

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 21, 2005 at 7:30pm there were

PRESENT:	Karen E. Erickson	Councilman
	Joseph F. Govenettio	Councilman
	Kathleen A. Bartus	Councilman
	Robert R. Catalino, II	Supervisor
ALSO PRESENT:	Lynn R. Stoessel	Deputy Town Clerk
	J. Grant Zajas	Town Attorney

RESOLUTION 386 Approve minutes

Supervisor Catalino moved and Councilman Erickson seconded that the reading of the minutes of the meeting of December 7, 2005 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.

There being no one wishing to speak Supervisor Catalino closed privilege of the floor.

Town Attorney Zajas wished everyone a Merry Christmas.

Councilman Bartus wished everyone a Merry Christmas and Happy New Year.

Councilman Govenettio would like to see people communicate face to face rather than e-mail. He thanked the Armed Servicemen who are serving during the holiday season. Please do not forget the shut-ins and the people who do not have any families.

Councilman Erickson reported that HEAP will be at Town Hall tomorrow accepting applications. Merry Christmas and Happy New Year.

Supervisor Catalino wished everyone a Merry Christmas and Happy New Year. Thanked the Town employees for giving diligently throughout the year for the people of the community and spending their time and going out of their way to help others.

-thanked Ron Milks, Paul Ryerse and Officer Eppolito for helping a female senior citizen living in one of the mobile home parks whose furnace shut down because of snow piled on her roof and she could not get out of her house because of drifting snow.

-Observed a moment of silence to remember those who serve and those who have passed away.

Meeting #23
December 21, 2005
page 223

RESOLUTION 387 Committee and Department Head reports

Supervisor Catalino moved and Councilman Erickson seconded to accept as presented the reports of the Town Officials as follows:

Diana A. Cafferty, Rec. of Taxes & Assessments:
2005-06 school tax penalties \$16,420.15

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

RESOLUTION 388 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 (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)

Supervisor Catalino 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 to be discussed at the work session to be held in January.
Carried.

RESOLUTION 389 Town of Evans supports the call for a public hearing regarding the burden of the tolls and the and the removal of the tolls within commuting range of Buffalo

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: the residents of Western New York who encounter toll barriers on the New York State Thruway as part of their daily travels to work are penalized by

what is in effect a “commuter tax” and

WHEREAS: the Town of Evans has been joined by the City of Buffalo, the City of Lackawanna, the County of Erie and numerous Towns throughout Western New York by resolution in opposing the existing tolls; and

WHEREAS: in particular, the Town of Evans has called for the relocation of the Lackawanna Toll barrier further west, beyond the communities of Hamburg and Evans in the interest of creating a more equitable situation for the Southtowns residents; and

Meeting #23
December 21, 2005
page 224

WHEREAS: the recent increase in tolls to \$.60 and \$.75 at the Odgen Street Barrier, has doubled the financial burden on Evans residents who commute to Buffalo as well as substantially increasing the cost for trucking businesses located in Evans; and

WHEREAS: a study commissioned by the Greater Buffalo Niagara Regional Transportation Council in cooperation with the NYS Thruway Authority concluded that moving the Lackawanna Toll Barrier makes financial sense for the Thruway Authority; and

WHEREAS: members of the New York State Legislature have introduced various resolutions calling for relief from tolls in our area, and Assembly members Sam Hoyt, Robin Schimminger, Crystal Peoples and Francine Delmonte wrote to the Chairman of the NYS Assembly Committee on Transportation requesting that a public hearing be held regarding the relocation of the toll barriers;

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans completely supports the call for a public hearing to allow for the concerns of local elected officials and members of the community to be heard on this issue in the hopes that the burden of tolls within the commuting range of Buffalo will ultimately be removed

BE IT FURTHER

RESOLVED: that certified copies of this resolution be transmitted to the Governor, the local delegation of the NYS Legislature, the Chairman of the NYS Thruway Authority, Erie County Clerk David J.

Swarts, the Greater Buffalo Niagara Regional Transportation Council, and the Supervisor or Mayor of every municipality in Erie County.

Carried.

RESOLUTION 390 Town of Evans is opposed to proposed changes to the existing administrative structure of the Erie County Development Block Grant Program

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: thirty-four municipalities within Erie County, New York are participating members of the Erie County Community Development Block Grant consortium; and

WHEREAS: said municipalities have entered into various contracts with Erie County committing to said membership and agreeing to have municipal population, poverty, housing stock and other variables included in the federal CDBG entitlement calculation; and

Meeting #23
December 21, 2005
page 225

WHEREAS: Erie County and the Erie County Consortium have entered into memoranda of understanding and organization by-laws defining CDBG responsibilities and policies concerning the administration of the CDBG Urban County Program within Erie County; and

WHEREAS: the Erie County Department of Environment and Planning is the agency within Erie County designated to administer the Erie County Community Development Block Grant Program on behalf of Consortium Communities; and

WHEREAS: the municipalities comprising the Erie County CDBG Consortium have enjoyed a sound working relationship with the Erie County Department of Environment and Planning in the administration of the CDBG Program since 1977; and

WHEREAS: the Buffalo Niagara Partnership and Erie County Industrial Development Agency are recommending a transfer of administrative responsibilities and the Erie County Department of Environment and Planning to the Erie County Industrial Development Agency; and

WHEREAS: the Erie County CDBG Consortium are required to approve major changes

to the Memoranda of Understanding, By-Laws, five-year consolidated plan, and Annual Action Plan component of said Plan, and any amendments thereto; and

WHEREAS: said transfer would require execution of a detailed sub-recipient agreement between Erie County Industrial Development Agency and Erie County; and

WHEREAS: said transfer would represent a major administrative change in the Erie County CDBG Program requiring the following action by the Consortium;
1. Amendments to all agreement governing the Erie County CDBG Program
2. Amendments to the applicable Annual Action Plan of the 2005-09 Consolidated Plan,

RESOLVED: that he Erie County Community Development Block Grant Consortium opposes any change to the existing administrative structure of the Erie County CDBG Program;

AND BE IT FURTHER

Meeting #23
December 21, 2005
page 226

RESOLVED: that the governing bodies of each Consortium municipality shall be informed of said opposition and encouraged to take appropriate action supporting and opposition,

AND BE IT FURTHER

RESOLVED: that copies of this resolution shall be forwarded to the Erie County Legislature for their information when considering any action necessary to approve the aforementioned Sub-Recipient Agreement between Erie County and the ECIDA or similar organization;

AND BE IT FURTHER

RESOLVED: that copies of this resolution be forwarded to the Chief Elected Officials of all Consortium municipalities; the Erie County Legislature; the Erie County Executive; the Commissioner of the Department of Environment and Planning; the Erie County Attorney; the Director of the Erie County Industrial Development Agency, and the President of the Buffalo Niagara Partnership.

Carried.

RESOLUTION 391 Establish the National Incident Management System as the Town of Evans' standard for incident management

Councilman Bartus moved and Councilman Erickson seconded,

WHEREAS: the President of the United States, in Homeland Security Directive (HSPD)-5 directed the Secretary of Department of Homeland Security to develop and administer a National Incident Management System which would provide a consistent nationwide approach for Federal, State, County, Local and Tribal Governments to work together more effectively and efficiently to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size of complexity, and

WHEREAS: the collective input and guidance from all Federal, State, County, Local and Tribal emergency agencies and personnel coordinate their efforts to effective and efficiently provide the highest levels of incident management, and

WHEREAS: HSPD-5 required Federal departments and agencies to make adoption of the NIMS by State, County, Local and Tribal organizations a condition for Federal preparedness assistance in fiscal year 2005 and beyond, and

Meeting #23
December 21, 2005
page 227

WHEREAS: to facilitate the most efficient and effective incident management, it is critical that Federal, State, County, Local and Tribal organizations utilize standardized terminology, standardized organized structures, interoperable communications, considered action plans, unified command structures, unified personnel qualifications standards, uniform standards of planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters, and

WHEREAS: the NIMS standard and procedures for managing personnel, communications facilities and resources will improve the State's ability to utilize federal funding to enhance county, local and state agency readiness, maintain first responder safety, and streamline incident management training processes, and

WHEREAS: the Incident Command System (ICA) components on NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training program, and

WHEREAS: the National Commission on Terrorist Attacks (9-11 Commission)

recommended adoption of a standardized Incident Command System,

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans Supervisor and the Evans Town Board by the authority vested in them under the laws of the State of New York does hereby establish the National Incident Management System (NIMS) as the Town of Evans standard for incident management,

AND BE IT FURTHER

RESOLVED: that the Town of Evans Supervisor and the Evans Town Board by the authority vested in them under the laws of the State of New York does hereby establish the National Incident Management System (NIMS) as the Town of Evans standard for incident management, and

BE IT FURTHER

RESOLVED: that a certified copy of this resolution be forwarded to the Erie County Department of Emergency Services.

Carried.

RESOLUTION 392 Adopt Erie County All-Hazard Mitigation Plan as the Towns' All-Hazard Mitigation Plan

Meeting #23
December 21, 2005
page 228

Councilman Bartus moved and Councilman Govenettio seconded,

WHEREAS: the Town of Evans, with the assistance from the County of Erie Department of Emergency Services, has gathered information and prepared an "All Hazard Mitigation Plan" and

WHEREAS: the Town of Evans, has been prepared in accordance with the Disaster Mitigation Act of 2000 and under the direction of the County of Evans; and

WHEREAS: the Town of Evans is a local unit of government that has afforded a task force an opportunity to comment and provide input in the Plan and the actions in the Plan, and

WHEREAS: the Town of Evans has submitted its portion of the Plan and affirms that the Plan will be updated no less than every five years,

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans, adopts the Erie County All-Hazard Mitigation Plan as the jurisdiction's All-Hazard Plan, and resolves to execute the actions in the plan.

Carried.

Supervisor Catalino thanked Lt. Danzi who is the Town's Disaster Coordinator for working on this project.

RESOLUTION 393 Declare surplus equipment

Councilman Govenettio moved and Councilman Bartus seconded,

RESOLVED: that a 1987 Idaho Norland snowblower ID#3200T-THC-H20 be declared surplus equipment.

Carried.

RESOLUTION 394 Town Licenses

Supervisor Catalino moved and Councilman Govenettio seconded that all licenses applied for be approved pending the approval of the Chief of Police and Department of Health as follows:

Evans Land Corp. D/B/A Grandview Golf Course - refreshment
Chui Hung Wong D/B/A Derby China King Restaurant - refreshment
Robert J. Insalaco D/B/A Bobbo's Tacos and Subs - refreshment
Robert J. Insalaco D/B/A Bobbo's Tacos and Subs (Patio) - refreshment
William J. Connors D/B/A Connors Hot Dog Stand - refreshment
William J. Connors D/B/A Connors Hot Dog Stand (St Pt Marina) - refreshment

Meeting #23
December 21, 2005
page 229

Marie T. Mogavero D/B/A Meadowbrook Restaurant & Bar Inc. - refreshment, amusement & live band
Thomas J. Eoannou D/B/A Point Breeze R.V. Resort - refreshment, amusement & live band

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

RESOLUTION 395 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:

GENERAL	2285-2698	62,921.41
PART TOWN		2285-2698
		50,305.70
HIGHWAY	2285-2698	27,309.73
WATER	2285-2698	12,113.19
COMMUNITY DEVELOPMENT	2285-2698	495.94
SPECIAL DISTRICTS		2285-2698
		66,972.96

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

RESOLUTION 396 Adjournment

Supervisor Catalino moved and Councilman Erickson seconded to adjourn to Wednesday, December 28, 2005 at 5:00pm for a work session and then to the Organizational Meeting on Wednesday, January 4, 2006 at 6:00pm with the regular scheduled town board meeting immediately following. Everyone is invited to attend the swearing in ceremony for elected officials on December 30, 2005 at 4:00pm at the Evans Town Hall.

Carried.

Respectfully submitted

Lynn R. Stoessel
Deputy Town Clerk

Carol A. Meissner
Town Clerk