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, March 7, 2012 at 7:00pm there were:

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| 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 |
| | Jeanne C. Ebersole | Assessor |
| | Charles LaBarbera | Building Dept. Head |
| | Lori Szewczyk | Dir. of Community Development |
| | Scott Dill | Finance Dept. |
| | Edward Michalski | Highway Superintendent |
| | Russ Manguso | Parks Commissioner |
| | Julie Roach | Seniors Dept. Head |
| | Patrick Conrad | St. Pt. Marina Dept. Head |
| | Diana Cafferty | Supervisor's Dept. |
| | Gary Noel | Water Dept. |
| | Rob Klavoon | Wendel Duchscherer |
| EXCUSED: | Sandra Brant | Dir. of Planning |
| | Ernie Masullo | Police Chief |

***RESOLUTION 2012-105 Approve Minutes***

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of February 15, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

***Communications***

1. Edward Michalski, Highway Superintendent RE: Commendation for 14 employees- Supervisor Dash rec'd and acknowledged the following:
Robert Heath, Paul Heath, Robert Mooney, Jack Fritz, Jim Hohl, Joe Marchant, Richard McMillan, Craig Tanner, Jack Hazard, Mark Bouvier, Chris Pauley, Robert Strickler, Steve Heimburg, Karl VonSchweiger

2. Ernest Masullo, Police Chief RE: Commendation for 2 patrolmen- Supervisor

Dash rec'd and acknowledged the following:
Patrolman Jeffrey Mayer, Patrolman Joseph LaRosa

3. Supervisor Dash also acknowledged the Town Clerk, Jonica DiMartino in receiving her RMC designation and title from the NYS Town Clerks' Association

***Privilege of the Floor on Meeting Agenda Items & Other Issues***

1. Legislator John Mills gave an update on county roads (including finishing Beach Rd to Route 5) and other issues.

2. Marie O'Connor spoke about Lake St Drainage and provided a written statement submitted to the Town Clerk. (Attachment A)

***RESOLUTION 2012-106 Approve Town Clerk Monthly Reports***

Councilman Cooper moved and Feldmann seconded, to approve the Town Clerk Monthly Reports as follows:

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| Water January 2012 | $96,961.95 |
| Interest January 2012 | $14.94 |

VOTE RESULT: ADOPTED BY ROLL CALL

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| Councilman Feldmann | Aye |
| Councilman Cooper | Aye |
| Supervisor Dash | Aye |

***RESOLUTION 2012-107 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 2012-108 Enter into an agreement with Lake Shore Central Schools for Adult Community Education & Summer Recreation***

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: the Town of Evans wishes to enter into an agreement with the Lake Shore Central Schools for Adult Community Education and Summer Recreation,

NOW THEREFORE BE IT RESOLVED: that the Supervisor of the Town of Evans is authorized to sign a contract with the Lake Shore Central School District for Adult Community Education and Summer Recreation which will expire December 31, 2014.

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

***RESOLUTION 2012-109 Enter into a contract with Audubon Architecture, Engineering Surveying & Landscape Architecture PC (AKA Wendel)***

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS: the contract between the Town of Evans and Audubon Architecture, Engineering, Surveying & Landscape Architecture. P.C. hereinafter referred to as Wendel is expiring and

WHEREAS: the Town Board of the Town of Evans wishes to enter into a contract with Wendel

NOW THEREFORE BE IT RESOLVED: that the Supervisor is authorized to sign a contract with Wendel pursuant to approval of the Town Attorney.

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

***RESOLUTION 2012-110 2012 Fire Protection and/or Emergency Ambulance Service Contracts***

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS: There has been established in the Town of Evans a fire protective district known as the Angola Fire Protective District, and

WHEREAS: Pursuant to notice duly published according to law, the Town Board of the Town of Evans did conduct a public hearing on November 3, 2011 at the Evans Town Hall to consider proposed contracts for the fiscal year 2012 for the furnishing of fire protection and/ or emergency ambulance service and heard all persons interested in the same,

NOW THEREFORE BE IT RESOLVED: that the Town Board of the Town of Evans enter into a contract for fire protection and /or emergency ambulance service with the Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and the Highland Hose Fire Company and said fire companies shall receive the following amounts:

Angola Fire Company

$22,000.00 Emergency Ambulance Service
$104,160.00 Fire Protection
$10,500.00 Capital Improvement

Lake Erie Beach Fire Company

$22,000.00 Emergency Ambulance Service
$138,020.00 Fire Protection
$94,550.00 Capital Improvement

Evans Center Fire Company

$22,000.00 Emergency Ambulance Services
$138,020.00 Fire Protection
$94,550.00 Capital Improvement

Highland Hose Fire Company

$22,000.00 Emergency Ambulance Service

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

***RESOLUTION 2012-111 Appt of RPT laborer in the Water Department***

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: Richard Galfo Jr, was appointed as a part time employee in the Town of Evans Water Department and should have been appointed as an RPT (regular part time) employee.

NOW THEREFORE BE IT RESOLVED: that Richard Galfo, Jr. is hereby appointed as a RPT laborer in the Town of Evans Water Department effective February 16, 2012 at $12.50 per hour.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye

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| Councilman Cooper | Aye |
| Supervisor Dash | Aye |

***RESOLUTION 2012-112 Town Board opposes the creation of the 63rd district for the NYS Senate***

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, New York State as well as the rest of the United States has gone through a census in 2010, and

WHEREAS, the population of New York State is approximately 19,465,197, according to the U.S. Census Bureau, and

WHEREAS, there are 62 members of the N.Y. State Senate, and

WHEREAS, the residents of New York State are already overtaxed, and

WHEREAS, it is not in the best interest of the residents of the Town of Evans to add an additional New York State Senate seat, and

WHEREAS, the funding for another Senate seat could be better spent elsewhere,

NOW THEREFORE BE IT
RESOLVED, that the Town of Evans hereby opposes the creation of the 63rd New York State Senate seat, and

BE IT FURTHER
RESOLVED, that the Town Board of the Town of Evans asks that Senator Patrick M. Gallivan and Assemblyman Kevin S. Smardz oppose the proposed New York State Senate District map with the inclusion of a 63rd State Senate District, and

BE IT FURTHER
RESOLVED, that the Town Board of the Town of Evans requests the Town Clerk to send certified copies of this resolution to Senator Gallivan, Assemblyman Smardz and Governor Andrew M. Cuomo.

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

***RESOLUTION 2012-113 Wish the Town of Eden a happy 200th birthday***

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Town of Eden is celebrating its bicentennial in 2012, and

WHEREAS, the Town of Eden was initially a part of a larger township named Willink, and

WHEREAS, on March 20th and 21st in 1812, Willink was divided into four Towns which became Eden, Concord, Hamburg and Willink (no longer in existence), and

WHEREAS, on March 24, 2012, the Town of Eden is holding a birthday party to commemorate the signing of its Town's charter, and

WHEREAS, the people of the Town of Evans wish to extend congratulations to the citizens of the Town of Eden.

NOW THEREFORE BE IT
RESOLVED, that the Town Board of the Town of Evans, on behalf of the citizens of our Town, join together in sincerely wishing the Town of Eden a very happy 200th birthday!

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

***RESOLUTION 2012-114 Resignation of member of the Veterans Committee***

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, Joseph J. Catalano has submitted his letter of resignation from the Town of Evans Veterans Committee, and

WHEREAS, Joseph J. Catalano has faithfully served the Veterans Committee of the Town of Evans with dedication and honor, and

WHEREAS, he served our country overseas during World War II in the United States Army,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans thanks Joseph J. Catalano for his years of service to the Town of Evans Veterans Committee and the United States military and hereby accepts his resignation with regret.

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

***RESOLUTION 2012-115 Resignation of member of the Veterans Committee***

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, Francis E. Mooney submitted his letter of resignation from the Town of Evans Veterans Committee, and

WHEREAS, Francis E. Mooney has faithfully and honorably served both the Veterans Committee of the Town of Evans and the United States Navy from 1942 – 1946, serving overseas, and

WHEREAS, the Town of Evans wishes to recognize him for his service to the Town of Evans and the United States military,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans thanks Francis E. Mooney for his years of service to the Veterans Committee and United States military and hereby accepts his resignation with regret.

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

***RESOLUTION 2012-116 Town Board opposes the restructured/reduction/discontinuation of services by the NFTA for bus route #76- Lotus Bay Express***

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Niagara Frontier Transportation Authority is proposing to eliminate bus routes to the Southtowns, specifically the Town of Evans, and

WHEREAS, elimination of these services would be detrimental to our community, specifically residents and students who work or attend school outside of the Evans area, and

WHEREAS, the Phase I plan still shows a reduced or restructured route for Bus #76 – Lotus Bay Express,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans Board objects to the discontinuance of any part of bus service that negatively impacts the needs and services of the residents of the Town of Evans, and

BE IT FURTHER ESOLVED, that the Town Clerk sends a certified copy to this resolution to the Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, NY. 14203 – Attention: Service Planning Department.

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

***RESOLUTION 2012-117 Appt of 2 members of the Veterans Committee***

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans has vacancies on the Veterans Committee due to resignations,

NOW THEREFORE BE IT RESOLVED, that Robert Kenneth Currin
49 Middle Lane
Angola NY 14006

Jack Frost
8554 North Main Street
Angola NY 14006

Be appointed to fill the vacancies on the Veterans Committee.

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

***RESOLUTION 2012-118 Justice Court office is to be closed on April 13, 2012 due to free training of staff in Buffalo***

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, the court clerks are able to attend a free training class in the City of Buffalo on April 13, 2012, and

WHEREAS, Mrs. Baake will be one of the instructors, and

WHEREAS, Timothy Cooper , Town Justice has requested permission to close the court office for the day,

NOW THEREFORE BE IT RESOLVED, that the Court System of the Town of Evans will be closed on April 13, 2012 for the entire day.

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

***RESOLUTION 2012-119 Wish the Town of Hamburg a happy 200th birthday***

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Town of Hamburg is celebrating its bicentennial in 2012, and

WHEREAS, the Town of Hamburg was initially a part of a larger township named Willink, and

WHEREAS, ON March 20th in 1812, Willink was divided into four towns, which became

Eden, Concord, Hamburg and Willink (no longer in existence), and

WHEREAS, ON April 7, 1812 the Town of Hamburg held its first Town Board meeting, and

WHEREAS, the Town of Hamburg will be having activities through out the year 2012 celebrating their bicentennial, and

WHEREAS, the people of the Town of Evans wish to extend congratulations to the citizens of the Town of Hamburg,

NOW THERFORE BE IT RESOLVED, that the Town Board of the Town of Evans, on behalf of the citizens of our Town, join together in sincerely wishing the Town of Hamburg a very happy 200th birthday!!

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

***RESOLUTION 2012-120 Advertise for Request for Proposals for ambulance service***

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: the contract between the Town of Evans and LaSalle Ambulance D/B/A Rural Metro Medical Services (Rural Metro) for ambulance service is expiring: and

WHEREAS: the Town Board of the Town of Evans deems it reasonable and appropriate to advertise for proposals for such services pursuant to a "Request for Proposal" prepared and approved by the Town Attorney

NOW THEREFORE BE IT RESOLVED: that the Town Clerk is hereby authorized to advertise for proposals for ambulance service pursuant to the format approved by the Town Attorney. Said proposals shall be available MARCH 15, 2012 and shall be opened MARCH 26, 2012 at 10:00 am by the Town Clerk.

VOTE RESULT: ADOPTED BY ROLL CALL

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|---|---|
| Councilman Feldmann | Aye |
| Councilman Cooper | Aye |
| Supervisor Dash | Aye |

***RESOLUTION 2012- 121Audit 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 March 7, 2012

Date: 2/22/2012
Abstract No. 3
Voucher No. 227-308
Prepaid: 13, 14

| | |
|---|---|
| GENERAL | 32,185.86 |
| PART TOWN | 3,241.43 |
| HIGHWAY DA | 0 |
| HIGHWAY | 40,579.84 |
| WATER | 1,122.83 |
| CAPITAL PROJECTS | 0.00 |
| SPECIAL DISTRICTS | 817.80 |
| DEBT SERVICE | 0.00 |
| COMMUNITY DEVELOPMENT | 0.00 |
| TOTAL | 77,947.76 |

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

***RESOLUTION 2012-122 Adjournment***

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to a Work Session on Wednesday, March 14, 2012 at 6:15pm then to an Agenda Meeting on Wednesday, March 21, 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**

To: Town of Evans Town Board Members

From: Marie O'Connor

Date: March 7, 2012

Re: Lake Street Drainage

I stand before you once again to speak of the Walgreen's development project. During that time the projects proposal was open for public hearings. At those hearings and at a Town Drainage Committee Meeting, a number of residents, who reside around and down stream from this project, requested that a positive declaration for a full EIS be required. Our requests were denied and a negative declaration was declared by the Planning Board. After that, there were a few of us, me being one of them, who asked the Town Board to not accept the negative declaration. Again we were denied and The Board accepted the negative declaration. I pleaded with the standing board saying I did not want to deal with this after the fact, yet here I am. I also mentioned that too many times these type of decisions results in litigation for the residents of our town. That has also occurred with this project. I also want to mention that The Erie Co. Highway Dept. responded to the plan not allowing for any addition or direct drainage into the Lake Street system.

It has come to my attention that a possible remedy for the inadequate/defective retention pond is to enlarge and enclose the Lake Street Drainage system to accommodate this deficient plan. I am asking this Board to advocate for the residents that have already been effected and those who will experience adverse effects by this increased run-off in this already over-taxed system if this enlargement or closed pipe system is to be put in place.

I am requesting that the Lake Street system not be enlarged or enclosed, as we will suffer form it's cumulative effect. I am requesting that a full EIS take place for any alteration that should take place. I am pleading once again that the cumulative effect of additional run-off be considered. I am asking again for you to do the right thing and not allow this to be done.