Evans Town Board

At the 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, February 1, 2012 at 7:00pm there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	J. Grant Zajas	Town Attorney
	Lori Szewczyk	Dir. of Community Development
	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
	Diana Cafferty	Supervisor's Dept.
	Gary Noel	Water Dept.
ABSENT:	Edward Michalski	Highway Superintendent
	Scott Dill	Finance Dept.
EXCUSED:	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Rob Klavoon	Wendel Duchscherer

RESOLUTION 2012-080 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of January 18, 2012 & the January 25, 2012 Work Session be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT: ADOPTED
AYES – Feldmann, Cooper, Dash
NAYS – none

Communications

1. Roat Acres Community Association RE: location of fence on the corner of Alfred Ave and Old Lake Shore Rd- Supervisor Dash referred to Police Dept for follow up.

2. Ernest Masullo, Chief of Police RE: Letter of Recognition- Supervisor Dash

read and recognized Officer Ralph Maslach.

RESOLUTION 2012-081 Refer Communication #3 to the Planning Dept

Supervisor Dash moved and Councilman Cooper seconded that Communication #3- John Daly PE, Trautman Associates RE: request the rezoning of 4.92 +/- acres on Erie Rd 654 feet from South Creek Rd from MFR-3 to GB for the purpose of construction of shops & service-related businesses in conjunction with the development of a 53 lot residential subdivision, be referred to the Planning Dept.

VOTE RESULT: ADOPTED
AYES – Feldmann, Cooper, Dash
NAYS – none

4. Sean Mongan, Director Sales Operations, National Grid RE: new outdoor lighting outage form- Supervisor Dash referred to Councilman Feldmann

5. Assemblyman Kevin Smardz RE: NFTA to hold public hearing at ECC South Campus regarding proposed service reductions- Supervisor Dash read for informational purposes to the public in attendance

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. James E. Steffen, 263-277 W. Pleasant- provided each Town Board member and the Town Attorney with a letter addressing his concerns regarding issues with installed water lines, ownership, etc. (The Town Clerk was not provided with a copy, but assured Mr. Steffen that it would be noted in the minutes.) He also expressed his concerns verbally to the Town Board & Town Attorney.

2. James Trembath, 415 Alfred Ave. spoke to the Town Board regarding his concerns of a fence in the Roat Acres area and asked the Town Board to examine the concerns of the Roat Acres Association again.

RESOLUTION 2012-082 Old Business

Councilman Feldmann moved and Councilman Cooper seconded to leave the following four items on Old Business:

1. PLL#3 of 2011- RE: Live Band/Special Event Licenses
2. Appt of full-time Patrolman
3. PBA Contract
4. Town Safety Officer

VOTE RESULT: ADOPTED
AYES – Feldmann, Cooper, Dash
NAYS – none

RESOLUTION 2012-083 Authorize Supervisor to enter into an agreement with Lake Shore Employee Testing Services, Inc.

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Town of Evans desires to have employees with a CDL license randomly tested for drug and alcohol use,

NOW THEREFORE BE IT RESOLVED, that the supervisor is authorized to enter into an agreement with Lake Shore Employee Testing Services Inc. of Fredonia, NY for the administration of the Drug and Alcohol Program for the Town of Evans and,

BE IT FURTHER RESOLVED, that the contract begins January 1, 2012 and ends on December 31, 2012 a cost of $52.00 per employee.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Aye
	Councilman Cooper	Aye
	Supervisor Dash	Aye

RESOLUTION 2012-084 Authorize Supervisor to sign contract with Community Concern, Inc.

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans wishes to continue the contract with Community Concern of WNY, Inc. and,

WHEREAS, Community Concern provides a valuable service to the residents of the Town of Evans,

NOW THEREFORE BE IT RESOLVED, that the supervisor is authorized to sign a contract with Community Concern, Inc. for the period of January 1, 2012 to December 31, 2012 at a cost of $41,400 .

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Aye
	Councilman Cooper	Aye
	Supervisor Dash	Aye

RESOLUTION 2012-085 Appt of Affirmative Action Officer

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans is a member of the Erie County C.D.B.G. Urban County Consortium and,

WHEREAS, it was requested we appoint a Municipality Official to serve as the affirmative action officer for the Town of Evans,

NOW THEREFORE BE IT RESOLVED, that Paul E. Ryerse Assistant Code Enforcement Officer, be appointed the Affirmative Action Officer for the Town of Evans, effective January 1, 2012, at no additional compensation.

VOTE RESULT: ADOPTED
AYES – Feldmann, Cooper, Dash
NAYS – none

RESOLUTION 2012-086 Authorize Supervisor and/or Chief of Police to execute an agreement with DefTone Picture Studios

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, DefTone Picture Studios having offices at 388 Brookwood Drive, Hamburg, NY 14075 has developed a project for the filming of a movie taking place, at least partially, in the Village of Angola and Town of Evans, New York; and

WHEREAS, in connection there with said Deftone Picture Studios has approached the Town of Evans, and particularly the Police Department thereof, seeking an agreement for the use of an Evans Police Department vehicle in the filming of said movie and has proposed an agreement to allow for the use of such vehicle for such purpose; and

WHEREAS, in relation thereto assurances for the provision of insurance coverage relative to the use of said vehicle has been provided; therefore be it

RESOLVED, that the Supervisor of the Town of Evans and/or the Chief of Police thereof, or a representative of the same is hereby authorized to execute an agreement for such purposes subject to the approval of the Town Attorney.

VOTE RESULT: ADOPTED
AYES – Feldmann, Cooper, Dash
NAYS – none

RESOLUTION 2012-087 Authorize Supervisor to enter into an agreement with Town of Hamburg to provide reciprocal electrical inspection services

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans had a contract for shared services with the Town of Hamburg for Electrical Inspections which has ended,

NOW THEREFORE BE IT RESOLVED, that the supervisor is authorized to enter into an agreement with the Town of Hamburg to provide reciprocal Electrical Inspection Services to the benefit of each other beginning January 1, 2012 and ending December

31, 2017.

VOTE RESULT: ADOPTED
AYES – Feldmann, Cooper, Dash
NAYS – none

RESOLUTION 2012-088 Appt of Adminstrator for on-line banking with Evans Bank & authorized signatures

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED, that the following individuals are authorized signatures for the following Town of Evans accounts with the Evans Bank, Angola, NY 14006:

Asset Forfeiture Fund – Police: Ernest P. Masullo
Keith E. Dash
Linda A. Forti
Diana A. Cafferty

Payroll Account, Revolving Loan Grant, Combined Savings – Municipal Savings (2 - accounts), Combined Savings – Municipal Checking (2-Accounts), Trust & Agency Expendable –Municipal NOW Account, Trust & Agency Fund – Municipal Checking, And the Combined Checking – Municipal NOW Account.: Keith E. Dash
Linda A. Forti
Diana A. Cafferty

And BE IT FURTHER RESOLVED, THAT Linda A. Forti is designated the administrator of the on line banking.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2012-089 Audit of Bills

Councilman Cooper moved and Supervisor Dash seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstracts brought forth on February 1, 2012

(Please note: I was advised by the Finance Dept that there is no abstract until February 8th, 2012. That will be included in the February 15, 2012 minutes.)

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye
Councilman Cooper Aye
Supervisor Dash Aye

RESOLUTION 2012-090 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn in memory of Joe Trask, a lifelong resident and member of numerous committees & organizations and also in memory of James Kwilos, a Lake Shore Central School Teacher, to a Work Session on Wednesday, February 8, 2012 at 6:15pm then to an Agenda Meeting on Wednesday, February 15, 2012 at 6:30pm with the regular Town Board meeting immediately following at 7:00pm

VOTE RESULT: ADOPTED
AYES- Feldmann, Cooper, Dash
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