

INDEX – December 17, 2007

VISITORS: No comments

COMMUNICATIONS: Annual N.E.S.T. meeting, Association of Erie County Government's Resolution; NYSDOT Grant Program; Association of Erie County Government's Elections; American History Magazine; Justice Hontz Resignation; Rural Tourism Article; Angola Penny Saver Article.

TRUSTEE HOUSTON: Handicapped Parking Space; Christmas In The Village; Commercial Street Lighting; Southtowns Community Enhancement Coalition Party; 77 North Main Street, Community Development Block Grant Application; Sidewalk Installation-North Main Street; Claddagh Commission Theater Project; Erie County Water Authority Repair; Erie County Sewer Board Appointment; Article in American History Magazine.

TRUSTEE DEJOHN: Marketing Main Street Business District; Water Main Break

TRUSTEE CARLSON – no report

MAYOR FRAWLEY: Great Lakeshore Train Disaster of 1867 tourism sites; Southtowns Community Enhancement Coalition Meeting; Boys and Girls Club Impact Study 2012; Town of Evans Police Chief Appointment.

POLICE: Chief DeJohn- Contact Information; Monthly Reports.

GENERAL CREW CHIEF: Water Main Break; Increased Electric Usage Fire Station #2 and Pontiac Road Booster Station.

F/D COMMISSIONERS: Lake Shore Band Bottle Drive 2008; Fire Prevention Grant Application; Budget Concerns.

OLD BUSINESS: Water Plant; Thruway; Senior Housing; Intercontinental bldg

NEW BUSINESS: Air Compressor; Depot Project Grant Status; Court Audit;
Member Item Requests 2008

RESOLUTIONS:

- | | |
|--|---------------------------------------|
| 1. Water Shutoffs | 5. Special Election |
| 2. Sick Day Buyback | 6. Centennial Park Application |
| 3. Approve Payment – K&L Demo | 7. Penflex Service Agreement |
| 4. Resignation Amy Hontz | 8. Approve Waiver LOOM |

MINUTES
Village of Angola Regular Board Meeting
Monday December 17, 2007 – 7:30 P.M. & Public Hearings – 8:00 P.M. @ 8:05 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 December 17, 2007 at 7:30 PM, there were

PRESENT: Mayor Howard Frawley; Deputy Mayor – William Houston; Trustee Denise DeJohn; and Trustee James Carlson

ALSO PRESENT: Michelle Warren, Deputy Village Clerk; Andrew Yusick, Attorney; Jeffrey Kaminski DPW Crew Chief; Lynne Kaminski-Fire Department Commissioner; Chief Samuel DeJohn – Town of Evans Police Department; Paul Cooper, Zoning Board Chairman

GUESTS: in attendance were Alice Escott (Town Crier); Brian Campbell (Hamburg Sun)

EXCUSED: Trustee John Wilson; Code Enforcement Officer, Charles LaBarbera

PLEDGE OF ALLEGIANCE: was led by Chief Samuel DeJohn

MEETING CALLED TO ORDER at 7:30PM

APPROVAL OF MEETING MINUTES OF NOVEMBER 26, 2007 AND SPECIAL MEETING MINUTES OF NOVEMBER 28, 2007 MOTION MADE BY TRUSTEE CARLSON, SECONDED BY TRUSTEE DEJOHN, UNANIMOUSLY CARRIED

VISITORS:

- No Comments

COMMUNICATIONS:

Mayor Frawley presented the following items under communications:

- Announced Annual N.E.S.T. Meeting scheduled for Thursday, January 10, 2008 at Salvatore Italian Gardens. Trustee John Wilson and Trustee Denise DeJohn will be attending.
- Announced that the Association of Erie County Governments passed a resolution on December 6, 2007 seeking to amend the state law before it passes in 2008 to provide the future allocations of an extra 12.5 million dollars of sales tax revenue to be distributed to Towns and Villages based upon the twelve-month formula.
- Announced that the New York State Department Of Transportation has grants available for school systems. Trustee Houston stated that he and General Crew Chief Kaminski attended a workshop meeting on Tuesday, December 11, 2007 on the Safe Routes To School program. Stated there was only two million dollars allocated to our Region. Does not believe it will benefit the Village at this time. Also reported that the Beach Road sidewalks cannot be included under this as high schools are not eligible for the program.
- Announced that he was named as Vice-President of the Association of Erie County Governments.
- Announced the release of the February 2008 issue of American History magazine. Features an article on the Great Lakeshore Train Wreck of 1867-140th anniversary December 18th at 3:11 P.M.
- Read letter of resignation from Village Justice Amy Hontz effective January 15, 2008 as she is relocating to Fredonia, New York.

- Trustee Houston mentioned the Buffalo News published a very good article on December 11, 2007 regarding rural tourism. Contained some quotes from Lori Szewczyk, Director of Community Development for the Town of Evans.
- Trustee Houston reported that the December 9, 2007 issue of the Angola Penny Saver has an interesting article regarding some history of the building that is now the Angola Village Hall at 41 Commercial Street.

DEPARTMENT HEAD/COMMITTEE REPORTS:

TRUSTEE (Deputy Mayor) HOUSTON –

- Announced that General Crew Chief Kaminski will be ordering signage for a handicapped parking space to be assigned for Desperadoes Restaurant at 29 Commercial Street.
- Thanked everyone involved for their help with Christmas In The Village on December 8, 2007. Stated the event was a success. Thanked Crew Chief Kaminski for making the float for the parade.
- Thanked Crew Chief Kaminski for his part in the installation of the old fashioned lanterns on Commercial Street. They are wired and look very nice and bright. The new light was funded as part of a Member Item from Senator Volker.
- Attended the second Annual Holiday Party of the Southtowns Community Enhancement Coalition with Clerk-Treasurer Linda Giancarlo on Thursday, December 6, 2007. Mayor Frawley was also in attendance. It was a nice event.
- Richard Li, new owner of 77 North Main Street had questions regarding garbage pickup and electronic signage. Informed him that he pays two garbage fees on his taxes and therefore, can place sixteen items at the curb each week. Provided him with copies of the Village Code related to signage and requested that he speak with the Building Department for approval before placing any signage.
- Waiting to find out about the Community Development Block Grant application (CDBG) for 2008. Should hear something by the first week in January.
- Sidewalk installation was started on North Main Street between Center and Maple Street in order to lock in the funding. A bill will be submitted and the money carried over until next year. The project will be finished in the spring.
- Claddagh Commission is working on their project for the theater that was funded in the same way by the County. This project also began to lock in the balance of funding. Project to be completed next year.
- Asked General Crew Chief Kaminski if the Erie County Highway Department had done any work in regards to complaint of water standing on Albeeville Road. General Crew Chief Kaminski advised that the Erie County Highway Department was doing some work in that area but will follow up in the spring as to the resident's concerns.
- Asked Mayor Frawley if he has heard back on the possibility of being appointed to the Erie County Sewer Board. Mayor Frawley advised that he sent a letter to Erie County Executive Joel Giambra but has not received a response.
- Recommended people read the American History article on the Great Lakeshore Train Wreck of 1867 February 2008 issue written by Charity Vogel. It was very well done. Recommends we adjourn the meeting in memory of the passengers who died in the train disaster. He presented a copy of Ms. Vogel's article to be added to the official copy of the minutes from the December 17, 2007 meeting.

TRUSTEE DEJOHN –

- Has been approached by business people on how to market our Main Street. Would like to revisit the BID process. Would like to set up a workshop with the Planning and Zoning Board after the first of the year.
- Announced that there was a water main break on Monday, December 10, 2007 at Commercial and Washington Streets. Crew worked through the day and night until repairs were completed.

TRUSTEE WILSON – Excused

TRUSTEE CARLSON –

- No report

MAYOR FRAWLEY-

- Mentioned article in American History magazine regarding the Great Lakeshore Train Wreck of 1867. Contains very specific details regarding the train route all the way up to the crash site. Stated Charity Vogel from the Buffalo News did an excellent job. Committee is considering three tourism sites. One being a monument of John D. Rockefeller near the railroad tracks on Commercial Street, the other an observation area on Big Sister Creek on Gowans Road. Spoke with Mayor Byron Brown of Buffalo regarding a possible Monument at Forest Lawn Cemetery. Sent copies of the magazine to Congressman Brian Higgins, Senator Dale Volker and Erie County Legislator Robert Reynolds Jr. to keep them updated. Trustee Carlson stated that the Board had looked into the Gowans Road property previously but could not obtain the property as it was owned by three separate entities. Trustee Carlson also questioned the space mentioned for A Rockefeller statue on Commercial Street by the tracks. More information to follow.
- Attended Southtowns Community Enhancement Coalition meeting on Thursday, December 6, 2007. Discussed the Angola Nickel-Plate Depot Project. Believes our area was the first in the country to put seven municipalities together for a tourism program. Would like to be considered a model throughout the country.
- Attended a breakfast meeting on Tuesday, November 27, 2007. Discussed Impact Study 2012 being done for Boys and Girls clubs. Two possible sites being discussed. Jerusalem Corners and Most Precious Blood School on Prospect Street in the Village of Angola. More information to follow.
- Congratulated Samuel DeJohn on his appointment as Police Chief for the Town of Evans.

ATTORNEY –

- No report

POLICE – CHIEF SAMUEL DEJOHN:

- Made himself available anytime to the Village Board if there were any questions, concerns, etc. regarding police service.
- Publish a monthly report in the Town Crier that includes all activity for the Village of Angola. No separate report for the Village.
- Trustee Houston advised that the barriers have been removed by the railroad on Penn Avenue. Seems to be a hazard. Advised Chief DeJohn to let his officers know for their own safety.
- Stated there have already been 125 calls for service for the Village of Angola for the month of December for a variety of issues. Stated those records are available if anyone wants to see them.

GENERAL CREW CHIEF –

- Stated there was a catastrophic blowout of an eight- inch water main on Monday, December 10, 2007. Was the main right off of the water tower. Followed Emergency Response Plan and had water back to most customers within 30 minutes. Broke another valve in the process of repair. Both repairs were done by midnight. Everything went well and the weather cooperated.
- Mayor Frawley stated that the increased usage of power at Station #2 was related to daily activity of building new area in building and work on new ladder truck #6.
- Crew Chief Kaminski stated that the increased usage in electric at Pontiac Road Booster Station is normal for this time of year to keep the dehumidifier and heater running.

FIRE COMMISSIONERS –

- Commissioner Lynne Kaminski asked the Board to approve the use of Station #1 on Saturday, February 9, 2008 for the Lake Shore Central High School Band Bottle Drive. Stated she would provide the Village Clerk's office with the proper insurance certificates before the event. **MOTION made by Trustee Carlson, seconded by Trustee DeJohn, Trustee Houston ABSTAINED. UNANIMOUSLY CARRIED.**
- Stated Chuck Carlson has just applied for Fire Prevention grant for the company.
- Requested to speak to the Board in executive session regarding budget matters. Attorney Yusick stated that budget matters have to be discussed at a public meeting. Commissioner Kaminski stated that the \$45,000 allocated for the fire truck #6 has been spent. She requested two months ago that the Fire Department stop ordering parts for #6 as they were running over budget. Stated they have spent their entire budget for the fiscal year. **MOTION made by Trustee Carlson seconded by Trustee Houston to freeze all spending by the Village of Angola Fire department until further notice. UNANIMOUSLY CARRIED.** Mayor Frawley scheduled a workshop meeting with the Fire Chief, Fire Commissioners, Village Accountant, Village Attorney and the Village Board for Monday, January 7, 2007 at 6:30 P.M.

MOTION made by Trustee DeJohn, seconded by Trustee Carlson to adjourn the regular meeting and open the public hearing. UNANIMOUSLY CARRIED.

PUBLIC HEARING – 8:00 PM

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Angola, Erie County, New York will be holding a public hearing on December 17, 2007 at 8:00 p.m. for consideration of Proposed Local Law #4 for the Year 2007, which will amend Chapter 30, Zoning; Chapter 31, Subdivision Regulations; Chapter 38, Flood Damage Prevention; and Chapter 48, Public Works Standard of the Code of the Village of Angola, by adding a new Chapter 40, Storm Water Management to the Code, said Local Law seeks to reduce storm water pollution, enhance water quality and approve the aquatic habitats by requiring a storm water pollution prevention plan. Copies of the Proposed Local law will be available at the Office of the Village Clerk/Treasurer of the Village of Angola, 41 Commercial Street, Angola, New York during all business hours.

All interested parties shall have an opportunity to be heard by the Village Board at the Public Hearing to be held as aforesaid. By Order Of The Village Board

MOTION to close Public Hearing at 8:05 PM made by Trustee Houston, seconded by Trustee DeJohn. UNANIMOUSLY CARRIED. Trustee Houston stated that the new Local Law #4 must be included in the new Village Codebook.

MOTION made by Trustee Carlson seconded by Trustee Houston to open the second public hearing. UNANIMOUSLY CARRIED.

PUBLIC HEARING – 8:05 PM

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Angola, Erie County, New York will be holding a public hearing on December 17, 2007 at 8:05 p.m. for consideration of Proposed Local Law #5 for the Year 2007, which will amend Chapter 35, Swimming Pools of the Code of the Village of Angola, by adding a new Chapter 39, entitled Storm Sewers, said Local Law establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system. Copies of the Proposed Local law will be available at the Office of the Village Clerk/Treasurer of the Village of Angola, 41 Commercial Street, Angola, New York during all business hours. All interested parties shall have an opportunity to be heard by the Village Board at the Public Hearing to be held as aforesaid. By Order Of The Village Board

MOTION to close public hearing made by Trustee Carlson, seconded by Trustee Houston. UNANIMOUSLY CARRIED. Trustee Houston stated Local Law #5 must be included in the new Village Codebook.

MOTION made by Trustee DeJohn, seconded by Trustee Houston to reopen the regular Board meeting. UNANIMOUSLY CARRIED.

CODE ENFORCEMENT – EXCUSED

114 South Main; 28 Mill Street; 135 North Main; 65 North Main; 17 & 29 Washington; Emenees Tavern, and Norfolk Southern Railroad Barrier to be kept on agenda.
Trustee Houston complimented the building department for getting rid of a junk car in his neighborhood.

PLANNING – Excused

ZONING –

- Chairman Paul Cooper commended DPW for their fine job with Christmas in the Village as well as Sherry Schuster, parade organizer.
- Trustee DeJohn thanked Chairman Cooper for acting as master of ceremonies.
- Attorney Yusick spoke with Code Enforcement Officer Charles LaBarbera. Will try to schedule a meeting for beginning of new year to discuss what is necessary to put in code and what is optional with regards to Appendix K.

CLERK-TREASURER – No report

- Trustee Houston requested an update from Clerk-Treasurer on status of the following three items:
 1. Bill sent to Erie County for the problem they caused last summer on Old Lakeshore Road. Mayor Frawley would like a second copy mailed to Erie County Legislator Robert Reynolds Jr.'s office.
 2. County will be coming to take pictures for Façade Program.
 3. Paying Lori Szewczyk, Village Grant Writer on a contract basis through the Town of Evans rather than by monthly voucher.

OLD BUSINESS:

1. Sale of Water Plant
2. Thruway Water- pending
3. Senior Housing- Will have preplanning construction meeting in the early spring.
4. Intercontinental Bldg, Commercial St.- Attorney Yusick waiting for Property Search.

NEW BUSINESS:

1. Air Compressor – Sent wrong one-it has been returned!
2. Depot Project – grant status
3. Court Audit – Trustee Wilson and Trustee DeJohn will be working on it. Trustee DeJohn would like to know date it must be completed.
4. Member Item Request 2008 – Will schedule a workshop for early January 2008 to complete request of Senator Volker and Assemblyman Quinn.

RESOLUTIONS DECEMBER 17, 2007

OFFERED BY TRUSTEE DEJOHN

#1 APPROVE WATER SHUT OFF

RESOLVED that the Angola Village Board does hereby authorize the water clerk to issue water shut-offs per the attached list of delinquent water accounts unless paid in full by Tuesday December 18th. These residents have all been duly notified with plenty of time to respond and are scheduled for shut-off due to non-payment of two or more water bills as per Village regulations. Total amount of delinquency \$ 15,817.94. **MOTION made by Trustee DeJohn, seconded by Trustee Carlson, UNANIMOUSLY CARRIED.**

OFFERED BY TRUSTEE DEJOHN

#2 APPROVE BUYBACK OF SICK DAYS

RESOLVED that the Village of Angola Board of Trustees does hereby authorize the following Sick Day Buy-Backs for sick days in excess of 150 days at ½ time:

- | | |
|---------|--------------------------------------|
| A5010.1 | \$1,668.24 or 18 days over 150 @ 50% |
| A5110.1 | \$1,031.52 or 14 days over 150 @ 50% |

For a total amount of: \$2,699.76 **MOTION made by Trustee DeJohn, seconded by Trustee Houston, UNANIMOUSLY CARRIED.**

OFFERED BY TRUSTEE HOUSTON

#3 APPROVE PAY REQUEST FROM TITAN WRECKING FOR K&L DEMOLITION

WHEREAS, the Village Board received a grant from Empire State Development Corporation for the Demolition of 83-87 N. Main Street (K&L Building) as part of the Restore NY Program, and

WHEREAS the Village of Angola has received payment requests from the Village Engineer Donald Gallo for the contractor Titan Wrecking, for the completion of the demolition project in the contracted amount of one-hundred-ten-thousand-dollars (\$110,000.00) as payment in full,

WHEREAS, the Village Board will submit to Empire State Development for reimbursement minus 10% Village share as per grant regulations, **NOW**

THEREFORE BE IT RESOLVED, the Village board authorizes said payment of one-hundred-ten-thousand-dollars (\$110,000.00) to Titan Wrecking for payment in full for the demolition of 83-87 N. Main. **MOTION made by Trustee Houston with the addition of any other claims on the property being made now as well. I.e. Engineering fees, Asbestos Abatement, Property Cleanup Fees, etc., seconded by Trustee DeJohn with the same additions, UNANIMOUSLY CARRIED.**

OFFERED BY TRUSTEE CARLSON

#4 ACCEPT RESIGNATION FROM VILLAGE JUSTICE AMY HONTZ

WHEREAS, the Village Board received a letter of resignation effective January 15, 2008 from Village Justice Amy Hontz, as she will be relocating her residency, and

WHEREAS, the Village Board commends Amy for her outstanding work as Village Justice for 8 years, and wishes to extend best wishes for the future, **NOW**

THEREFORE BE IT RESOLVED, the Village Board accepts with regret, said resignation of Village Justice Amy Hontz, effective January 15, 2008. Discussion followed by Attorney Yusick stating that someone should be appointed in the interim until the March election. **MOTION made by Trustee Carlson, seconded by Trustee Houston, UNANIMOUSLY CARRIED.**

OFFERED BY TRUSTEE HOUSTON

#5 APPROVE NOTICE OF SPECIAL ELECTION

RESOLVED, pursuant to Section 15-104 Subdivision 3(a) of the Election Law, the following offices are to be filled at a Special Election to be held March 18th 2008 in the Village of Angola.

TRUSTEE – To fill an unexpired term for 1-year

VILLAGE JUSTICE – To fill an unexpired term for 3-years

BE IT FURTHER RESOLVED that the Village Clerk is hereby directed to publish a Legal Notice stating the above. **MOTION made by Trustee Houston, seconded by Trustee DeJohn, UNANIMOUSLY CARRIED.**

OFFERED BY TRUSTEE DEJOHN

#6 APPROVE ASSEMBLAGE APPLICATION FOR CENTENNIAL PARK

RESOLVED that the Village Board hereby approves the application from the “Angola Parks and Gazebo Committee” to assemble a “Christmas Carol Singing” for Thursday, December 19, 2007 at 6:30-8PM, all local enforcement agencies will be notified. **MOTION made by Trustee DeJohn, seconded by Trustee Carlson, UNANIMOUSLY CARRIED.**

OFFERED BY TRUSTEE HOUSTON

#7 APPROVE PENFLEX SERVICE FEE and AGREEMENT

WHEREAS, the Village of Angola offers a Service Award program for the Angola Volunteer Fire Department members, and

WHEREAS there is an annual contract based on service hours earned by each member,

THEREFORE, BE IT RESOLVED that the Village of Angola authorizes the Mayor to sign the 2007/2008 Penflex Service Fee Agreement and approve payment to Penflex in the amount of \$1,850.00 and a \$75.00 Benefit Directive. **MOTION made by Trustee Houston, seconded by Trustee DeJohn, UNANIMOUSLY CARRIED.**

OFFERED BY TRUSTEE CARLSON

#8 APPROVE WAIVER FOR LOYAL ORDER OF MOOSE ANGOLA LODGE #1614 TO STATE LIQUOR AUTHORITY

WHEREAS, the Village of Angola received a letter from the Loyal Order of Moose Angola Lodge #1614 advising the Village Board that they are submitting an application to apply for a liquor license as a transfer from the Erie Road Lodge to the New location at 159 North Main Street, Angola, New York, **NOW**

BE IT RESOLVED, the Village of Angola authorizes Mayor Frawley to submit a letter, certified signed receipt, to Jim Sellers, Administrator of the Loyal Order of Moose (LOOM) Angola Lodge #1614, authorizing a waiver of the SLA 30 day waiting period. **MOTION made by Trustee Carlson, seconded by Trustee Houston, UNANIMOUSLY CARRIED.**

AUDIT OF BILLS – MOTION MADE TO APPROVE THE BILLS BY TRUSTEE CARLSON, SECONDED BY TRUSTEE DEJOHN, UNANIMOUSLY CARRIED regarding the following: General Fund Abstract #13, Checks #5960 to #6000 in the total amount of \$54,671.48 plus Payroll #26; Water Fund Abstract; #11 Checks #1505 to 1512 in the total amount of \$28,061.19 plus Water Payroll #26; **UNANIMOUSLY CARRIED**

MOTION TO ADJOURN IN MEMORY OF PASSENGERS WHO LOST THEIR LIVES IN THE GREAT TRAIN DISASTER OF DECEMBER 18, 1867, to A SPECIAL Board Meeting on Friday, December 28, 2007 at 5:00 PM, and the next regular scheduled Board meeting on Monday, January 7, 2008 at 7:30. with a workshop at 6:30, **MOTION MADE BY TRUSTEE CARLSON SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED meeting adjourned at 8:41PM.**

Submitted By

Michelle F. Warren
Deputy Village Clerk