

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, March 21, 2007 at 7:30pm there were

PRESENT:	Karen C. Erickson	Councilman
	Kathleen A. Bartus	Councilman
	Michael M. Spence	Councilman
	Robert R. Catalino, II	Supervisor
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	Jonica B. DiMartino	Deputy Town Clerk
	J. Grant Zajas	Town Attorney
ABSENT:	Paul T. Cooper	Councilman
ALSO PRESENT:	Jeanne C. Ebersole	Assessor
	Gloria Hogle	Building Department
	Lori Szewczyk	Community Development
	Russ Manguso	Parks
	Sandra Brant	Planning
	Robert Ferguson	Police Chief
	Julie Roach	Seniors
	Patrick Conrad	Sturgeon Point Marina
	Diana Cafferty	Rec. of Taxes
	Tom Kait	Water
	Rob Klavoon	Wendel Duscherer

RESOLUTION 119 Approve Minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of March 7, 2007 be dispensed with and approved as submitted by the Town Clerk.
Carried.

Supervisor Catalino read a statement regarding privilege of the floor.

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**RESOLUTION 120 Sandra L. Brant, Minor Subdivision Review
Committee RE: 8921 Lake Shore Rd.**

Supervisor Catalino moved and Councilman Spence seconded to table the communication from Sandra Brant, Minor Subdivision Review Committee regarding the subdivision of 8921 Lake Shore Road.

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

Councilman Spence reported that the Easter Egg Hunt will be held on Saturday, March 31st at the Evans Town Park at 10am. Please arrive 15 minutes early. Raindate will be April 7th.

- Community Wide Clean-up will be held on Earth Day, April 27th
- commended Mike Walters for his years of service on the Sturgeon Point Advisory Board
- the Town is taking applications from interested residents for openings on the Sturgeon Point Advisory Board at the Parks Department

Councilman Bartus reported Erie County Industrial Development Agency approved Goya Foods project expansion.

- Master Plumber's exam will be held March 24th
- Town Police Chief forwarded a letter to the State DOT requesting the lowering of the speed limit to 40mph with center turning lane on Rt 5 from Highland Elementary to Minuteman Trail.
- Detour on Old Lake Shore Road starting May 17th at Lotus Point Road and Old Lake Shore Road.

Councilman Erickson reported on Angola Public Library fundraiser "Ethnic Foods Showcase & Huge Chinese Auction" to be held on Sunday, April 22nd from 4pm-8pm at the Evans Center Fire Hall.

- Reported the following on behalf of Councilman Cooper who attended the Fire Chiefs meeting where Fire Chief Nick Mecca from North Evans and Bill Hamm of Lake Erie Beach commended the Code Enforcement Office for their quick response to a structure fire. A presentation was given by Kevin Hughes from Erie County Emergency Services Disaster Coordination Unit. The County wide emergency reverse 911 system is now in place. They are in the process of distributing 8000 new alpha-numeric pagers to all firemen

& personnel funded by Department of Homeland Security The Brant Chief David Pero asked the Town Board and Supervisor Catalino to write a letter of support to FEMA regarding the purchase of a new tanker truck. If you need a replacement recycle bin you can be pick one up in the Supervisor's Office.

Supervisor Catalino commended Joseph Mackenburg for his 18 years of service with the Sturgeon Point Advisory Board.

-Commended Deputy Sheriff James Mirusso, a past Lake Shore Central Graduate, for his critical discovery of DNA in the Joan Diver murder case.

-presented the following on behalf of Councilman Cooper who attended a meeting with Erie County Legislator Bob Reynolds regarding the repair of Eden Evans Center Road and the staffing of lifeguards at Wendt Beach and Bennett Beach

-working with Village of Angola and Towns of Eden, North Collins and Brant regarding NFTA park-n-ride

RESOLUTION 121 Committee and Department Head minutes

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

Carried.

RESOLUTION 122 PLL#1 of the year 2007 (Amend Chapter 200 - Administration & Enforcement of NYS Uniform Fire Prevention & Building Code)

Councilman Bartus moved and Supervisor Catalino seconded,

WHEREAS: Proposed Local Law #1 for the year 2007 entitled "Administration and Enforcement of the New York State Uniform Prevention and Building Code" has been presented, and

WHEREAS: said Local Law repeals the present Chapter 70 of the Code of the Town of Evans and replaces said Chapter with the Proposed Local Law, and

WHEREAS: a public hearing was held on the 21st day of February, 2007

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NOW THEREFORE BE IT

RESOLVED: Proposed Local Law #1 of the year 2007 repealing Chapter 70 of the Codes of the Town of Evans and replacing said Chapter 70 with Local Law #1 of the year 2007 which is attached hereto is hereby adopted as Local Law #1 of the year 2007. (See Addendum A)

Carried.

RESOLUTION 123 Appt of Assistant Code Enforcement Officer "A"

Councilman Erickson moved and Councilman Bartus seconded,

RESOLVED: that Paul Ryerse is hereby promoted to Assistant Code Enforcement Officer "A" pursuant to the collective bargaining agreement with I.B.E.W.

Carried.

RESOLUTION 124 Hire CPA to perform audit of Town and Justice Court

Councilman Spence moved and Councilman Bartus seconded,

RESOLVED: Schunk, Wilson & Company CPAs is hereby approved to prepare and audit the General Purpose Financial Statements of the Town of Evans and the Justice Court for fiscal year 2006 in accordance to generally accepted accounting standards for a total cost of \$17,850.

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

RESOLUTION 125 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 5
Voucher 404-526

GENERAL	43,539.68
PART TOWN	48,777.76
HIGHWAY	32,458.29
WATER	93,403.21
SPECIAL DISTRICTS	133,836.76

VOTE RESULT:	Councilman Spence	aye
	Councilman Bartus	aye
	Councilman Erickson	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 #1 of the year 2007 for the rezoning of property situated at 8921 Lake Shore Road from Rural Residential (RR) to Residential - 1 (R-1).

There being no one wishing to speak the public hearing was closed at 7:52pm.

RESOLUTION 126 Issued negative declaration for Proposed Local Law #1 (rezoning of 8921 Lake Shore Road)

Supervisor Catalino moved and Councilman Spence seconded,

WHEREAS: William Connors, representing T.E. Connors, Inc. has 5.27+/- acres located 8921 Lake Shore Road, Angola, NY, SBL#234.16-4-16.1, from Rural Residential (RR) to Residential-1 (R-1) for the purpose of creating four (4) residential building lots, and

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 William Connors, representing T.E. Connors, Inc. (Addendum B Short Environmental Assessment Form)

AND BE IT FURTHER

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

RESOLUTION 127 Adopt Proposed Local Law #2 as Local Law #2 of the year 2007 (rezoning of 8921 Lake Shore Road)

Supervisor Catalino moved and Councilman Spence seconded,

WHEREAS: William Connors, representing T.E. Connors, Inc. has requested that the Town Board of the Town of Evans rezone 5.27+/- acres located 8921 Lake Shore Road, Angola, NY, SBL#234.16-4-16.1, from Rural Residential (RR) to Residential-1 R-1) for the purpose of creating four (4) residential building lots, 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 March 7, 2007, 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,

The project appears to be consistent with the Town of Evans Comprehensive Plan, and

The project is not expected to result in any undo traffic impacts or adverse changes to the character of the surrounding community.

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

NOW THEREFORE BE IT

RESOLVED: that Proposed Local Law #2 of the year 2007 regarding the above rezoning of SBL#234.16-4-16.1 be adopted as Local Law #2 of the year 2007, 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 128 Remove the communication from Sandra Brant, Minor Subdivision Review Committee regarding the minor subdivision of 8921 Lake Shore Road

Supervisor Catalino moved and Councilman Spence seconded to remove the table the communication from Sandra Brant, Minor Subdivision Review Committee regarding the minor subdivision of 8921 Lake Shore Road.

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

RESOLUTION 129 Approve the T.E. Connors, Inc. minor subdivision at 8921 Lake Shore Road

Supervisor Catalino moved and Councilman Bartus seconded,

WHEREAS: the Town of Evans minor subdivision review committee has completed a review and recommended approval, and

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WHEREAS: the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process for the rezoning of a portion of the T.E. Connors, Inc., property located at 8921 Lake Shore Road, a.k.a. SBL#234.16-4-16.1, and

WHEREAS: the SEQR negative declaration issued for said rezoning is sufficient and valid for this action.

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 T.E. Connors, Inc. Minor subdivision, dividing a 6.15+/- acre parcel known as SBL#234.16-4-16.1 to create:

1. A .59+/- acre parcel on Lake Shore Road
2. A 1.02+/- acre parcel on Lake Shore Road
3. A .50+/- acre parcel on Lake Shore Road and
4. A .49+/- acre parcel on Lake Shore Road

and that the approval is conditional upon the following:

The remaining 3.55+/- acre portion shall be annexed to the adjacent existing tax parcel known as SBL#234.16-4-17.1 (8905 Lake Shore Road).

PETITIONER: T.E. Connors, Inc., 8905 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.

RESOLUTION 130 Adjournment

Supervisor Catalino moved and Councilman Spence seconded to adjourn to the next regularly scheduled Work Session on Wednesday, March 29, 2007 at 5:00pm and then to the next regularly scheduled Town Board

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meeting on Wednesday, April 4, 2007 at 7:30pm.

Carried.

Respectfully submitted,

Jonica B. DiMartino
Deputy Town Clerk

Carol A. Meissner
Town Clerk