

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, August 17, 2005 at 7:30pm there were

PRESENT:	Karen E. Erickson	Councilman
	Thomas A. Csati	Councilman
	Kathleen A. Bartus	Councilman
	Robert R. Catalino, II	Supervisor
ABSENT:	Joseph F. Govenettio	Councilman
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	J. Grant Zajas	Town Attorney

**RESOLUTION 272 APPROVE MINUTES**

Supervisor Catalino moved and Councilman Bartus seconded that the reading of the minutes of the meeting of July 20, 2005 be dispensed with and approved as submitted by the Town Clerk.

Carried.

Supervisor Catalino extended the privilege of the floor to any all persons present.

Art Klein, 43 Luksin Drive, Tonawanda, NY, a representative of the Niagara Frontier Chapter Trailer Committee of the Adirondack Club and the League of American Bicyclists. He was invited to speak tonight by Ray Markiewicz concerning the multi-use recreation trail. He has worked on bicycle trails for about thirty five (35) years. Safety at the Muddy Creek area is a concern. People who use these trails are not experienced bicycle riders. They don't do well in perilous conditions. Where the path would go off the road and on the road could bring some dangerous situations to people. There is a parking lot adjacent to this area also. He is making himself available for planning this beneficial path in the future.

Mary Ellen Hanna, 9615 Point Breeze Drive, requested clarification for old business number five (5) regarding consultants to the Lake Erie Beach Advisory Board and the proper corresponding resolution number to amend the resolution. To expedite the formation, organization and planning for the Lake Erie Beach Park Advisory Board as quickly as possible is her interest. She is requesting a waiver of the stipulation in the constitution and by-laws of the Lake Erie Beach Advisory Board to meet sooner than the third Tuesday of the month. Also, there is a list of eight consultant positions in the

Meeting #15  
August 17, 2005  
page 157

constitution and by-laws of the Lake Erie Beach Park Advisory Board. Could these positions be filled prior to the meeting on August 30, 2005 simply to expedite the planning and organization. If she can assist in any way, she is available. In addition, if there is any way she can best serve appointing or voting in the officers she would certainly help in speeding up the process. She has a copy of the by-laws and is willing to do the planning for the August 30, 2005 meeting.

Mark Hageman Jr., 9644 Oakland Street, questioned if anything can be done about the basketball courts at Lake Erie Beach Park being they are in a parking lot.

Tom Gorney, 524 Sycamore Street, addressed the Town Board on the following concerns:

- dilapidated house at 9432 Peach Street
- roads are being taken care of
- plans on building a few houses in the area
- STOP signs are needed at Sycamore and Peach Streets, Orange and Roanoke

Streets

-purchased property at 515 Sycamore, there is Gray Street at the end of the property is heavily wooded. Could he clear Gray Street, namely the brush etc. He has permission to clear 50 feet from the creek by the DEC and wants Town approval.

-there is high grass and a dilapidated house at 488 Sycamore Street. If this property is up for sale he would buy it, tear it down and build another house. He is looking to improve the neighborhood.

-Summer Street has no access for emergency vehicles and he is seeking assistance for Summer Street being paved in the next budget.

**RESOLUTION 273 Jack Chiappone, Director of Support Services, Claddagh Commission, Inc. RE: request to purchase paper road Ellicott Road**

Supervisor Catalino moved and Councilman Bartus seconded to refer the communication from Jack D. Chiappone, Director of Support Services, Claddagh Commission, Inc. regarding the purchase of a paper road, Ellicott Road, which is thirty (30) feet wide near Kennedy Avenue to the proper department heads as per Town policy regarding the sale/purchase of paper roads.

Carried.

**RESOLUTION 274 Sandra Brant, Minor Subdivision Review Committee RE: Wojcik minor subdivision**

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: in a letter dated August 11, 2005, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Edward Wojcik, Jr. 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 SEQR negative declaration for the Edward Wojcik Jr. minor subdivision (Addendum A SEQR short environmental assessment form),

A division of SBL#236.00-4-26, dividing an 8.96 +/- acre parcel to create:

1. A 3.00+/- acre parcel with 400.27+/- feet of frontage on Gowans Rd.
2. A 3.36+/- acre parcel with 308.67+/- feet of frontage on Southwestern Blvd.
3. A 2.29+/- acre parcel with 309.08+/- feet of frontage on Southwestern Blvd.

PETITIONER: Edward Wojcik, Jr., 1585 Gowans Road, Angola, NY 14006

AND BE IT FURTHER

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

Carried.

**RESOLUTION 275 Approve Wojcik minor subdivision**

Councilman Erickson moved and Councilman Csati seconded,

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 SEQR process

NOW THEREFORE BE IT

Meeting #15  
August 15, 2005  
page 159

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 Edward Wojcik, Jr. minor subdivision, dividing an 8.96 +/- acre parcel known as SBL#236.00-4-26 to create:

1. A 3.00+/- acre parcel with 400.27+/- feet of frontage on Gowans Rd.
2. A 3.36+/- acre parcel with 308.67+/- feet of frontage on Southwestern Blvd.
3. A 2.29+/- acre parcel with 309.08+/- feet of frontage on Southwestern Blvd.

PETITIONER: Edward Wojcik, Jr., 1585 Gowans 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.

Town Attorney Zajas acknowledged receipt of a two page letter dated August 17, 2005 from Edward G. Schneider, III regarding Lake Erie Beach Park/Maurer Property. (See Addendum B.)

Councilman Csati looks forward to working with Mary Ellen Hanna and the Lake Erie Beach Park Advisory Board. A meeting of the Lake Erie Beach Park Advisory Board will be held on August 30, 2005 where they can formulate a master plan for the park and get a lot accomplished.

-Explained resolution number one (1) the appointment of a lifeguard and alternate lifeguard captains.

Councilman Bartus has sample letters to the Federal Regulatory Commission from Congressman Brian Higgins for anyone to sign in support

-telephone numbers are available through the Supervisor's office for removal of Freon in refrigerators.

Councilman Erickson requested everyone to send in a letter of support for the Angola Library.

-First phase of the hike/bike path should begin in the fall.

Supervisor Catalino thanked the Receiver of Taxes, Diana Cafferty and her

office, for investing monies and obtaining interest, which she doesn't have to do.

-Thanked Carol Meissner, Town Clerk and her office for taking care of all the residents coming in especially now with hunting licenses.

Meeting #15  
August 17, 2005  
page 160

-Thanked Mr. Conrad, the Parks Department employees and the summer employees. Our parks are well taken care of.

-Thanked Pat Conrad for an outstanding job with the July 24, 2005 fishing derby.

-Thanked Bob Beck, Chairman of the Taste of Evans this year.

-Thanked Lori S. who did a great job with the Legislative Breakfast. She and the Supervisor will be meeting with officials from New Era Cap regarding the possible relocation of their corporate offices. They do expect to have more production jobs at the Derby plant no matter what happens with the corporate offices.

-50 year contract with the power plan in which Congressman Higgins is working very hard to see the surrounding areas are subsidized and also lower the power rates.

-appoint Chuck Wilson from Gold Street in Angola. He is a 35 year retired worker from Niagara Mohawk, an IBEW member and has served as a coordinator of jobs for the New York Power Authority. Chuck will be appointed as an advisor to the Town Board regarding the power authority at no salary.

### **RESOLUTION 276 Appointment of Advisor to the Supervisor regarding New York Power Authority**

Supervisor Catalino moved and Councilman Csati seconded to appoint Chuck Wilson of Gold Street, Angola, New York as an Advisor to the Supervisor on all New York State Power Authority projects, licensing and jobs at a non salary position.

Carried.

### **RESOLUTION 277 Committee and Department Head reports:**

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

Carol A. Meissner, Town Clerk:

Petty Cash	\$-0-
July 2005 monthly report	\$13,623.18

Diana A. Cafferty, Rec. of Taxes & Assessments:

2005 County & Town tax penalties	\$34,332.14
Jan 1-June 30, 2005 interest	\$1,235.44
Jan 1-June 30, 2005 delinquent notices	\$1,790.00
July 2005 water receipts	\$91,89340
July 2005 duplicate bills & receipts	\$70.00

July 2005 interest on Savings Account	\$16.14
2005 County & Town final interest	\$8.52

Meeting #15  
August 17, 2005  
page 161

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

**RESOLUTION 278 Proposed Local Law #2 of the year 2005 (Zoning/Licensing); Proposed Local Law #3 of the year 2005 (Licensing of Animals); Proposed Local Law #4 of the year 2005 (Property Maintenance); Proposed Local Law #5 of the year 2005 (Rezoning vacant land on Erie Road near Delamater Road from R-1 to GB)**

Supervisor Catalino moved and Councilman Erickson seconded that Proposed Local Law #2 of the year 2005 (Zoning/Licensing); Proposed Local Law #3 of the year 2005 (Licensing of Animals); Proposed Local Law #4 of the year 2005 (Property Maintenance); Proposed Local Law #5 of the year 2005 (Rezoning vacant land on Erie Road near Delamater Road from R-1 to GB) remain under old business on the agenda.  
Carried.

**RESOLUTION 279 Remove member and Appointment of Consultants for the Lake Erie Beach Park Advisory Board**

Councilman Csati moved and Councilman Bartus seconded,

RESOLVED: that resolution #50 of the year 2005 be amended to remove Eugene Dombrowski as a member of the Lake Erie Beach Park Advisory Board; and that

BE IT FURTHER

RESOLVED: that resolution #50 of the year 2005 be amended to read that the Town of Evans Parks Department (Wayne Conrad) and the Town Board Liaison to the Parks Department (Thomas Csati) be refereed to as consultants to the Lake Erie Beach Park Advisory Board; to be considered as non-voting members.  
Carried.

**RESOLUTION 280 Appt of Lake Erie Beach Advisory Board members**

Councilman Csati moved and Councilman Bartus seconded,

RESOLVED: that the following individuals be appointed to the Lake Erie Beach Park Advisory Board; terms to expire 12-31-2005:

Meeting #15  
August 17, 2005  
page 162

- Judy Sepi, 235 Grant Street, Angola
- Mary Ellen Hanna, 9615 Point Breeze Drive, Angola
- Mario Neri, 9596 Point Breeze Drive, Angola
- Mark Hageman, 9644 Oakland Drive, Angola

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

**RESOLUTION 281 Appt of Lifeguard, Alternate Lifeguard & Appt of Alternate Captain**

Councilman Csati moved and Councilman Bartus seconded,

RESOLVED: that Brian Murphy of 664 Monroe Avenue, Angola be appointed to the position of lifeguard, to be paid \$6.90 per hour and to the position of alternate captain, to be paid \$7.40 per hour.

RESOLVED: that the following lifeguards be appointed to the position of alternate captain; to be paid \$7.40 per hour;

- Derek Greiner
- Alicia Beck

VOTE RESULT:	Councilman Csati	aye
	Councilman Bartus	aye
	Councilman Erickson	aye
	Supervisor Catalino	aye *

\*on Brian Murphy and Derek Greiner and abstain on Alicia Beck, his niece.

**RESOLUTION 282 Show Support for Angola Public Library remaining open**

Councilman Erickson moved and Councilman Csati seconded,

WHEREAS: the Buffalo and Erie County Public Library System finds it necessary to close several libraries due to budgetary constraints and

WHEREAS: the Angola Public Library, part of the Buffalo and Erie County Public System is currently off the closure list and

Meeting #15  
August 17, 2005  
page 163

WHEREAS: the Angola Public Library serves over 25,000 residents in Evans, Angola and nearby communities and

WHEREAS: the services of the Angola Public Library remains vital to the residents many of whom have no other access to the Internet or written materials and use the services on a daily basis

NOW THEREFORE BE IT

RESOLVED: the Evans Town Board supports the current status that the Buffalo and Erie County Public Library Board of Trustees established leaving the Angola Public Library off the closure list and the Angola facility remain open now and in the future.

Carried.

**RESOLUTION 282 Support Congressman Higgins' letter of complaint regarding the New York Power Authority and the renewal of their contract and requesting fair & equitable compensation to Western New York State**

Councilman Bartus moved and Councilman Erickson seconded,

WHEREAS: the New York Power Authority is applying for a new license from the Federal Energy Regulatory Commission to operate the Niagara Power Project through an Alternate Licensing Process; and

WHEREAS: the New York Power Authority has dismissed substantial aesthetic, environmental and economic issues regarding the ice boom and other substantial impacts upon our area; and

WHEREAS: this region has been cheated out of its fair share of cheap power from the

Niaraga Power Project; and

WHEREAS: Congressman Higgins has filed a complaint with the Federal Energy Regulatory Commission in an effort to secure a more fair and equitable settlement for Buffalo and Erie County from the New York Power Authority.

THEREFORE BE IT

RESOLVED: that the Town of Evans wholeheartedly supports Congressman Higgins' formal letter of complaint and encourages consideration by the Federal Energy Regulatory Commission

Meeting #15  
August 17, 2005  
page 164

BE IT FURTHER

RESOLVED: that a copy of this resolution is to be sent to Ms. Maggie Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Carried.

**RESOLUTION 284 Enter into agreement with Erie County regarding multi-use pathway**

Councilman Erickson moved and Councilman Bartus seconded,

RESOLVED: that the Supervisor Robert Catalino II is authorized and directed to enter into a memorandum of understanding agreement with the County of Erie regarding the multi-use recreational pathway along Old Lake Shore Road subject to the Town Attorney's approval.

Carried.

**RESOLUTION 285 Audit of Bills**

Councilman Csati 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:

Abstract #14  
August 3, 2005

GENERAL	1524-1563	37,429.41	
PART TOWN		1524-1563	3,434.85
HIGHWAY	1524-1563	23,317.05	
WATER	1524-1563	86,320.10	
SPECIAL DISTRICTS	1524-1563	22,501.65	
COMMUNITY DEVELOPMENT	1524-1563	19,023.30	

Abstract #14  
August 17, 2005

GENERAL	1564-1715	61,041.22	
PART TOWN		1564-1715	46,348.84
HIGHWAY	1564-1715	36,432.71	
WATER	1564-1715	15,130.87	

Meeting #15  
August 17, 2005  
page 165

SPECIAL DISTRICTS	1564-1715	79,162.68	
COMMUNITY DEVELOPMENT	1564-1715	5,249.84	

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

**RESOLUTION 286 Adjournment**

Supervisor Catalino moved and Councilman Erickson seconded to adjourn to a work session on August 31, 2005 at 5:00pm and then to the next regular scheduled Town Board meeting of Wednesday, September 7, 2005 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner  
Town Clerk