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, January 27, 2010 at 7:00pm there were:

PRESENT:	Keith E. Dash	Councilman
	Paul T. Cooper	Councilman
	Francis J. Pordum	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Charles Katra	Dir. of Finance/Town Comptroller
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Patrick Conrad	St. Pt. Marina Dept. Head
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
ABSENT:	Edward Michalski	Highway Superintendent

RESOLUTION 2010-59 Approve Minutes

Councilman Dash moved and Councilman Cooper seconded that the reading of the minutes of the Organizational Meeting and meeting of January 6, 2010 be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

PUBLIC HEARING

The Town Clerk read the legal notice to open the Public Hearing as follows:

LEGAL NOTICE
TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on January 27, 2010 at 7:20pm at the Evans Town Hall, 8787 Erie Road, Angola, NY 14006 for the purpose of considering the

renewal of a Special Use Permit for the purpose of storing and dispatching trucks, located at 8563 Erie Road (a.k.a. NYS Route 5), Angola, New York 14006, part of SBL#235.06-1-13.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

By Order of the Town Board
of the Town of Evans
Jonica B. DiMartino
Town Clerk

Opposed: none

For: Mr. Jack Frost, 8544 North Main Street, lives behind the property in question, basically endorsed the special permit, but had a concern regarding the overflow in the drainage ditch/culvert that is in the process of being taken care of by Erie County Highway Department and the possibility of future run off from snow removal since the property in question is at a higher elevation. Mr. Frost was informed that condition number 3 on the considered special use permit identifies his concern. He was satisfied and for the issuance of the special use permit, but he wished for his concern to also be put on the record.

Supervisor Pordum read a letter he received from Ernest & Kathleen Masullo, 8596 North Main Street that is in favor of the special use permit.

Supervisor Pordum closed the Public Hearing with unanimous approval of Councilman Dash and Councilman Cooper.

RESOLUTION 2010-60 Grant Special Use Permit Renewal

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, David Laskowski, dba D & L Trucking and Excavating is required to have a Special Use Permit for the purpose of storing and dispatching trucks, located at 8563 Erie Rd. (a.k.a. NYS Route 5), Angola, NY, a portion of SBL#235.06-1-13, and

WHEREAS, David Laskowski has requested a renewal of said Special Use Permit, and

WHEREAS, the Town Board of the Town of Evans conducted a public hearing regarding this project on January 27, 2010, and

WHEREAS, the Town of Evans Planning Office and the Building Department have conducted a proper review of the application and the facility, have found that all conditions are being met , and have recommended the Special Use Permit be renewed, and

WHEREAS, the Town Board of the Town of Evans had issued a negative declaration regarding the SEQR process on December 15, 2004 for the rezoning of said property that is still sufficient and valid for this action.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to David Laskowski, 8563 Erie Rd. (a.k.a. NYS Route 5), Angola, NY, a portion of SBL#235.06-1-13, subject to the conditions set forth hereafter, and

BE IT FURTHER RESOLVED, that the following conditions be placed on said Special Use Permit.

1. Placement of a railing or other demarcation acceptable to the Town Board along the rear (easterly) line of the 1.44+/- acre MS zoning district as shown on the site plan.
2. Planting of a staggered line of evergreen trees and/or evergreen shrubs no less than 4' high, ranging and spacing from 5-10' on-center depending on plant type, acceptable to the Town Board. Said trees and/or shrubs shall be planted along the south property line as the same abuts property known as SBL#235.06-2-4 by January 1, 2008, to provide a visual barrier and buffer to future adjacent development.
3. Identify the designated snow storage area on the site plan.
4. The number of tractor-trailer units on the premise at any time shall be limited to no more than nine (9) to be located in an area as identified on the site plan.
5. The width and radius/curvature of the driveway and the driveway apron must be designed so trucks have the ability to make turns on to NYS Route 5 without encroaching into opposing travel lanes.
6. The northern access to this site shall not be shared with access to the motel or restaurant.
7. Engine idling shall not be permitted.
8. There shall be no outside storage of parts, equipment and debris. There shall be no storage of gasoline or fuel on the site unless in appropriate storage containers.
9. Only minor repairs on vehicles owned by the applicant shall be permitted. There shall be no painting, grinding, or extensive repairs permitted on the site.
10. There shall be no docks, storage, loading/unloading or transferring of goods, merchandise or freight allowed on the site.
11. No new buildings may be constructed on site without Town permits and/or approvals.
12. The existing office shall be used for truck dispatching only.
13. The Special Use Permit shall be issued to the applicant, David Laskowski only, not to the property or the business, and shall not be transferable.
14. This Special Use Permit shall expire on January 31, 2015, at which time it must be reviewed for renewal pursuant to Town Code, and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office, Assessor's Office and Code Enforcement Office.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2010-61 Appt. of Cleaning Personnel

Councilman Cooper moved and Supervisor Pordum seconded,

RESOLVED, that the following be appointed to the position of cleaning personnel in the Town Hall; to be called as needed; to be paid $8.50 per hour

Cathleen Johnson 283 Herr Rd. Ext., Angola

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2010-62 Appt. of Electrician

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED, that Gary Huber, 1184 Church Road, Angola be appointed to the position of Electrician; effective 1-1-10; to be paid $11.00 per hour.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTUION 2010-63 Fee Policy for Softball Leagues and Tournaments

Supervisor Pordum moved and Councilman seconded,

WHEREAS, due to the cost of supplies and field maintenance for softball leagues and tournaments,

RESOLVED, that the following fee policy be approved - $100.00 per league, per season, $100.00 per tournament, per season

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2010-64 Creation of RPT Assessment Clerk

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, the Evans Town Board recognizes the need for additional clerical support in the Assessment Department, and therefore authorizes the Director of Finance to forward the necessary paperwork to Erie County Civil Service for the creation of (2) Assessment Clerk RPT positions.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash nay
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2010-65 Advertise for Proposals for Concession at Sturgeon Point Marina

Supervisor Pordum moved and Councilman Dash seconded,

RESOLVED, that the Town Board hereby authorizes the Town Clerk to advertise for proposals for restaurant concession at Sturgeon Point Marina. Said proposals to be opened February 19, 2010 at 10:00 am.

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2010-66 Shelter/Pavilion Fees

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS; there has been an increase in the use of park shelters and pavilions requiring more maintenance and upkeep;

WHEREAS; future improvements to shelters and pavilions are anticipated;

WHEREAS; the Town of Evans Parks Department will be adopting a new policy regarding the reserving of shelters and pavilions in the Evans Town Park and Lake Erie Beach Park;

RESOLVED; that the following fees be approved – one (1) shelter $20.00; two (2) or more shelters $30.00; pavilions $30.00 each; fees are refundable with at least a ten (10) day prior to reservation date cancellation;

BE IT FURTHER RESOLVED; that the following are exempt from said fees: Schools, Evans Volunteer Fire Companies, Special Needs Organizations, Veterans and/or Military groups, Town sponsored events/organizations.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2010-67 Approve Town Licenses

Supervisor Pordum moved and Councilman Dash seconded,

1. Evans Land Corp D/B/A Grandview Golf Course- refreshment
2. Vincent J. Cala D/B/A Cala's Kitchen & Catering- refreshment
3. Gary Ballowe D/B/A South Shore Beach Club- refreshment, amusement, & live band
4. Thomas J. George D/B/A Evans Police Benevolent Assoc, Inc.- refreshment

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2010-68 Audit of Bills

Councilman Dash moved and Councilman Cooper seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstract brought forth on January 27, 2010

Date 1/20/10
Abstract No. 1
Voucher No. 0-122
Prepaid: 1, 2, 3, 4, 5

GENERAL	88,899.47
PART TOWN	1,566.53
HIGHWAY DA	
HIGHWAY	126,951.69
WATER	3,381.54
CAPITAL PROJECTS	9,225.00
SPECIAL DISTRICTS	82,248.26
DEBT SERVICE	
COMMUNITY DEVELOPMENT	
TOTAL	312,272.49

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Dash aye
Councilman Cooper aye
Supervisor Pordum aye

RESOLUTION 2010-69 Adjournment

Supervisor Pordum moved and Councilman Cooper seconded to adjourn to a Work Session meeting on Wednesday, February 10, 2010 at 6:15pm then to an Agenda Meeting on Wednesday, February 17, 2010 at 6:30pm with the regular Town Board meeting immediately following at 7:00pm

VOTE RESULT: ADOPTED
AYES- Dash, Cooper, Pordum
NAYS- none

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Jonica B. DiMartino
Town Clerk
Town of Evans