

Alcoholic Beverages (Open Container) Law
Village of Angola
Workshop
Monday, September 12, 2022 5:30 P.M.

The following law was under discussion to repeal.

Chapter 50

Alcoholic Beverages

Article I

Public Consumption

[Adopted 9-16-1985 by L.L. No. 3-1985 (Ch 65, Art. VIII, of the 1974 Code)]

§ 50-1 Findings; purpose.

- A. The Board of Trustees finds that the unrestricted consumption of alcoholic beverages in certain public places often leads to disorders and related problems as well as the littering of such public places and is disturbing to the public and threatens peace and good order.
- B. The purpose of this article is to prohibit the consumption of alcoholic beverages in certain public places in order to prevent disorderly behavior and the littering of public places and to protect the public health, safety and welfare and to promote the public good.

§ 50-2 Consumption in certain public places.

- C. Prohibited. No person shall, within the Village of Angola, drink or otherwise consume liquor, wine, beer or other alcoholic beverages while such person is in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park or such other public place as defined by § 240.00 of the Penal Law of the State of New York. Section 240.00 of the Penal Law contains the following definitions:

PUBLIC PLACE

A place to which the public or a substantial group of persons has access, and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

TRANSPORTATION FACILITY

Any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, railroad, motor vehicle or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad and bus terminals and stations and all appurtenances thereto.

- B. Possession of open containers. No person shall carry or have in his or her possession, within the Village of Angola, any open bottle or open container containing liquor, wine, beer or other alcoholic beverage with the intent of the possessor or another to consume the same in any of the public places described in Subsection A of this section.
- C. Presumptions.
 - (1) The possession of an open bottle or open container unwrapped or with the top exposed in a public place, as herein defined, shall be presumptive evidence that such open bottle or open container is intended to be consumed in a public place.

- (2) An open bottle or open container in any vehicle while in or on any public sidewalk, street, highway, parking lot, bathing beach, public park or other public place, as defined by § 240.00 of the Penal Law of the State of New York, shall be presumptive evidence that the same is in the possession of all of the occupants thereof.

§ 50-3 Exceptions; permit required; conditions.

- A. Application. If any individual or organization desires to have, distribute or consume alcoholic beverages on public property in the Village of Angola, said individual or organization must apply to the Village Clerk-Treasurer of the Village, or his/her duly authorized representatives, for a permit therefor, at least three days prior to the date scheduled for using such beverages. No fee shall be charged for the granting of said permit.
- B. Issuance conditions. A permit shall be issued only upon the following conditions:
- (1) Such individual or organization, by its duly authorized officer, must agree, in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit and to properly clean up and restore the premises, after use, to their prior conditions.
 - (2) Such individual or organization must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.
 - (3) No alcoholic beverages shall be distributed or consumed other than on the specified premises described in the permit and only during the time stated therein.
 - (4) No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions hereof.

§ 50-4 Discarding containers.

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, highway, parking lot, park or recreation area or other public property within the Village of Angola.

§ 50-5 Penalties for offenses.

Any person who shall violate any provision of this article shall be subject to the following mandatory penalty:

- A. For the first offense, a fine of not less than \$35 nor more than \$50.
- B. For the second offense, a fine of not less than \$50 nor more than \$100.
- C. For the third or subsequent offense, a fine of not less than \$100 nor more than \$250.

VISITORS:

Miss Jill Barrett asked if her private business is allowed to have their own rules and not allow alcohol on her property. Confirmed this will allow to have alcohol on any street.

Trustee Stonitsch explained Town of Evans allows open containers

Police Chief suggested to have rules for the parks if the law is lifted

Mayor Whelan would like to disallow glass containers if law is lifted.

Trustee Wilson stated because the town can allow open containers does not mean village should allow it. There is a currently a permit to be filed with the Village that will allows alcoholic beverages at certain times like events.

Mayor Whelan does not think it will change anything.

Miss Jill asked if there can be a limit to just Main Street only.

Trustee Stonitsch agrees that you can lift the law for certain months maybe during the summer months. Trustee Wilson believes lifting the open container law worked well for events as it was maintained by security.

Pastor David Donner active CEO of First Congregation Church (132 North Main, Angola) resides at 4883 Harlem Rd - possible future Angola resident. Believes the public hearing for the open container law was not advertised properly. He stated he was unable to obtain a copy of the local law at the Village Clerk's Office on Thursday 9/8/22. Believes the heart of many problems has been alcohol in places he lived and people he has counseled. Believes allowing alcohol in the Village could lead to violence. He heard the new owners of the theater will sell alcohol inside and it should not be allowed on Main Street. Kids will be at the library and theater, etc. Jean Galfo stated allowing open containers of alcohol will not bring in revitalization to the business District. Miss Jill does not see someone being stopped to be searched for alcohol unless they are being disorderly. Police Chief confirmed this.

Alison Swinnerton is against open container law, she is concerned that people will wander in her neighborhood and the playground at the Waugh and Hoag school. She called police during the recent Bills game as the people across the street from her were drunk and disorderly yelling about drug money and someone's dog.

Town resident from the Library Board asked What is the advantage of the Village to allow open containers?

Can this go up for a referendum? Public Restrooms will be needed (Pastor)

6PM Closed Workshop

AGENDA
Village of Angola
Regular Board Meeting
Monday, September 12, 2022 6:00 P.M

At Regular meeting of the Village of Angola Board of Trustees held at Village Hall, 41 Commercial Street in Angola, New York, County of Erie on Monday, September 12, 2022 at 6:00PM, there were;

PRESENT: Mayor Thomas Whelan, Deputy Mayor John Wilson, Trustees Valerie Stonitsch and John Dybowski and Jason Renaldo, Nicole Milks –Clerk Treasurer, John Grennell - Village Attorney, Jack Krajacic – DPW Crew Chief, Donald Gallo – Engineer, and Police Chief - Greg Szarowicz.

The Mayor dedicated the meeting to the people of Ukraine

The PLEDGE OF ALLEGIANCE was led by Mayor Whelan

A motion was made to pass the AUDIT OF THE BILLS made by Trustee Stonitsch and seconded by Trustee Renaldo, roll call vote was made, all said AYE.

VISITORS: Jill Barrett 334 N Main Street spoke in regard to trick or treating being held on Saturday, 10/29. She believes it should only be held on Halloween, 10/31. Mayor Whelan explained trick or treating will be the same day as the Halloween parade, there is a Bills game on Sunday which will use up many of the police force. Miss Jill is concerned that she will have to purchase extra candy for other communities, will interfere with Saturday night events as an adult. Candy can be provided on actual Halloween as well. Does not know of other communities celebrating on a Saturday. Schools will celebrate on the actual day. Would like the Village Board to consider keeping trick or treating on 10/31 in the future.

New Business:

- 1. Downtown Revitalization Initiative now called NY Forward- Public meeting held on 9/1**
- 2. Schedule public hearing for Restore NY Week of 9/26 @ 6PM**

6:05PM OPEN PUBLIC MEETING

Notice of Public Hearing
Proposed Local Law #4 for the year 2022
Village of Angola

Please take notice that proposed Local Law #4 for the year 2022 has been introduced before the Village Board for the Village of Angola amending Chapter 245-17 Section D #6, said local law regulates occupying recreational vehicles and boats.

Now therefore, please take notice that pursuant to New York Municipal home rule a Public Hearing on the Local Law will be held on the 12th day of September at 6:05 PM at the Village Hall at 41 Commercial Street Angola, NY 14006. A copy of such proposed law is available at the Village Clerk's office.

This Local Law shall be effective immediately upon filing with the Secretary of State.

By Order of the Village Board

August 8, 2022

Nicole Milks
Village Clerk-Treasurer

Comments: Mayor Whelan explained the issue came to light when a resident on Lincoln Ave had someone living in a travel trailer camper in their yard.

Miss Swinnerton and Miss Jill Barrett agree with setting a limit to 30 days.

Trustee Stonitsch asked why so long, the time line can be shortened.

CLOSE PUBLIC HEARING

6:10PM OPEN PUBLIC MEETING

Notice of Public Hearing
Proposed Local Law #5 for the year 2022
Village of Angola

Please take notice that proposed Local Law #5 for the year 2022 has been introduced before the Village Board for the Village of Angola amending Chapter 229-6, said local law will add additional stop signs at Dellwood Ave. and Glenwood Ave.

Now therefore, please take notice that pursuant to New York Municipal home rule a Public Hearing on the Local Law will be held on the 12th day of September at 6:10 PM at the Village Hall at 41 Commercial Street Angola, NY 14006. A copy of such proposed law is available at the Village Clerk's office.

This Local Law shall be effective immediately upon filing with the Secretary of State.

By Order of the Village Board

August 8, 2022

Nicole Milks

Comments: Joan Houston explained that adding these stop signs make it out as if this is the most dangerous intersection and it is not. Mayor Whelan explained it is a safety issue and a 4 way stop sign will make the area safer.

Ms. Houston would rather see a "slow down" type of sign when you make the turn on Dellwood from Lake Street. Asked if the Evans Police ever did a speed check here? She believes Mill Street and Orchard Avenue is far more dangerous than Glenwood and Dellwood Ave. Does not believe there is a big issue with safety, the storm drain near this area is worse, she also added Village needs to add white lines for school crossings. Trustee Stonitsch spoke with other residents that would like to have the stop sign here. Ms. Houston does not want the signs added here.

CLOSE PUBLIC MEETING

REPORTS

Code Enforcement - 13 building permits, complaints received regarding Allen Street, 7 court cases tomorrow

Trustee Dybowski -no report

Trustee Stonitsch - Angola Music Fest 10/8 use of municipal lot

Trustee Wilson - Bean & Brat Fest Co-sponsored by Goya hosted by Friends of the Village will be held on Main Street on 9/24

Trustee Renaldo - no report

Mayor Whelan- thanked the residence for their attendance at today's meeting

Crew Chief - no report

Fire Chief - excused
Police Chief - no report
Attorney – no report
Clerk Treasurer - no report

Resolutions offered on September 12, 2022

#1 ADOPT LOCAL LAW #3 FOR THE YEAR 2022

WHEREAS, there was introduced before the Angola Village Board at its meeting on July 13, 2022 Proposed Local Law Number 3 for the year 2022 Amending Chapter 50 Entitled Alcoholic Beverages of the Village of Code, and

WHEREAS, a public hearing was held on the 8th day of August, 2022 and,

NOW, THEREFORE, BE IT RESOLVED that Proposed Local Law Number 3 for the year 2022 is hereby adopted as Local Law Number 3, 2022 and is Amending Chapter 50. A copy of said Local Law is attached.

This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Wilson removed from the table and asked the board to put the local law up for public referendum subject to applicable laws. All member of the board voted AYE to remove from table

Trustee Wilson made a motion to remove the alcoholic beverage Chapter up for a referendum, all members of the board voted AYE.

#2 ADOPT LOCAL LAW #4 FOR THE YEAR 2022

WHEREAS, there was introduced before the Angola Village Board at its meeting on August 8, 2022 Proposed Local Law Number 4 for the year 2022 Amending Chapter 245-17 Section D entitled Residential Regulations – Storage in front yards of the Village of Code, and

WHEREAS, a public hearing was held on the 12th day of September, 2022 and,

NOW, THEREFORE, BE IT RESOLVED that Proposed Local Law Number 4 for the year 2022 is hereby adopted as Local Law Number 4, 2022 and is Amending Chapter 245-17 Section D. A copy of said Local Law is attached.

This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Wilson and Trustee Stonitsch added to include the amendment of the law to include “30 days per year”

A Roll Call Vote was made and all said Aye.

#3 ADOPT LOCAL LAW #5 FOR THE YEAR 2022

WHEREAS, there was introduced before the Angola Village Board at its meeting on August 8, 2022 Proposed Local Law Number 5 for the year 2022 Amending Chapter 229-6 Stop Intersections of the Village of Code, and

WHEREAS, a public hearing was held on the 12th day of September, 2022 and,

NOW, THEREFORE, BE IT RESOLVED that Proposed Local Law Number 5 for the year 2022 is hereby adopted as Local Law Number 5, 2022 and is Amending Chapter 229-6. A copy of said Local Law is attached.

This local law shall take effect immediately upon filing with the Secretary of State.

A Roll Call Vote was made

Trustee Wilson and Trustee Dybowski voted NAY

Trustee Renaldo, Trustee Stonitsch and Mayor Whelan voted AYE

#4 PARK RENTAL APPROVAL

BE IT RESOLVED the Village of Angola Board of Trustees hereby approves the applications from the following for the use of Herman Park Facilities:

1. Jeffery Griffin on August 27 for a graduation party- \$50 fee collected
2. Joe Mesi on September 3 for a birthday party- \$50 fee collected
3. Michael Hesslinger on September 17 for a birthday party - \$50 fee collected
4. Chris Wilde on September 25 for a family get together -\$50 fee collected
5. Evans Township Lions Club on June 21, 2023 for a multi-club function- fee waived

A Roll Call Vote was made and all said Aye.

#5 AUTHORIZE TEMPORARY USE PERMIT

RESOLVED that the Village of Angola Board of Trustees hereby approves the TEMPORARY USE PERMIT from the following:

1. Evans Township Lions Club for the Annual Halloween Parade on Saturday, October 29, 2022. The parade will begin at the Angola Fire Department at 2PM with a line up at 1:30PM, continue on Commercial Street to North Main Street to School Street to Center Street back through North Main Street to Commercial Street. Police Chief, Fire Chief and Crew Chief have been notified.

A Roll Call Vote was made and all said Aye.

#6 AUTHORIZE MAYOR TO SIGN THE CONTRACT OF SALE OF PROPERTY CONTRACT

RESOLVED, the Village of Angola Board of Trustees does hereby authorize the Mayor to execute the Contract of sale with VIO Holdings Group LLC per Village Attorney review and Approval of the following parcels:

161 South Main Street SBL: 251.07-3-24.2 and SBL: 251.07-3-23.12

Vacant Lot on Lerczak/Commercial SBL: 251.07-1-17

28 Mill Street SBL: 235.12-1-21

Trustee Stonitsch and Trustee Wilson verified 28 Mill Street will not be sold and transferred until 9/2023 due to grant funds from 2018 to demolition the building on the property. Attorney Grennell verified this will be indicated in the contract.

Trustee Stonitsch disagreed with the sale of 28 Mill Street as it was never listed publicly.

A roll Call Vote was made

Trustee Wilson, Trustee Renaldo, Trustee Dybowski and Mayor Whelan- AYE

Trustee Stontisch - NAY

#7 ACCEPT BID FOR PICKLE BALL COURT AT 83 NORTH MAIN STREET

WHEREAS, the Village Board of the Village of Angola received three (3) bids for Pickle Ball Court Project and

WHEREAS, after full review of all Bids at an Advertised Bid Opening on August 31, 2022 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 \$116,066 (one hundred sixteen thousand sixty six dollars and zero cents) from Northeast Diversifications, Inc of 2 Cadby Drive, Lancaster, NY 14086 for the said Pickle Ball Court Project at 83 North Main Street, as advised by the Village Engineer and,

BE IT FURTHER RESOLVED, the Village Board of the Village of Angola hereby authorizes the Mayor to sign and execute contract with Northeast Diversifications, Inc.

Trustee Wilson, Trustee Renaldo, Trustee Dybowski and Mayor Whelan- AYE

Trustee Stontisch – NAY, does not like location

#8 APPROVE NEW HIRE LABORER

RESOLVED, the Village of Angola Board of Trustees approves the new hire of the vacant position for a Department of Public Works MEO/Laborer - Vinnie Capitano of 59 Grove Street, Angola, NY with a 12-month probationary period and a pay rate of \$20.86 which is 80% of the current rate for the first year of employment, per the DPW Union Contract. Subject to a drug and alcohol test and a background check.

A Roll Call Vote was made and all said Aye

#9 APPROVE MEMBERSHIP TO VOLUNTEER FIRE COMPANY

RESOLVED, the Village of Angola Board of Trustees approves probationary membership of: Cheyenne Augustine of 160 Lake Street, Angola and Frances Stevens of 29 Orchard Ave, Angola to the Angola Volunteer Fire Company as reviewed and recommended by the executive board of said company.

A Roll Call Vote was made and all said Aye

#10 INTENT/AUTHORIZATION/SUPPORT TO APPLY FOR NEW YORK FORWARD GRANT FUNDING

WHEREAS, the Village of Angola has been engaged in an aggressive campaign to revitalize the Village Business District to develop a walkable, compact downtown to attract new business investors and residents, thus stabilizing property taxes while also improving quality of life.

WHEREAS, the Village has made steady progress and invested considerable resources in infrastructure and streetscape enhancements to make the village center more accessible and attractive; however, deficiencies exist that threaten the progress made.

WHEREAS, the Village is desirous of adopting a comprehensive approach to improving the physical, social, and economic climate in an effort to achieve real and sustainable economic revitalization.

WHEREAS, the Village has conducted a broad and diverse public engage process that has resulted in a vision for Main Street Revitalization and a preliminary list of proposed projects and initiatives.

WHEREAS, the NY Forward initiative, through a competitive application process, will award funds ranging from \$2.25 million to \$4.5 million to assist local communities with transformational revitalization efforts.

WHEREAS the Village of Angola fully supports the development of an application for these funds to assist with several catalytic projects that will re-energize revitalization efforts and attract additional public and private investment.

BE IT RESOLVED the Village of Angola hereby intends to apply for funding through the NY Forward program and authorizes the Mayor and/or his successor to submit an application and execute a contract with the New York State Department of State and/or Western New York Regional Economic Development Council as necessary.

A Roll Call Vote was made and all said Aye

#11 SCHEDULE PUBLIC HEARING FOR RESTORE NY

RESOLVED that the Village of Angola Board of Trustees does hereby authorize publication of Notice of a Public Hearing to be held at 6:00 PM Monday, September 26, 2022 at the Angola Village Hall, 41 Commercial Street, Angola, New York 14006 regarding the use of Restore NY Communities Initiative Grant, for the prospective project of Rehabilitation of vacant commercial properties located at 42 N. Main Street and 72 N. Main Street in the Village Business District in the Village of Angola, and further authorize the Mayor to sign any and all contracts related thereto.

A Roll Call Vote was made and all said Aye

#12 PUBLISH PROPERTY ASSESSMENT LIST

RESOLVED, that the Angola Village Board does hereby authorize the Village Clerk to publish the Property Assessment List for Rehabilitation of vacant commercial properties located at 42 N. Main Street and 72 N. Main Street in the Village Business District in the Dunkirk Observer for three (3) consecutive days and the Angola Pennysaver for one (1) week in accordance with the requirements of the Restore NY.

A Roll Call Vote was made and all said Aye

#13 APPROVE THE EVANS AGENCY AS THE VILLAGE'S BROKER OF RECORD

WHEREAS, the Village of Angola currently uses the Evans Agency as their broker for health insurance coverage, and

RESOLVED, The Village of Angola Board of Trustees authorizes the Evans Agency as the exclusive representative effective 9/13/2022 as the Broker of Record for the Village of Angola and,

FURTHER RESOLVED, the Village Clerk will notify broker Emerling, Floss, Murphy and Associates of the authorization.

A Roll Call Vote was made and all said Aye

A Motion to ADJOURN to a regular board meeting on Monday, October 17, 2022 at 6:00PM, 5:30 workshop if needed was made by Trustee Wilson and seconded Trustee Stonitsch, unanimously carried.

Respectfully Submitted By:



Nicole Milks
Clerk Treasurer

