

## **INDEX – January 12, 2009**

**VISITORS:** Brian Campbell, *Hamburg Sun*; Stephen Brachman, *Buffalo News*; Richard and Joyce Bulera; Laurie Rietz

**COMMUNICATIONS:** Association of Erie County Governments meeting January 22<sup>nd</sup>; Village Officials meeting on January 15<sup>th</sup>; NYCOM Legislative meeting February 22-24<sup>th</sup>; Hamburg Sun article on Desperado's BBQ; nomination requests for Citizen of the Year; Justice Court grant; low-income housing grants that are available; working on making the Emblem Building available for buyers; no dental insurance rate increase; National Grid overpayment; Engineer report on South Main waterline break; ad in Penny Saver regarding Wal Mart costing Village Tax Payers money; storm-water and drainage issues

**TRUSTEE HOUSTON:** Proposed tax initiative to homeowners remodeling their homes; designate annual NEST Representative; Southtowns Rural Preservation meeting on 2/13; green arrow on Eden-Evans Center and Route 20; Christmas in the Village report; Angola Theatre expanded hours; completed NIMS training through FEMA

**TRUSTEE DEJOHN:** Excused

**TRUSTEE WILSON:** NEST meeting report; encouraged all to review Wal Mart plans before January 15<sup>th</sup>; Grant for Generator lower than requested;

**TRUSTEE TUBINIS:** No report

**MAYOR FRAWLEY:** Congratulated Trustee Houston, Jack Heinrich and Richard Carlson for 50 years of service to Angola Fire Department; Façade extension to January 16<sup>th</sup>

**ATTORNEY:** prepared local law for water policy; Sale of Water Plant

**POLICE:** High Street tenant issues; traffic study done on Franklin and Mark Lane; commended DPW and Fire Dept for snow melt-down performance at Herman Park; traffic light at Eden Evans-Center and Route 20; Magnetometer at Town Hall for protection during Court & Board Meetings

**GENERAL CREW CHIEF:** Snow plowing doubled; Salt supply still good; commended by Mayor for great service; dead tree removal completed;

**FIRE COMMISSIONERS:** High School Band can and bottle drive report; EMT training conducted upstairs; Thanked Fire Department for pumping out basements during flood; Siren on Commercial Street fixed, working on time issue; Question as to why Evans Center did not call out Angola's aerial truck for a fire on Sturgeon Point road;

**CODE ENFORCEMENT:** Excused – People Inc. has received their permit and should start Senior Housing in February

**CLERK TREASURER:** Clerks' Luncheon on January 13<sup>th</sup>; on-line training for Planning and Zoning Board members;

**PLANNING:** Will be preparing something for the Village newsletter

**ZONING:** Thanked those involved in the flooding issue

**OLD BUSINESS:** Sale of Water Plant; Thruway Water; Senior Housing; Intercontinental Building; Veterans Exemption; Library Addition; Railroad Ave Streetlight Study

**NEW BUSINESS:** Gallo-Goya waterline; Engine Room heaters

### **RESOLUTIONS:**

- 1) **Declaring Slum and Blight on a Spot Basis**
- 2) **Authorize Clerk to Publish Election Notice**
- 3) **Authorize Clerk to Publish Election Notice in Angola Penny Saver**

**MEETING MINUTES**  
**Village of Angola Board Meeting**  
**Monday January 12, 2009 – 7:00 P.M**

At a Regular meeting of the Village Board of the Village of Angola held at the Village Hall, 41 Commercial St. Angola New York, County of Erie, on January 12, 2009 at 7:00 PM, there were

**PRESENT:** Mayor – Howard Frawley; Trustees – William Houston; Anne Marie Tubinis; and John Wilson. Excused was Trustee Denise DeJohn

**ALSO PRESENT:** Linda Giancarlo – Clerk-Treasurer; Jeffrey Kaminski-DPW Crew Chief; Andrew Yusick, Village Attorney; Lynne Kaminski – Fire Department Commissioners; Paul Cooper- Zoning Board Chairman; William Herold-Planning Board Chairman; Chief Ernest Masullo-Evans Police Department; Donald Gallo-Village Engineer. Excused Charles LaBarbera-Code Enforcement Officer

**GUESTS:** Brian Campbell-Hamburg Sun; Stephen Brachman-Buffalo News; Richard and Joyce Bulera; Alice Douglas; Laurie Rietz.

**PLEDGE OF ALLEGIANCE:** was led by Alice Douglas.

**MEETING CALLED TO ORDER AT 7:00PM:**

**APPROVAL OF MEETING MINUTES OF DECEMBER 8<sup>th</sup> and DECEMBER 17<sup>th</sup> 2008, MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE TUBINIS, UNANIMOUSLY CARRIED**

**VISITORS:**

**1. Laurie Reitz- 70 Terrylynn-**

- Complained of unusual large amount of flooding at her home which caused her to lose many valuables and appliances in basement, she voiced her concern of this being caused by the new layout for the Beachwood Harbour subdivision and questioned whether the plans were put together correctly.
- Complained of lack of development in the Franklin Street subdivision, she thinks that this is causing weather damage to her home as well.

**2. Richard Bulera-72 Terrylynn-**

- Voiced same complaint for flooding in the area. They stated that it has not been this bad the past forty years that they know of.

**Donald Gallo**-Village engineer-reported: there was an unusual amount of snow melting and some rain which caused severe flooding in many areas.

**William Herold**-Planning Board-reported: according to the details of the plans, they went through the planning process and the engineering process and then to the developer. He is not sure if the layout has anything to do with the flooding or if it was caused by a change in the parking lots on the school property which runs behind this area, but will look at complaint.

**The Board** requested that the Planning Board Chairman, the Engineer and the Developer work on a report on this area and the flooding and drainage problems and supply said report to the Village Board. The Clerk will submit report to the above owners.

**3. Alice Douglas-76 Railroad-**

- reported that she is a girl scout leader and the girl scouts are planning an “Amazing Race” in the Village of Angola. She wants to use Gazebo and Herman Parks. The Clerk informed her of the permits to fill out and explained there was no charge to use the Gazebo. The board commended the girl scouts for such a project and welcomed this event. It will be held in May.

- Complained that it took 3 months to get a school bus turn-around re-established on Railroad Avenue. Was concerned as to the children's safety with no sidewalks, only a few streetlights and a sex offender living in the area.
- Ms Douglas Commended Trustee DeJohn for pushing this along and stated that we need more Trustees like her on the Board.

**Mayor Frawley**- explained the process of getting a new location and an easement for the new turnaround area, this trouble as to the need for a new turnaround was due to a uncooperative neighbor.

Ms Douglas stated that the turnaround is now working well, the buses are using it, and she extended her gratitude.

**Trustee Houston** stated that the Board is waiting for a reply from National Grid as to adding some more streetlights on Railroad Avenue.

No other comments from the floor.

## **COMMUNICATIONS:**

### **Mayor Frawley reported the following:**

- Association of Erie County Governments dinner, January 22, 2009 at Romanello's South.
- He will be attending the Village Officials meeting January 15.
- Reported that the NYCOM Winter legislative meeting will be held February 22-24 in Albany, he will be attending and plans to travel by train.
- Commented on the nice, large article the Hamburg Sun had in their January 1<sup>st</sup> edition regarding Desperado's BBQ located in the Village of Angola.
- Read a notice from the Evans Brant Chamber of Commerce requesting nominations for Citizen Of The Year.
- Mentioned that the New York State Justice Court Assistance Program awarded nine area Justice court grants, one being the Village of Angola.

**Clerk Giancarlo** commended the Court Clerk Terri Bergum for her work on the grant and the award of approximately \$5100.00 which has already been received from the State.

### **Mayor Frawley continued**

- The Mayor announced that the Southtowns Rural Preservation Company is accepting application for low income homeowners for grants to assist with needed home repairs, the paperwork is available at the Village Hall.
- Reported that he is working with Erie County, the Town of Evans, the Erie County Task Force and Community Development on getting the Emblem building, located on York Street (LaSalle Street) ready and affordable for interested buyers.

### **Trustee Houston** reported the following:

- Commented on the letter the Village received from the current dental insurance carrier, Delta Dental, that there will be no rate increase for the Village this year.
- Reported on a notice from National Grid Corporation regarding a reimbursement from the Village for overpayment of utility taxes. This error of National Grid has affected all municipalities.

**Attorney Yusick** reported that he had been made aware this via the Clerk, and reported that NYCOM and more highly effected forms of government are handling the claim, the Village will wait for a report.

- Trustee Houston continued his report: mentioned a report generated by the Village Engineer pertaining to the South Main water line break, the engineers report stated that this is a part of the old water line, which he reports is not attributed with the new lines put in on Friend Street 4 years ago.
- Stated his disappointment of a small ad put into the Angola Pennysaver referring to the Walmart Project and how page 14 of the plans shows the cost to Village taxpayers at \$40,000.

:

- He said the ad was completely wrong, and anyone can see in the plan book, located at the Village Hall on page 14 the plans calls for Walmart to tap into the Village Water lines which will cost Walmart approximately \$40,000 for engineering services through the Village. He stated that the cost is to Walmart not the Village, and expressed his disappointment over how small comments like this in the paper can be totally wrong and misinforms the public and causes negative impact. Reported that the plans are at the Village Hall for anyone to review.

#### **Mayor Frawley continued**

- Discussed legislative initiatives and grant moneys available for storm-water and drainage issues. These could be positive projects to help with some of the water and storm-water plans being generated for the Walmart Project and can also impact drainage issues on Terrylynn Drive previously discussed in the visitor's section.

### **DEPARTMENT HEADS COMMITTEE REPORTS:**

#### **TRUSTEE HOUSTON**

- Reported that Town of Evans Economic Development has met with the Lake Shore School Board to discuss their plans regarding a property tax initiative to homeowners for remodeling or upgrading their homes, this initiative will apply only to the cost of the *new* work that is done on their homes, does not include existing structure assessment. This program is only in a discussion phase and he will report as things progress.
- Attended the NEST meeting, with Trustee Wilson. Stated that it is time for the Village to designate the annual NEST representatives from the board, this should be done at the next board meeting.
- There will be a Southtowns Rural Preservation meeting Friday, February 13<sup>th</sup> to discuss agri-tourism.
- Reported that the green arrow installed on the Traffic Light on Eden-Evans Center Road at Route 20 is working well, he will be working with Chief Masullo to generate a letter requesting an arrow on both sides.
- Announced that the celebration of Christmas in the Village went very well. Thanked the Friends of the Village organization for an outstanding job.
- Reported that the Angola Theater is expanding hours and will have a second (9PM) show on Friday and Saturday nights.
- Reported that he has completed the required NIMS training course through FEMA emergency Management Institute and turned in a copy of the certificate to the Village Clerk. This course has now been completed by all employees and Board members as required by FEMA.

#### **TRUSTEE DEJOHN –EXCUSED**

#### **TRUSTEE WILSON –**

- Reported that he and Trustee Houston attended the NEST meeting, and commented on the NEST organizations information regarding recycling and the importance and benefits of recycling in the home. He found it very interesting. He also reported that they held their annual elections, and all went well.
- Informed the Board and the Clerks Office, that the Walmart Plans as displayed in the book at the Village Hall, must be reviewed and any input or comments need to be made to the Town Planning Board before Thursday morning, January 15<sup>th</sup>. The Board requested that Engineer Donald Gallo review these plans before this date and reply as may be so required.
- The Village received a \$6,600 grant for a new generator which is well under the approximately \$20,000 request. Trustee Wilson asked the DPW Crew Chief to see what kind of generator we can get with this money and report to the board.

## **TRUSTEE TUBINIS: No report**

## **MAYOR FRAWLEY –**

- Congratulated Trustee Houston, Jack Hienrich and Richard Carlson for there 50 years of service celebration with the Angola Fire Department.
- The Façade program, offered through Economic Development of Erie County, has offered an extension to the Village Business's until January 16<sup>th</sup>. He is hoping the local business's get on board with this program. Has talked to several interested business owners, and is hoping the County will still offer this program if the Village does not get the 5 needed business's up front. He stated that the Village may end up with only 3 interested parties, but others may join once the project is started.

## **ATTORNEY YUSICK-**

- Prepared a local law for the water policy, there was a conflict of the Code verses the adopted Policy- will have it prepared for the next board meeting.
- Sale of Water Plant- near completion.

## **POLICE- Chief Ernie Masullo**

- Reported his concern of the quality of life on a High Street property in the Village. There have been many issues and the police have answered over 100 calls to this residence. He has been working with the Code Department and the Owners, and violations have been issued. He hopes this is resolved soon.
- Conducted a traffic survey on Franklin and Mark Lane as requested by the Safety Committee and the Village Board, in response to a letter generated by a concerned resident, Jonica DiMartino. The survey reports a large amount of traffic and approves the need for the requested 3 way stop sign.

**Trustee Houston** asked Attorney Yusick to prepare a local law for 3 way stop signs, at Franklin Street and Mark Lane, and also to include the northern portion of Parkside Avenue from it's intersection with Woodland Pkwy north to dead-end to establish "No-Parking on both the East and West sides of Parkside" to it's dead end. The original thought of changing parking regulations on Lorain Street is not needed at this time.

(Chief Masullo cont'd)

- Commended the Village DPW, the Angola Fire Department and the residents for working with the Police Department during the big snow meltdown and flooding throughout the Village and for the closing of Herman Park were the water in the creek became very high and safety became a big concern. They were able to put the "Emergency Management System" into effect and he was happy to report it worked very well, everything was resolved very quickly.
- Will be asking for Trustee Houston's assistance in revisiting the traffic light on the corner of Eden-Evans Center Road and Route 20. He has seen a significant drop in fatality's at this location and would like to lower the accident rate even more by having an arrow on both sides of the light, currently the DOT has installed a green arrow on one side only.
- Announced that the Town Hall will be installing a Magnetometer to be used for Court nights and Town Board Meeting nights, to serve as a cautionary protection device.

## **GENERAL CREW CHIEF –**

- Snow plowing has doubled up this year, but the road salt supply is still good. He has not needed much salt yet.

**Mayor Frawley** commended The Crew Chief and stated that he has received many calls from residents stating how nice the DPW Crew has been doing in clearing the snow throughout the Village.

**Trustee Houston** reported that the removal of deed Trees has been completed, the stumps will be removed after the winter.

**Trustee Wilson** thanked the DPW for the sidewalks being cleared and for maintaining open communications with the board.

## **FIRE COMMISSIONERS – (Commissioner Beck-Excused)**

### **Lynne Kaminski-**

- Reported that the High School Band can and bottle drive on January 10 went very well
- Reported that EMT training is being conducted upstairs.
- Thanked the Fire department for handling the flooding issue, they were moving quickly to pump out basements.

**Trustee Houston** commented that the Main siren on Commercial Street has now been repaired. It still goes off at 11:15 instead of noon. Commissioner Kaminski said she was working on this problem.

**Trustee Wilson** reported that he has talked to a gentleman who is coming in to check the clock setting on the siren. He may be able to correct the problem.

**Trustee Houston** questioned why he heard of a report of a Fire at Sturgeon Point on January 2 at 5:30 and Scranton Fire Department was called for a piece of aerial equipment in instead of Angola. It took them ½ hour to get to the area and still did not know the exact location right away. He thought this was a safety concern for the local residents, and asked why Evans Center didn't call Angola for the same equipment.

**Commissioner Kaminski** reported that this has been an issue right along, when a call for a fire at the Town Barns is made, Angola is the third call out, and Angola is the closest to the location.

**Paul Cooper**-as Town Councilman- offered his report that he feels there are some issues going on between the companies, but is aware that it is the Fire Chiefs call.

**Chief Masullo**- will look into this and report to the Board.

## **CODE ENFORCEMENT – excused.**

**Mayor Frawley** reported that he received a call from Code Enforcement Officer Chuck LaBarbera stating that People Inc. has received their permit to get started on the Senior Housing Project, it should be starting in early February, and they expect to be completed in 10 months.

## **PLANNING – Chairman William Herold reported –**

- He will be preparing something for the Village newsletter, as requested.

## **ZONING – Chairman Paul Cooper reported-**

- Thanked the Evans Police Chief Masullo, the Evans Police Department and Fire Companies and all involved with the quick response to flooding in the Village. He stated that Chief Masullo was right in there in knee deep water helping with the situations.

## **CLERK-TREASURER –**

- Reported she will be attending a Clerks luncheon tomorrow, January 13, in Blasdell, and will be discussing the new election machines.
- Reported that the board received a letter from Dept. of Environment and Planning offering on-line training courses for the needed 4-hour training for the Planning and Zoning Boards, but board approval is needed to accept this form of training.

**MOTION MADE BY TRUSTEE HOUSTON SECONDED BY TRUSTEE WILSON TO ACCEPT THE ON-LINE TRAINING COURSES AS VIABLE TRAINING FOR BOTH THE PLANNING BOARD AND THE ZONING BOARD, UNANIMOUSLY CARRIED.**

**Attorney Yusick** will talk to Sandra Brant about this and related training given by the Town of Evans Planning Office.

## **OLD BUSINESS:**

1. Sale of Water Plant-discussed
2. Thruway Water- Mayor Frawley, Trustee DeJohn and Trustee Houston met with Bonnie Lockwood of Congressman Brian Higgins office, and Tom Pericak from the NYS Thruway Authority to resolve this issue. Some proposals to settle have been brought forth, will report as things progress.
3. Senior Housing-February ground breaking planned
4. Intercontinental Building could be sold, need Erie County to work on settling.
5. Letter to Town/Veterans Exemption-discussed, decision to be handled at next board meeting.
6. Library addition- Library may need to generate letter to organizations for financial assistance.
7. Railroad Ave Streetlight Study-discussed

## **NEW BUSINESS:**

1. Gallo-Goya waterline- Trustee Houston and Grant writer Lori Szewczyk meeting with ECIDA on Tuesday January 13<sup>th</sup>. This can go onto next month agenda for a Member Item request.
2. Engine Room Heaters-Trustee Wilson and Mayor Frawley reported the Fire department is in need of new heating, the current heat is not working properly and the type of heat is drying out and damaging the hoses. Follow-up to come at the February meeting to resolve issue.

**MAYOR FRAWLEY** reported that Lori Szewczyk, of the Town of Evans, is looking for the support of the Village Board in applying for an environmental study on some of the vacant and abandoned properties located in the Town and Village. This would be a phase 1 and phase 2, site assessment study, and the Town would act as lead agency in applying for the study grant. This will be a first step in removing the obstacles that are keeping these properties from potential buyers. The Emblem and the Duriron properties are under consideration for this project.

**Attorney Yusick-** reported that Lori Szewczyk is not ready for the resolution yet. He will review the legalities, talk with the town, and inform the board.

## **RESOLUTIONS BEING OFFERED JANUARY 12, 2009**

**Offered by Mayor Frawley**

### **#1 Declaring Slum and Blight on a Spot Basis**

**WHEREAS**, the Village of Angola is concerned about the economic viability of slum and blighted areas within its municipal limits, and

**WHEREAS**, the slum and blighted area projects a negative visual image of the community and has a negative impact on surrounding property values, and

**WHEREAS**, the economic, social, physical, and cultural well being of the Village is adversely affected by the conditions of this slum and blighted area, and

**WHEREAS**, the following detrimental conditions have been identified which qualify the area under the State law and Community Development Block Grants requirements:

The Industrial structure located on the property have been vacant for approximately 15 years; the property has been subject to vandalism; 90% of the windows and doors have been broken, pipes smashed and some signs of roof damage - looters have stripped the electrical wire, pipe and conduit; there has been a significant decrease in property value in relation to comparable industrial properties; the property is subject to significant tax, mortgage and utility liens; there is unknown/suspected environmental contamination; and, the property has been secured to prevent further damage and deterioration.

**NOW THEREFORE, BE IT RESOLVED**, that the following area is designated a "Slum and Blighted Spot" 1.10 acres of Industrial land located on LaSalle Street (**SBL# 235.20-1-**

21), Angola, commonly referred to as the former Emblem Bicycle Facility, which consists of a 57,000 square feet – four floor Industrial building. **MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE TUBINIS, UNANIMOUSLY CARRIED**

**#2 AUTHORIZE CLERK TO PUBLISH ELECTION NOTICE**

**Be It Resolved** that the Village of Angola Board of Trustees does hereby authorize the Clerk-Treasurer to publish, pursuant to Section 15-104(3)(b) and Section 15-104(4) of the Election Law that:

1. The General Village Election of the Village of Angola will be held Wednesday, March 18<sup>th</sup>, 2009, and
2. The polling place for the single Village Election District shall be the Village Hall, 41 Commercial Street, Angola, New York, and;
3. The hours during which the polls will be open shall be from 12:00 O'clock noon until 9:00 PM in the evening.

**MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

**#3 AUTHORIZE CLERK TO PUBLISH ELECTION NOTICE IN ANGOLA PENNYSAVER**

**RESOLVED** the Clerk is Hereby authorized to publish the November election notice stating offices to be filled at the march 18, 2009 general Village Election, into the Angola Penny Saver as follows:

**RESOLVED**, pursuant to Section 15-104 Subdivision 3(a) of the Election Law, the following offices will be vacant and are to be filled at the Wednesday March 18<sup>th</sup> 2009 election in the Village of Angola.

**VILLAGE JUSTICE - Four-Year Term**

**VILLAGE MAYOR –Four Year Term**

**TRUSTEE - Four-Year Term**

**TRUSTEE - Four-Year Term**

**TRUSTEE - Two-Year unexpired Term**

**MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

**AUDIT OF BILLS – MOTION MADE TO APPROVE THE BILLS BY TRUSTEE WILSON, SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED**

**MOTION APPROVING THE FOLLOWING:** General Fund Abstract #013, Checks #6724 to #6739 in the total amount of \$24,749.52 and General Fund Abstract #014, Checks #6740 to #6788 in the total amount of \$46,706.43 and plus Payroll #26 & #27; Water Fund Abstract #013, Checks #1725 to #1731 in the total amount of \$1,546.77 and Water Fund Abstract #014, Checks #1732 to #1742 in the total amount of \$33,397.29 plus Water Payroll #26 & #27.

**ADJOURN** to next scheduled Board meeting February 9, 2009 at 7:00PM and a 6:30 workshop if needed **MOTION TO ADJOURN MADE BY TRUSTEE HOUSTON,**

**SECONDED BY**

**TRUSTEE TUBINIS, UNANIMOUSLY CARRIED, MEETING ADJOURNED AT 8:15PM**

**Submitted By**

---

**Linda Giancarlo**  
**Village Clerk-Treasurer**