

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 7, 2005 at 7:30pm there were:

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

The Town Board presented a proclamation to Assistant Chief of Police, Steve Slowinski honoring him for receiving the 2005 Community Service Award at the Erie County Law Enforcement dinner.

RESOLUTION 372 Approve minutes

Councilman Erickson moved and Councilman Govenettio seconded that the reading of the minutes of the meeting of November 2005 and November 16, 2005 be dispensed with and approved as submitted by the Town Clerk.

Carried.

Councilman Erickson extended the privilege of the floor to any and all persons present.

Councilman Govenettio presented the following reports:

- water line breaks, try to have patience and repairs will not be done till spring.
- try to keep fire hydrants clear
- Police Department report for November 2005
- Police Department commendations to: Pat Garrigan, Mike Franey DCO, Tracey O'Donnell, Jeff Mayer, Pete Smith, Debbie Dalton, Mike Masullo, Ralph Maslich and Bruce Green, Jr.

Councilman Bartus presented the following reports:

- People living on private roads need to make sure their roads are plowed properly or the garbage will not be picked up. The residents would have to carry their garbage to the

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main road.

-Thanked the many people who serve on advisory boards giving of their time with no compensation.

Councilman Erickson presented the following reports:

-VFW Christmas Basket distribution is in need of donations which are greatly appreciated.

-DMV will be in the Evans Town Hall five days a week beginning the end of January 2006.

RESOLUTION 373 Committee and Department Head reports

Councilman Erickson moved and Councilman Bartus seconded to accept as presented the Committee and Department Head reports as follows:

Carol A. Meissner, Town Clerk:

Petty Cash \$ -0-
Monthly rpt Nov. \$15,180.47

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

Water Receipts Nov. \$182,758.14
Duplicate Bills Nov. \$85.00
Interest Savings Nov. \$32.13

VOTE RESULT:	Councilman Erickson	aye
	Councilman Bartus	aye
	Councilman Govenettio	aye

RESOLUTION 374 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 (Rezoning of vacant land on Erie Road); Proposed Local Law #5 of the year 2005 (rezone vacant land on Erie Rd near Delamater Rd from R-1 to GB); Proposed Local Law #7 of the year 2005 (amend V & T Law for a STOP sign on Seneca St)

Councilman Erickson moved and Councilman Bartus 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; (Rezoning of vacant land on Erie Road); Proposed Local Law #5 of the year 2005 (rezone vacant land on Erie Rd near Delamater Rd from R-1 to GB); Proposed Local Law #7 of the year 2005 (amend V & T Law for a STOP sign on Seneca St) remain under old business on the agenda.

Carried.

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RESOLUTION 375 Declare a 2003 Crown Victoria as surplus

Councilman Govenettio moved and Councilman Bartus seconded,

WHEREAS: the Parks Department has a vehicle that is no longer useable;

THEREFORE BE IT

RESOLVED: that the a 2003 Crown Victoria, vin#2FAFP71W33X208337,
be declared a surplus vehicle.

Carried.

RESOLUTION 376 Award bid for Hansen snow blower

Councilman Bartus moved and Councilman Govenettio seconded,

WHEREAS: pursuant to the resolution of the Town Board the Town Clerk advertised for
sealed bids for a surplus Hansen snow blower;

WHEREAS: one bid was received;

THEREFORE BE IT

RESOLVED: that the sole sealed bid of \$1,050.00 submitted by Andy
Card, Merrimack Valley Apiaries, Inc., PO Box 56, Otto, New
York 14766 be accepted.

VOTE RESULT:	Councilman Bartus	aye
	Councilman Govenettio	aye
	Councilman Erickson	aye

RESOLUTION 377 Sale of Madison Ave SBL#250.11-1-10

Councilman Bartus moved and Councilman Govenettio seconded,

WHEREAS: the Town of Evans has acquired, or may have acquired, title to certain
parcels of land located in the Town of Evans; and

WHEREAS: the Town Board of the Town of Evans has from time to time resolved to
sell certain parcels of land being paper road rights of way, to which the
Town of Evans acquired, or may have acquired or may have a right or
option to acquire title in the future; and

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WHEREAS: it is no longer necessary for the Town of Evans to retain said properties or the right or claim to the same; and

WHEREAS: certain persons or parties have offered to purchase whatever right title and interest, if any, the Town of Evans may have in such parcels of land;

WHEREAS: the Town is willing to sell whatever interest, if any, it may have in such parcels of land, subject to a permissive referendum as permitted by law, by way of quit claim deed conveying any such right title and interest, if any, had by the Town of Evans in such parcels, subject to such easements and/or rights of way as may be necessary or prudent relative to such parcels, generally, and subject to the approval of the Town Attorney and the appropriate department heads; and

NOW THEREFORE BE IT

RESOLVED: that, subject to a permissive referendum as permitted by law, the Town Board of the Town of Evans in regular session duly convened does hereby authorize and direct the Supervisor of said Town of Evans to execute and deliver to each of the purchasers set forth hereinafter a quit claim deed conveying any right title or interest the Town of Evans has, if any, in any parcel of real property hereinafter described, subject to such easements as may be necessary or prudent relative to such parcels and further subject to the approval of the Town Attorney and the appropriate department heads, in exchange for the payment of the sums hereinafter set forth to be paid by such purchasers, that is:

- 1.) Madison Avenue Road right of way being 50 foot by 124 foot feet as the same adjoins SBL#250.11.1.10 for the sum of \$500.00, to Samuel W. Phillips of 9534 Jamestown Street, Angola, New York 14006.

AND BE IT FURTHER

RESOLVED: that any and all notices be posted and/or published as required by law.

VOTE RESULT:	Councilman Bartus	aye
	Councilman Govenettio	aye
	Councilman Erickson	aye

RESOLUTION 378 Compensation for Director of Community Development

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Councilman Erickson moved and Councilman Govenettio seconded,

WHEREAS: the Director of Community Development is compensated at any annual part time salary of \$20,200 for approximately 19.5 hours of work per week for an hourly rate of \$19.92, and

WHEREAS: added duties, including, but not limited to, grant research, development and writing services that were previously subcontracted have been assigned to this position causing additional hours scheduled to be worked, and

WHEREAS: these grant responsibilities have resulted in ten completed grant applications with three being awarded for a total of \$43,020 and the other seven pending determination, and

WHEREAS: the additional hours totaled approximately 260 hours during fiscal year 2005

THEREFORE BE IT

RESOLVED: that Lori Szewczyk, Director of Community Development, salary is hereby compensated an additional \$5,179.20 for fiscal year 2005 for additional hours worked and successful completion of additional duties.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Govenettio	aye
	Councilman Bartus	aye

RESOLUTION 379 Water bill adjustment

Councilman Govenettio moved and Councilman Bartus seconded,

RESOLVED: that an adjustment be made to the following account because of a water leak:

Christopher Wilkens, 6660 Lake Shore Road
Account #01050930
Adjustment: \$223.35

VOTE RESULT:	Councilman Govenettio	aye
	Councilman Bartus	aye
	Councilman Erickson	aye

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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 issuance of a renewal special use permit for M & D Automotive, 7312 Erie Road, Derby, New York.

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

RESOLUTION 380 Grant special use permit for M & D Automotive

Councilman Erickson moved and Councilman Govenettio seconded,

WHEREAS: Daryl S. Phillips (M & D Automotive) has requested renewal for a special use permit for a motor vehicle sales and service business, located at 7312 Erie Road (a.k.a. NYS Route 5), Derby, part of SBL#206.00-5-14, and

WHEREAS: the Town Board of the Town of Evans conducted a public hearing regarding said special use permit renewal, and

WHEREAS: the negative SEQRA declaration issued by the Evans Town Board on October 6, 2004 for the original special use permit is still sufficient and valid for this action, and

WHEREAS: the original 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 on September 15, 2005.
2. For the purpose of sales, no more than 8 cars can be displayed or stored on the site.
3. There shall be no storage of auto parts or accessories outside of the building.
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. No major auto body or collision repairs will be conducted on this site.
6. Snow shall not be pushed all the way to the rear property line. Snow storage for the southwestern portion of the property must be kept a minimum of 50 feet from the rear property line.

7. Snow from the northeast portion of the property shall be placed on the northwest portion of the property. Snow cannot be placed at the rear of the building due to the location of the on-site septic system.

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8. This special use permit shall be for a two (2) year period. Applicant may apply for renewal.

WHEREAS: the Town of Evans Planning Office and the Building Department have conducted a proper review of the application and the facility have recommended the special use permit be renewed for two years.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grants a special use permit to Daryl S. Phillips (M & D Automotive), located at 7312 Erie Road, Angola, NY, part of SBL#206.00-5-14, for a period of two years, and

BE IT FURTHER

RESOLVED: that the above-referenced conditions 1-8, be placed upon said special use permit renewal.

AND BE IT FURTHER

RESOLVED: that the a copy of this resolution be given to the Assessor's Office, the Code Enforcement Office and the Planning Division Office.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Govenettio	aye
	Councilman Bartus	aye

RESOLUTION 381 Suspend the rules of order for the conduct of business

Councilman Erickson moved and Councilman Govenettio seconded that the rules of order for the conduct of business of the Evans Town Board be suspended for the purpose of taking action on a resolution authorizing funds to the Friends of the Village.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Govenettio	aye
	Councilman Bartus	aye

RESOLUTION 382 Support Christmas in the Village

Councilman Bartus moved and Councilman Govenettio seconded,

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

WHEREAS: the Friends of the Village have coordinated this event for the last six years, 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

RESOLVED: that the Town of Evans hereby authorizes payment of \$300.00 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 Bartus	aye
	Councilman Govenettio	aye
	Councilman Erickson	aye

RESOLUTIONS 383 Town Licenses

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

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

Joseph J. Catalano D/B/A Overseas Vets of Evans Post 5798 - refreshment & amusement

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

Geordie Sinclair D/B/A Evans Center Vol. Fire Co. - refreshment, amusement & live band

David S. Jacobson D/B/A Pat's Pizzeria - refreshment

VOTE RESULT:	Councilman Erickson	aye
	Councilman Govenettio	aye

Councilman Bartus

aye

RESOLUTION 384 Audit of Bills

Councilman Govenettio 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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GENERAL	2454-2584	83,650.23	
PART TOWN		2454-2584	43,43
			1.67
HIGHWAY	2454-2584	65,582.66	
WATER	2454-2584	94,880.09	
SPECIAL DISTRICTS	2454-2584	29,054.09	
COMMUNITY DEVELOPMENT	2454-2584	7,974.41	

VOTE RESULT:	Councilman Govenettio	aye
	Councilman Bartus	aye
	Councilman Erickson	aye

RESOLUTION 385 Adjournment

Councilman Erickson moved and Councilman Govenettio seconded to adjourn to the next regular meeting on Wednesday, December 21, 2005 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk