

INDEX – September 4, 2007

OATH of Office - Trustee DeJohn

VISITORS: Ron McPeck – Complaint of permit fees for Angola Variety, Garbage not picked up on N. Main
Rebecca Milsap – concerned about skateboarding on her property; removed sidewalk block in front of her home-High Street

COMMUNICATIONS: NONE

TRUSTEE HOUSTON: Rural Transit; Erie County Governments Association Meeting; stakes on village right-of-ways; letter to Legislator Reynolds; Village sidewalk plans; Theater renovations; CDBG ideas; Oatman store/house history; NYCOM Fall Conference; Erie County Water Plant tour

TRUSTEE DEJOHN: Welcomed

TRUSTEE WILSON: CSX Bridge follow-up.

TRUSTEE CARLSON – EXCUSED

MAYOR FRAWLEY: Appointment of Trustee DeJohn; appointment of Trustee Wilson as FD Liaison; Erie County Sewer Authority; Tax Lien Committee name change; Erie County Governments Association meeting

DPW- Award bid for replacement of roof on Village Hall

F/D COMMISSIONERS: Verizon bill/block; ladder truck; Christmas in the Village; Erie County elections at Station #2.

CLERK-TREASURER: Capital projects; FD hose insurance recovery; Code Book

NEW BUSINESS: Tire recycling

RESOLUTIONS:

- 1. Award Bid for K&L Demolition to Titan Wrecking**
- 2. Approve payment request by E&R for School/Maple Waterline**
- 3. Approve modified extension of Snow/Ice control contract with Erie County**
- 4. Authorize extension of Assemblage for Cruise Nights.**
- 5. Authorize Mayor to execute settlement agreement Pinto vs. Village of Angola**

MINUTES
Village of Angola
Regular Board Meeting
Tuesday September 4, 2007 – 7:30 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 September 4, 2007 at 7:30 PM, there were

PRESENT: Mayor - Howard Frawley; Trustees – William Houston, Denise DeJohn, and John Wilson, excused was Trustee James Carlson

ALSO PRESENT: were Linda Giancarlo-Clerk-Treasurer; Andrew Yusick-Attorney; Lynne Kaminski-Fire Commissioner; Elmar Kiefer-Accountant; Chuck LaBarbera- Building Department;

GUESTS: in attendance were Alice Escott (Town Crier); Ron McPeek; Rebecca Milsap.

PLEDGE OF ALLEGIANCE: was led by Trustee DeJohn

MAYOR FRAWLEY PERFORMED THE OATH OF OFFICE FOR NEWLY APPOINTED TRUSTEE DENISE DEJOHN

MEETING CALLED TO ORDER at 7:30PM

APPROVAL OF MEETING MINUTES OF August 20, 2007 Motion made by Trustee Houston, seconded by Trustee Wilson, **UNANIMOUSLY CARRIED**

VISITORS:

- Ron McPeek-N. Main Street reiterated his discussion from the August 20th Village Board meeting regarding the (\$261.00) permit fees for the Angola Variety Store to open in the old location of the Town Crier. He argued that the fee is high for an existing business. He provided a hand out to the board with fee schedules and stated that he spoke with the Village of Hamburg and the Department of State, and according to Mr. McPeek, they both agreed that such a fee was uncalled for. He again stated that there were no structural changes made. Code Enforcer Charles LaBarbera stated that the Village adopted its own codes and that the State code does not pertain to this issue. The board also provided Mr. McPeek the report they asked the Code Enforcer to provide as approved at the last board meeting. Mr. McPeek disagreed with the board and the report and stated that it did not pertain to his issue. The board suggested that the Attorney meet with the Code Officer, the Department of State and a board member to review and resolve this issue.
- Rebecca Milsap- High Street- stated that she is concerned over skateboarders on her property. After calling dispatch, they told her it was allowed. After reviewing the law, she found that it was NOT allowed. She asked the board to do something to resolve this issue. She does not want to create any more bad blood with her neighbors. Trustee Houston stated that the local law DOES NOT allow skateboarding in that area, and will work with the Village Clerk to put a reminder in the local papers. Ms Milsap also asked if the sidewalk in front of her home can be repaired, Trustee Houston reminded her to continue to contact the Gas Company and stay on top of it, and he will also follow up with the gas company.
- Ron McPeek asked why his garbage was not picked up today on N. Main. The Clerk will call the garbage contractor. There may have been a mix up due to the Holiday.

COMMUNICATIONS:

- NONE

DEPARTMENT HEAD/COMMITTEE REPORTS:**TRUSTEE (Deputy Mayor) HOUSTON –**

- Attended the Rural Transit Van Services, Luncheon, mentioned our local resident Eber Inman received an certificate from Rural Transit for his dedicated Van Service inspecting the wheel chair unit. Trustee Houston presented the certificate to Mr. Inman.
- Stated that he and Mayor Frawley attended the Erie County Governments Association meeting. Discussion was on the 1% sales tax distribution from Erie County. Trustee Houston stated that the County wants to leave this new 1% distribution as it is.
- Previous stake issue on the Village right-of-Ways is nearly resolved.
- North Main Street sidewalk plans from Center to Maple Street are moving along.
- A meeting is planned with Lori Szewczyk, Claddagh Commission and Trustee Houston to discuss New Angola Theater Renovations. Another CDBG funded project.
- Will also discuss K&L demolition with Mr. Gallo at a pre job meeting on Thursday September 6.
- Asked the Board to start thinking of some Grant ideas for the next round of Erie County CDBG funds. A meeting should be scheduled soon.
- Mentioned the article in the Penny saver, “Scenes from the Past” that showed the old Oatman House on N. Main Street. The Village of Angola 134 years and 5 days old today!
- Will be attending the NYCOM fall training conference from September 17 through the 21, so he will not be at the next board meeting.
- The Erie County Water Authority held their tour of the Derby Plant, August 22. Christine Mittner, part-time clerk, attended and found it interesting

TRUSTEE DEJOHN –

- Mentioned her appreciation to Mayor Frawley for appointing her as Village Trustee, thanked the Village Board for the welcoming phone calls, and the Village Clerks office for the warm welcome. She also thanked her husband for his full support.

TRUSTEE WILSON –

- ♣ Stated that he has heard nothing back from CSX Railroad regarding the broken and crumbling concrete falling into Big Sister Creek from their Bridge. He stated his concern with fisherman and soon to come snowmobilers. He will follow up and stay on top of this issue.

TRUSTEE CARLSON –Excused**MAYOR FRAWLEY-**

- Welcomed Trustee DeJohn. Stated that she will take over all the duties of former Trustee Mike Stockman, except the appointment of Fire Department liaison. He asked Trustee Wilson to take over that position. Trustee Wilson accepted.
- Mentioned his discussion with Erie County over the installation of sewers in the area. They told him that they will not install sewers unless it is for a very large area. The area Mayor Frawley planned for was not large enough.

- Tax Lien committee has a new name, it is now called the “Distressed Real Property Division”. The next meeting is scheduled for September 26 in Cheektowaga
- Erie County Governments Association meeting is scheduled for September 27th in Clarence, he will not be able to attend, he will be out of town for the NYCOM Executive Board meeting.

ATTORNEY –

- No Report

POLICE – Excused

GENERAL CREW CHIEF –

- ♣ Began the Village Street paving today.
- ♣ Received one estimate on the roof replacement for the Village Hall. He stated he has contacted a few other companies and they have not returned his calls or have even attempted to give him a proposal after several requests. The Board stated that as long as he has documentation of his attempts, they will offer the job to the one company that did respond. Motion made by the Board to accept the proposal from said company in an amount of \$12,304.00. **MOTION made by Trustee Wilson, seconded by Trustee Houston, UNANIMOUSLY CARRIED**
- ♣ Trustee Houston asked that the DPW pull out the electric plans for the new Commercial Street Lights as they will arrive in early October.

FIRE COMMISSIONERS –

Lynne Kaminski

- Requested that the Verizon bill that the Clerk gave her with long distance charges, should be blocked and used for local calls only. This is a station 2 phone and no long distance calls should be made from that location.
- Stated that the Ladder Truck is coming along nicely. The Village Board is welcomed to come and see it in action as they hold Wednesday night practices with the new truck.
- Stated that she has been working with the Friends of the Village on Christmas in the Village. The date is set for December 8th. Hub will make plans for the Village lighting. Commissioner Kaminski stated that the Fire Hall will have Santa here and provide fire truck rides for the kids. Motion made by Trustee Wilson seconded by Trustee DeJohn to approve Friends of the Village to utilize the Fire Hall for this celebration and approves Santa and the fire truck rides. Unanimously Carried.
- TRUSTEE HOUSTON asked if the County has called to schedule the use of station #2 for the Primary elections. Both the Clerk and the Commissioner have not heard from the County, the Clerk will call the county.

CODE ENFORCEMENT –

- Paglia property-114 South Main- Court date scheduled in October
- White House –135 North Main-pending
- 65 North Main- violation issued
- Emergency Generator-permit required- just information, can remove from agenda.
- Trustee Houston mentioned 28 Mill Street, former Mecca property; as well as 17 and 29 Washington Street, all need work.

PLANNING – Excused-

- Working on Temporary Signs and Windmills.
- Goya project is underway

ZONING –

- Clark-Brant Garage- no report
- Variance for resident who wants to raise a few chickens, scheduled for October

CLERK-TREASURER –

- Welcomed Trustee DeJohn.
- Working with Elmar Keifer on accounting for the capital projects
- Insurance recovery for the Fire Dept. hose damage, came in from Selective at just over \$11,000.00. Loss occurred when a full hose bed of hose “reeled off” when truck was on Route 5 in Hamburg.
- Code Book update is near completion, waiting for Attorney Yusick to complete final paperwork.

OLD BUSINESS: 1. Sale of Water Plant – Attorney waiting for reply from the State. Agrees with Mayor Frawley that the Mayor make a contact for political support.
2. Thruway Water- contacted engineer last week- waiting for a return call
3. Senior Housing- pending, Mayor will contact Congressman Higgins
4. Intercontinental Bldg, Commercial St.- 3 interested buyers. Attorney Yusick following up.
5. Removal of Stakes on Village Right-of-Ways- Remove, resolved

NEW BUSINESS: 1. Tire Recycling- MOTION made by Trustee Houston, seconded by Trustee Wilson to approve the annual tire recycling program.
Trustee Houston will set-up and schedule.

RESOLUTIONS OFFERED FOR SEPTEMBER 4, 2007

#1 AWARD BID FOR K&L DEMOLITION/RESTORATION

WHEREAS, the Village Board of the Village of Angola has received four (4) bids for the K&L Demolition/Restoration Project, a Restore NY funded (90%) project, and

WHEREAS, after full review of all Bids at an Advertised Bid Opening on August 29th 2007 at 10:00AM, and upon recommendation of the Village Engineer, be it

RESOLVED that the Village of Angola Board of Trustees hereby awards the lowest bid in the amount of \$110,000.00 (one hundred ten thousand dollars) from Titan Wrecking & Environmental, LLC Inc. of 262 Woodward Ave. Kenmore, New York for the said K&L Demolition/Restoration Project, as advised by the Village Engineer and contingent upon approval from the State of New York. **MOTION MADE BY TRUSTEE HOUSTON SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

#2 APPROVE PAYMENT REQUEST TO ERIE COUNTY CDBG FOR E&R GENERAL CONTRACTING INC. SCHOOL ST. WATERLINE

WHEREAS, the Village Board received two bills from E&R General Contracting Inc. totaling \$95,803.00 payment in full, for completion of the School Street Maple Street Loop Waterline Replacement Project, and

WHEREAS, the Village Board authorizes the Village Clerk to submit a payment request to Erie County CDBG for said amount, now

THEREFORE BE IT RESOLVED, the Village board authorizes payment of \$95,803.00 to E&R General Contracting Inc. as payment in full, pending funds to be received from Community Development Block Grant funds from the Erie County as per contracted.

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

#3 APPROVE MODIFIED AND UPDATED EXTENSION OF THE SNOW AND ICE CONTROL AGREEMENT WITH ERIE COUNTY

WHEREAS, the County of Erie, pursuant to Comm. 14E-11 dated June 2, 2005, relating to the control of snow and ice on County roads by towns and incorporated villages, entered into a two-year agreement with local municipalities for such purposes, and

WHEREAS, the said agreement expires August 31, 2007 at a lane mile reimbursement rate of \$2,532.00, and

WHEREAS, it would be in the best interest of Erie County to extend the agreement at a lane mile reimbursement rate increasing by five percent each year for an additional three year period,

NOW THEREFORE BE IT RESOLVED, that the Erie County Legislature hereby authorized such extension of the Snow and Ice Control Agreement, as modified and updated, at a lane mile reimbursement rate increasing five percent each year for an additional three year period, to expire August 31, 2010, payable from adopted Division of Highways O&M budgets in amounts as indicated below:

September 1, 2007 through August 31, 2008	\$2,658.60 per lane mile
September 1, 2008 through August 31, 2009	\$2,791.53 per lane mile
September 1, 2009 through August 31, 2010	\$2,931.11 per lane mile

BE IT FURTHER, RESOLVED, that the Clerk of the Village of Angola is hereby directed to transmit three (3) certified copies of the forgoing resolution to the Commissioner of Public Works, one (1) certified copy each to the Deputy Commissioner of Public Works-Division of Highways, County Comptroller, County attorney, and thirty-five (35) certified copies for distribution by the Department of Public Works to the participation local municipalities.

MOTION MADE BY TRUSTEE DEJOHN SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED

#4 AUTHORIZE ASSEMBLAGE APPLICATION EXTENDING CRUISE NIGHTS

RESOLVED that the Village of Angola Board of Trustees approves the application requesting the following for an extension on an Assemblage Permit in accordance with established terms and conditions:

Tony Troidl, Cruise Night to continue every Thursday Sept 1 through September 30th 2007 from 6:00 to 9:00 P.M. with cars parked on North Main Street between Center Street and School Street (Lake Street to School Street) only if a super cruise is scheduled) and music via live performance and/or sound system. Assemblage application requests that North Main Street be closed at 5:30 PM only allowing participating vehicles to enter. Angola DPW, Angola Police, Angola Fire Dept and the NFTA will be notified accordingly. **MOTION MADE BY TRUSTEE WILSON SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED**

#5 AUTHORIZE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT

BE IT RESOLVED, that the Mayor is Authorized to execute a settlement agreement in the matter of Pinto vs. the Village of Angola

MOTION MADE BY TRUSTEE WILSON SECONDED BY TRUSTEE DEJOHN, UNANIMOUSLY CARRIED

AUDIT OF BILLS – motion made to approve the bills, **BY TRUSTEE DEJOHN SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED** regarding the following: **General Fund Abstract #6, Checks #5763 to #5779 in the total amount of \$12,084.39 plus Payroll #19; Water Fund Abstract; #6 Checks #1460 to 1463 in the total amount of \$630.25 plus Water Payroll #19; UNANIMOUSLY CARRIED**

MOTION TO ADJOURN to the next scheduled regular Board Meeting Monday September 17th 2007 at 7:30 with a possible 7:00 workshop if needed. **MOTION MADE BY TRUSTEE WILSON SECONDED BY TRUSTEE DEJOHN, UNANIMOUSLY CARRIED meeting adjourned at 8:40PM**

Submitted By

Linda D. Giancarlo