

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, April 18, 2007 at 7:30pm there were

PRESENT:	Karen C. Erickson	Councilman
	Kathleen A. Bartus	Councilman
	Michael M. Spence	Councilman
	Paul T. Cooper	Councilman
	Robert R. Catalino, II	Supervisor
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	J. Grant Zajas	Town Attorney
ALSO PRESENT:	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept Head
	Charles Katra	Comptroller
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Dept Head
	Sandra Brant	Planning Division Chairman
	Robert Ferguson	Police Chief
	Julie Roach	Seniors Dept Head
	Patrick Conrad	St Pt Marina Dept Head
	Diana Cafferty	Rec. of Taxes & Assessments
	Tom Kait	Water Dept Head
	Rick Hanavan	Wendel Duscherer
	Rob Klavoon	Wendel Duscherer
ABSENT:	Lori Szewczyk	Community Development

**RESOLUTION 150 Approve minutes**

Supervisor Catalino moved and Councilman Spence seconded that the reading of the minutes of the meeting of April 4, 2007 be dispensed with and approved

Meeting #8  
April 18, 2007  
page 97

as submitted by the Town Clerk.

Carried.

David Sippel, 368 Lakeside Road, eleven (11%) of the his total tax bill in February 2007 was for fire protection. He has a few questions he would like a Town Board member to respond to in writing.

-What department is responsible to inspect fire hydrants?

-How often are fire hydrants inspected?

-Are the hydrants inspected on a schedule?

-Are the hydrants tested to insure proper water pressure and proper volume of water?

-How often are the water lines that supply the hydrants inspected or tested?

-If hydrants fail the inspection how are failures communicated to the fire company's?

Is a history maintained for each hydrant such as the date it was placed in service, inspection dates, results of the inspection, repairs and other significant information.

-Where is the information kept and is it available for review?

Cheri Hahn, 603 Fulton Avenue, Lake Bay questioned where the mailboxes are for her area. There is a wall, behind the mailboxes and one that is adjacent. The County referred her to Councilman Erickson.

Cheryl Grassia, 843 Thomas Lane thinks people should opt for changes. She is in favor of Wal-Mart as it will be an asset to the Town in the form of jobs and people coming to the Town.

Russ Barton, Past President of the Erie County Farm Bureau presented a plaque to the Town and a letter for each Councilman for the Town enacting a right to farm law. Sandra Brant, Chairman of the Planning Division accepted the award on behalf of the Town of Evans.

Sandra Brant thanked the public and the Town Board for their support and understanding along with the farm community working together.

### **RESOLUTION 151 Jason Schultz & Robert Daly RE: request to purchase section of Maplewood**

Supervisor Catalino moved and Councilman Spence seconded to refer

Meeting #8  
April 18, 2007  
page 98

the request from Jason Schultz and Robert Daly to purchase a portion of Maplewood and Garfield to the proper department heads as per town policy for the purchase of town owned lands.

Carried.

Councilman Spence reported the boat slip returns for the Marina are going well. There are four (4) - twenty (20) boat docks and four (4) dry dock slots still available.

Councilman Bartus reported this is National Volunteer week. Also, Sunday, April 22, 2007 there is a fundraiser for the Angola Public Library at the Evans Center Fire Hall.

Councilman Cooper presented the following reports:

-Earth Day is April 23, 2007. There will be a town wide clean up. Special green bags are available to clean up your neighborhood and will allow you to put out an additional three (3) bags with your regular garbage.

-In the current issue of the Town Crier is an article regarding 35 tips for green day.

Supervisor Catalino reported tonight's meeting will be adjourned in memory of those who were killed or injured at Virginia Tech and their families.

-Met with Chief Ferguson and Assistant Chief Slowinski regarding emergency situations in our schools. The police department does have a plan in place and train for emergency situation.

### **RESOLUTION 152 Committee and Department Head reports**

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

Diana A. Cafferty, Receiver of Taxes & Assessments;	
Water Receipts, March 2007	\$118,985.93
Duplicate Bills, March 2007	\$ 152.00
Interest earned, March 2007	\$ 27.91

Meeting #8  
April 18, 2007  
page 99

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

### **RESOLUTION 153 Sign agreement with Pitney Bowes for shape based rating module**

Councilman Cooper moved and Councilman Bartus seconded,

WHEREAS: due to new mailing requirements set forth by the U.S. Postal Service, an additional module is required for shape based rating system, and

THEREFORE BE IT

RESOLVED: that the Supervisor is hereby authorized to sign agreement with Pitney Bowes for lease of one (1) shape based rating module for our digital postage machine pursuant to NYS Contract #PC61730 for \$95 per month for 42 months, subject to the approval of the Town Attorney and the Director of Finance. This resolution shall take effect immediately.

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

**RESOLUTION 154 Closing of Kennedy Ave & Eisenhower Ave for the July 4<sup>th</sup> Celebrations**

Councilman Erickson moved

WHEREAS: the July 4<sup>th</sup> celebration in the Lake Erie Beach/Point Breeze area brings several thousand plus people to this community to honor our nation's birth; and

Meeting #8  
April 18, 2007  
page 100

WHEREAS: the public safety responsibility for those people enjoying the celebration, those people residing in this celebration area, and the people who will transverse this area are a responsibility that is best served through the following road closures;

THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans hereby authorizes the closing of Kennedy Avenue and Eisenhower Road from the Old Lake Shore Road to Quebec Street for the purpose of providing public safety to all participants, residents and traffic during the 4<sup>th</sup> of July in addition to all other public safety measures as set forth under the Code of te Town of Evans.

Supervisor Catalino moved and Councilman Cooper seconded to table the closing of Kennedy Avenue and Eisenhower Avenue for the July 4<sup>th</sup> celebrations until a few details can be worked out with the Chief of Police and residents.

VOTE RESULT	Supervisor Catalino	aye
ON TABLING:	Councilman Cooper	aye
	Councilman Erickson	aye
	Councilman Bartus	aye
	Councilman Spence	aye

**RESOLUTION 155 Sign agreement with I.B.E.W.**

Councilman Bartus moved and Councilman Erickson seconded,

WHEREAS: the collective bargaining agreement between Local 41 of the International Brotherhood of Electrical Workers and the Town of Evans expired December 31, 2006, and

WHEREAS: Representative of both parties have negotiated a tentative agreement to expire December 31, 2009,

THEREFORE BE IT

Meeting #8  
April 18, 2007  
page 101

RESOLVED: that the Evans Town Board hereby authorizes Supervisor Catalino to execute the agreement to be effective January 1, 2007 to December 31, 2009 subject to approval of the Town Attorney and the Director of Finance.

Carried.

**RESOLUTION 156 Sign agreement with S.E.I.U.**

Councilman Erickson moved and Councilman Cooper seconded,

WHEREAS: the collective bargaining agreement between the Town of Evans Water Department employees represented by S.E.I.U. Local 200 United and the Town of Evans expired December 31, 2006, and

WHEREAS: representative of both parties have negotiated a tentative agreement to expire December 31, 2010,

THEREFORE BE IT

RESOLVED: that the Evans Town Hall hereby authorizes Supervisor Catalino to execute the agreement to be effective January 1, 2007 to December 31, 2010 subject to approval of the Town Attorney and the Director of Finance.

Carried.

**RESOLUTION 157 Sign agreement with RBC Dain Rauscher paying agent for retired firefighters**

Councilman Cooper moved and Councilman Bartus seconded,

WHEREAS: the Town of Evans has received a proposal from RBC Dain Rauscher to provide Volunteer Firefighter Length of Service Award Program (LOSAP) payments with the option of Federal Income Tax Withholding and related 1099 services through Comerica Bank; and

Meeting #8  
April 18, 2007  
page 102

WHEREAS: this proposal provides greater flexibility for beneficiaries at a lower cost to our program; and

THEREFORE BE IT

RESOLVED: RBC is hereby authorized to utilize Comerica Bank and Trust Company as paying agent for our retired firefighters and the Supervisor is hereby authorized to sign any necessary agreement, subject to the approval of the Director of Finance and the Town Attorney. This resolution shall take effect immediately.

Carried.

**RESOLUTION 158 Enter into memorandum of understanding with Erie County Water Authority for leased management of water service**

Councilman Erickson moved and Councilman Spence seconded,

RESOLVED: that the Supervisor of the Town of Evans be and is hereby authorized to enter into a memorandum of understanding with Erie County Water Authority for the leased management of water service to the Town of Evans residents currently serviced with the Town water service subject to the approval of the Town Attorney.

Carried.

**RESOLUTION 159 Amend Res. #25 of the year 2007 (Appt of Assessment Review Board member)**

Councilman Bartus moved and Councilman Erickson seconded:

RESOLVED: that resolution #25 of the year 2007 be amended to read: That Ellen Conrad is hereby appointed to the Board of Assessment and Review to a term expiring September 30, 2010.

VOTE RESULT:                      Councilman Bartus                      aye  
    Councilman Erickson                      aye  
    Councilman Cooper                      aye

Meeting #8  
April 18, 2007  
page 103

    Councilman Spence                      aye  
    Supervisor Catalino                      aye

**RESOLUTION 160 Appt of Chairman, Vice Chairman and members of the St Pt Advisory Board**

Councilman Spence moved and Councilman Erickson seconded,

RESOLVED: that the following Sturgeon Point Advisory Board members be appointed to the designated offices; terms to expire 12-31-2007;

Paul E. Ryerse Sr. - Chairman  
Frank Rademacher - Vice Chairman

BE IT FURTHER

RESOLVED: that the following individuals be appointed to existing vacancies on the Sturgeon Point Advisory Board; all terms to expire; 12-31-2007

Scott Addison, 262 N. Main St., Angola  
Arthur Buczkowski, 755 Sturgeon Point Road, Derby  
Cheri Hahn, 603 Fulton Avenue, Angola

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

**RESOLUTION 161 Declare surplus equipment**

Councilman Spence moved and Councilman Bartus seconded,

WHEREAS: the Evans Highway Department no longer has a use for a 1963

THEREFORE BE IT

RESOLVED: that the 1963 American LaFrance ID#5.1.8569 be declared surplus.  
Carried.

**RESOLUTION 162 Town Licenses**

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

K-May Corp D/B/A Grandview Super Freez - refreshment  
Solid Waste  
Allied Waste Services of N.A., Inc.

Carried.

**RESOLUTION 163 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:

April 18, 2007  
Abstract #7  
Voucher 528-606  
Prepaid Voucher 12 & 13

GENERAL	26,213.71
PART TOWN	12,723.67
HIGHWAY	7,960.31
WATER	214,667.00
SPECIAL DISTRICTS	96,160.55

VOTE RESULT:	Councilman Spence	aye
	Councilman Erickson	aye
	Councilman Cooper	aye

Councilman Bartus  
Supervisor Catalino

aye  
aye

**RESOLUTION 164 Adjournment**

Supervisor Catalino moved and Councilman Cooper seconded to adjourn in memory of the Virginia Tech victims and their families and to a Work Session on Wednesday, April 25, 2007 at 5:00pm then to the next regular scheduled Town Board meeting to be held on Wednesday, May 2, 2007 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner  
Town Clerk