasinski D/B/A Jovial Bar II, Inc - refreshment & amusement

Mary Galante D/B/A Herr Place - refreshment, amusement & live band

PJR Tavern Inc D/B/A Captain Kidds - refreshment, amusement & live band

Carried.

#### RESOLUTION 390 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:

Abstract #22

Voucher #2375-2524  
Prepaid Voucher #84, 85 & 86

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GENERAL	94,709.24
PART TOWN	43,830.72
HIGHWAY	39,853.79
WATER	10,311.33
CAPITAL PROJECTS	94,900.08
COMMUNITY DEVELOPMENT	7,186.91

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

RESOLUTION 391 Adjournment

Supervisor Catalino moved and Councilman Spence seconded to adjourn tonight's meeting to Wednesday, December 27, 2006 for a Work Session at 5:00pm and then to Wednesday, January 3, 2007 at 6:00pm for the Organizational Meeting with the first regular Town Board meeting immediately following.

Carried.

Respectfully submitted,

Lynn R. Stoessel  
Deputy Town Clerk

Carol A. Meissner  
Town Clerk