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, April 17, 2013 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn Stoessel	Town Clerk
	Lynn M. Krajacic	Deputy Town Clerk
	J. Grant Zajas	Town Attorney
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Director of Community Develop.
	Scott Dill	Director of Finance
	Edward Michalski	Highway Superintendent & Overseer of DPW
	Patrick Conrad	Parks & St. Pt. Marina
	Sandra Brant	Director of Planning
	Ernest Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Diana Cafferty	Supervisor's Dept.
	Rick Hanavan	Wendel Duchscherer
EXCUSED:	Jeanne C. Ebersole	Assessor

RESOLUTION 2013-203 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded to approve the minutes of the April 3, 2013 Town Board meeting.

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

Communications

1.) Supervisor Dash read the communication from Chief Ernest Masullo in recognition of Patrolman Frederick Garrasi and Patrolman Jeffrey DeVinney for the arrest of an apparent drug dealer during a traffic stop.
2.) Supervisor Dash read the communication from Chief Ernest Masullo in recognition of Lieutenant Michael Masullo, Lieutenant Douglas Czora, Patrolman Ralph Maslach, Patrolman Patrick Atler, Patrolman Thomas Crupe, Patrolman Joseph LaRosa and Dispatcher Amy Hamm for the arrest of two individuals that committed daytime home burglaries.
3.) Supervisor Dash read the communication from Sandra L. Brant, Director of Planning for the requesting a public hearing be set for the rezoning of 6742 and

6750 Schuyler Drive, Derby New York for the expansion of the Highland Hose Fire Company.

RESOLUTION 2013-204 Request for Public Hearing for the rezoning request by North Evans Fire District

Councilman Dash moved Councilman Cooper seconded

WHEREAS, North Evans Fire District, has requested that the Town Board of the Town of Evans rezone a .2± acre parcel located at 6742 Schuyler Drive, Derby, NY 14047, SBL# 192.20-4-27 and a .3± acre parcel located at 6750 Schuyler Drive, Derby, NY 14047, SBL# 192.20-4-28.1 from Residential District Two (R-2) to Public Facility (PF) for the purpose of expansion to the Highland Hose Fire Company facility.

WHEREAS, in a letter dated April 12, 2013, the Evans Planning Office has requested that the Town Board set a public hearing regarding the request of the North Evans Fire District.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #5 of the year 2013, to held on May 15, 2013 at 7:10pm for the consideration of said Rezonings,

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office and the Code Enforcement Office.

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash,
NAYS: None

4.) Supervisor Dash read the communication from Edward G. Schneider III regarding Community Services for the Developmentally Disabled.

Supervisor Dash, for the record, read a letter from Mark R. Foley, President and CEO of Community Services for the Developmentally Disabled. (Addendum A)

RESOLUTION 2013-205 Receive and file communication from Edward G. Schneider III

Councilman Cooper moved Councilman Feldmann seconded

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash,
NAYS: None

7:10pm Public Hearing for the purpose of issuing a Special Use permit for Earl Bratwaithe, 9712 Southwestern Blvd, Angola

Supervisor Dash asked the Deputy Town Clerk to read the legal notice as follows:

LEGAL NOTICE OF PUBLIC HEARING
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 April 17, 2013 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the issuance of a Special Use Permit for the operation of a used car lot to be located at 9712 Southwestern Blvd., Angola, NY, SBL# 251.00-2-21. Petitioner: Earl Brathwaite.

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, RMC
Town Clerk

RESOLUTION 2013-206 Open the Public Hearing

Supervisor Dash moved and Councilman Feldmann seconded to open the public hearing for the consideration of the adoption of Earl Brathwaite Special Use permit renewal.

VOTE RESULT:	ADOPTED	
	AYES:	Feldmann, Cooper, Dash,
	NAYS:	None

There being no persons present wishing to speak, the Public Hearing was closed.

RESOLUTION 2013-207 Close the Public Hearing

Councilman Dash moved and Councilman Feldmann seconded to close the public hearing.

VOTE RESULT:	ADOPTED	
	AYES:	Feldmann, Cooper, Dash
	NAYS:	None

RESOLUTION 2013-208 Earl Brathwaite Special Use Permit Renewal

Supervisor Dash moved and Councilman Cooper seconded

WHEREAS, Earl Brathwaite requested a Special Use Permit renewal for the operation of a used car lot located at 9712 Southwestern Blvd., (a.k.a. US Route 20), Angola, NY 14006, SBL# 251.00-2-21, and

WHEREAS, said Special Use Permit was issued with the following conditions:

1. The site must be developed in accordance with the site plan dated 3/25/03 and approved by the Evans Town Board.
2. To minimize adverse effects on the character of the surrounding area, no major auto body or collision repairs shall be conducted on this site.
3. No storage of auto parts or accessories shall be permitted outside of the building.
4. Any painting, sandblasting, machine grinding or sanding must occur inside the building with a ventilation system designed in accordance with State and Federal standards.
5. To protect the waters of Big Sister Creek, no discharge or deposition of liquid or solid waste materials shall be permitted adjacent to or into the creek.
6. Said Special Use Permit shall be for a five-year period. Applicant may apply for renewal. Said application shall be reviewed at such time.

WHEREAS, the Town of Evans Planning Office and the Code Enforcement Office have conducted a proper review of the application and the facility and have recommended the Special Use Permit be renewed for another five years, and

WHEREAS, the negative SEQR declaration issued by the Evans Town Board on October 7, 1998 for said facility is still sufficient and valid, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing on April 17, 2013 regarding said Special Use Permit renewal,

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to Earl Brathwaite for the purpose of operating a used car lot, located at 9712 Southwestern Blvd. (a.k.a. US Route 20), Angola, NY 14006.

BE IT FURTHER

RESOLVED, that the six (6) above said conditions again be placed upon said Special Use Permit, and

BE IT FURTHER

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

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash
NAYS: None

Privilege of the Floor on Meeting Agenda Items & Other Issues

1.)Stan Kwilos PO Box 109, Angola New York commented on proposed changes and enforcement of rental permits.

7:20pm Public Hearing to consider the adoption of Proposed Local Law #4 if the year 2013 which will amend Local Law #8 of the year 1987.

Supervisor Dash asked the Deputy Town Clerk to read the legal notice 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 April 17, 2013 at 7:20pm at the Evans Town Hall, 8787 Erie Road, Angola, NY 14006 to consider the adoption of Proposed Local Law #4 of the year 2013 which will amend Local Law #8 of the year 1987 commonly known as the Zoning Law and any amendments thereto for proposed revisions to the Town Code Chapter 200-12 (R-2 Zoning District), Section 200-34, Section 200-8.1, Section 200-8.2, Section 200-9 and Section 200-16. A draft copy of the proposed amendments will be available, at the Town Clerk's Office, to review or pick up during normal business hours, Monday, Tuesday, Thursday and Friday from 8am – 4pm and Wednesday from 9am – 5pm or it can be viewed or printed out at www.townofevans.org.

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

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

RESOLUTION 2013-209 Open the Public Hearing

Supervisor Dash moved and Councilman Cooper seconded to open the public hearing for the consideration of the adoption of Proposed Local Law #4 of the year 2013, regarding town code revisions to zoning sections 200-12, 200-34, 200-8.1, 200-8.2, 200-9, 200-16.

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash
NAYS: None

Marie O'Connor, 8812 Lake Shore Road, Angola spoke in opposition and commented with her concerns for overcrowding, storm water run-off, and the erosion of Delaware Creek.

Sandra L. Brant, Director of Planning addressed the above concerns.

Lori Scewczyk, Director of Community Development also addressed the above concerns.

Edward G. Schneider III, 9575 Redwing Street, Angola New York spoke in favor questioned the number of new builds in the Lake Erie Beach area and commented that this could decrease the tax burden in the town.

There being no other persons present wishing to speak, the Public Hearing was closed.

RESOLUTION 2013-210 Close the Public Hearing

Supervisor Dash moved and Councilman Cooper seconded to close the public hearing.

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash
NAYS: None

RESOLUTION 2013-211 Proposed Local Law #4 to be placed under Old Business

Supervisor Dash moved and Councilman Cooper seconded to place Proposed Local Law #4 of the year 2013 amending chapter 200-12 (R-2 Zoning District) (Section 200-34, Section 200-8.1, Section 200-8.2, Section 200-9 and Section 200-16) under Old Business

VOTE RESULT: ADOPTED
AYES: Feldmann, Cooper, Dash
NAYS: None

PROCLAMATION

To the People of the Town of Evans

WHEREAS, Those distinguished citizens of the Town of Evans who have devoted themselves to faithfully serving the best interests of their community and the needs of its residents deserve to be recognized and honored; and

WHEREAS, Reverend Donald Loos, Pastor of St. John Lutheran Church in Angola has been a faithful, giving and willing citizen of the Town of Evans for thirty five years, and

WHERESAS, his community service includes Co-Founder of Operation Good Neighbor, Chaplin Evans Center Fire Company, President of Lake Shore Christian Churches, Supervisor of the Community Service Sentencing Program in the Evans Town Court, and

WHEREAS, Pastor Loos has been called upon to contribute his time and talent to countless other Civic and Charitable Endeavors

NOW THEREFORE BE IT REOLVED, that Pastor Donald Loos be duly recognized by the Town of Evans as it's

2012 Citizen of the Year

_____

Keith E. Dash

_____ _____

Paul F. Cooper, Councilman Dennis M. Feldmann, Councilman

Privilege of the Floor on Meeting Agenda Items & Other Issues (cont)

2.)Mary Martino 429 Lakeside Avenue, Angola New York commented on Proposed Local Law #4 and suggested addressing short-term rentals and posting written notice with major ordinances and complimented the Police department.
3.) Ed Qualey, 443 Lakeside Avenue, Angola New York commented on Proposed Local Law #4 and complimented the Police department.
4.)Edward G. Schneider, 9575 Redwing Street, Angola New York commented on the Right to Rent law and the saturation of Community Services for the Developmentally Disabled.

Committee and Department Head Reports

Councilman Cooper reported the Boys & Girls Club will be doing their Sunday Funday at the Meadowbrook and the Quizmaster Show at North Evans Fire Hall. Presented a flyer from Solar Liberties showing the new solar panels at the Senior Center, Water Department and Highway Department. Soon there will be ground mounted farms at the South Creek Pool and the Town Hall. Estimated savings will be over $4900 per year based on the five facilities.

Supervisor Dash read the Building Department's March monthly report. The Dredging at the Sturgeon Point Marina has commenced. With the assistance of Senator Mark Grisanti, $100,000 in additional funds will be coming to the Sturgeon Point Marina for dredging and/or investigating as to what we can do so we don't have to dredge as much.

Lori Szewczyk announced celebration of Earth Day, will be Saturday, April 20, and the 2nd Annual Lake Erie Beach Neighborhood Cleanup starts at 8am.

Supervisor Dash added the Evans Historical Society is planting trees at their facility and the Pioneer Cemetery.

RESOLUTION 2013-212 Reports of the Town Clerk

Supervisor Dash moved and Councilman Cooper seconded to accept the Town Clerk reports as submitted:

March Water District Receipts	$100,404.87
March interest	$15.38

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

RESOLUTION 2013-213 Old Business

Supervisor Dash moved and Councilman Feldmann seconded to keep the Appointment of Assessor on Old Business.

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

RESOLUTION 2013-214 Removal of Proposed Local Law #3 off Old Business

Supervisor Dash moved and Councilman Feldmann seconded to remove Proposed Local Law #3 of 2013 from Old Business.

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

RESOLUTION 2013-215 Adoption of Proposed Local Law #3 of the year 2013

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, a public hearing was regularly scheduled and conducted regarding the consideration Proposed Local Law #3 of the year 2013; and

WHEREAS, at such public hearing concerns and comments were received and have been considered; and

WHEREAS, in consideration of the same modifications and amendments of said proposed local law were made as reflected in the said local law as now proposed

NOW THEREFORE BE IT RESOLVED; that Proposed Local Law # 3 of the year 2013 Is hereby amended as set forth in the copy of the same provided to the Town Clerk herewith; and be it further

RESOLVED; that Proposed Local Law number 3 of the year 2013 as so amended be and the same hereby is adopted as Local Law number 3 of the year 2013 to be effective immediately

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

RESOLUTION 2013-216 Advertise for Bids for Sturgeon Point Bluffs Park

Supervisor Dash moved and Councilman Feldmann seconded,

Whereas, the Town of Evans has authorized Audubon Architecture, Engineering, Land Surveying & Landscape Architecture, PC to complete the plans and specifications for the construction of the Sturgeon Point Bluffs Park, Phase 1 (Contract 13-3),

Now, therefore be it resolved, that the Evans Town Board authorizes the Town Clerk to advertise for said bids as follows:

- Books available: Thursday April 25, 2013

Open Bids: Friday May 24, 2013 at 11:00 AM

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

RESOLUTION 2013-217 Appointments of Part Time Laborers

Councilman Cooper moved and Supervisor Dash seconded,

RESOLVED; that the following be appointed to the position of laborer, to be called as needed; at the following rate of hourly pay:

Patricia Conrad	364 Wilson Rd, Angola	$8.00
Steven Siracuse	9038 Joyce Lane, Angola	$8.00
Clark Brueckl	850 Bennett Rd, Angola	$8.00
Jamie Caumann	6750 Prescott Dr, Derby	$7.50
Mackenzie Dillon	9028 Joyce Lane, Angola	$7.25
Richard Murphy	9253 Old Lakeshore, Angola	$8.00
Jacob Majuk	9073 Iroquois St, Angola	$7.25
Dan Carriero	9946 Erie Rd, Angola	$8.00
Jon Triftshauser	9157 Waterman Rd, Angola	$7.50
John Schneider	1528 Wisconsin Rd, Derby	$7.50
David Ryerse	7360 Delamater, Derby	$8.00
Richard Walker	25 Washington St, Angola	$8.00

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

RESOLUTION 2013-218 Bid Award for replacement and new waterlines, Contract 13-02

Councilman Feldmann moved and Councilman Cooper seconded,

Whereas, Bids on the Town of Evans Replacement and New Waterlines (Contract 13-02) were received and opened on April 5, 2013 at 1:00 PM, in accordance with the Notice to Bidders previously authorized, and

Whereas, the low bid was submitted by HydroLawn of Buffalo, and

Whereas, Hydrolawn of Buffalo submitted a letter dated April 10, 2013 requesting to withdraw their bid due to errors on their part, and

Whereas, the Town Engineer has reviewed this letter with the Town Attorney and the Town Attorney agrees that it is in the best interest of the Town of Evans to award the bid for Contract 13-02 to the next lowest responsible bidder, and

Whereas, Wendel has reviewed the proposal from New Frontier Excavating and Paving, Inc. and held a meeting on April 12, 2013 with the President of the company, and confirmed his understanding of the requirements of this project, and

Whereas, the bid for the Base Bid submitted by New Frontier Excavating and Paving, Inc. was $796,396.00,

Now, therefore be it resolved, that the Evans Town Board authorizes the award of the Replacement and New Waterline Contract (Contract 13-02) to New Frontier Excavating and Paving, Inc. , 8256 East Eden Road , Eden NY 14057 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurance's.

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

RESOLUTION 2013-219 Audit of Bills

Councilman Cooper moved Supervisor Dash seconded that all properly audited bills be paid out of their respective accounts per abstract April 17, 2013:

Date: 4/3/2013
Abstract No. 7
Voucher No. 477-588
Prepaid: 17, 18, 19

General	$49,926.22
Part Town	7,269.87
Highway DA	0
Highway	28,792.67
Water	91,852.86
Capital Projects	0
Special Districts	21,254.29
Debt Service	0
Community Development	0
	$199,096.01

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

Moment of Silence observed in Memory of those lost in the Boston Marathon Bombing.

RESOLUTION 2013 -220 Adjournment

Supervisor Dash moved and Councilman Cooper seconded to adjourn in Memory of those who were lost in the Boston Marathon bombing this past Monday and to Thursday, April 18, 2013 for a Demolition Hearing at 6:30 pm then to Wednesday, May 1, 2013 for an Agenda meeting at 6:30pm and 7:00pm for the Town Board meeting.

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,

Lynn Stoessel
Deputy Town Clerk

Jonica B. DiMartino, RMC
Town Clerk

In Memory & Observance of those lost in the Boston Marathon Bombing.

COMMUNITY SERVICES
FOR THE DEVELOPMENTALLY DISABLED
Service Coordination • Habilitation • Housing & Shelter

RECEIVED
JUN 27 2007
PLANNING DIVISION

June 20, 2007

Mr. Paul Cooper
Town of Evans
8787 Erie Rd.
Angola, NY 14006

Dear Mr. Cooper,

Thank you for your call and your assistance in helping Community Services for the Developmentally Disabled educate Evans residents on our plans for the Southwestern IRA. As I've shared with Sandy Brant, this will be a house for adults with developmental disabilities. This will not be a home for criminal parolees, pedophiles or registered sex offenders.

For over 17 years, Community Services has been successfully helping individuals with developmental disabilities reach their highest level of independence possible. We look forward to providing the same high level of services and supports to the residents of the Southwestern IRA.

It is unfortunate that such rumors have been circulated, as those we serve already have many barriers to overcome. Thank you for your efforts in helping us communicate our intentions.

Sincerely,

Mark R. Foley
President & CEO

452 Delaware Avenue, Buffalo, NY 14202
(P) 716 883-8888 (F) 716 883-2065 Confidential Fax: 716 883-0783 TTY: 716 883-3112 www.csdd.info

1179 Kenmore Avenue, Kenmore, NY 14217 (P) 877-1111 (F) 877-1177 • 1845 Kenmore Avenue, Kenmore, NY 14217 (P) 447-9595 (F) 447-0450
2180 Genesee Street, Buffalo, NY 14211 (P) 896-2180 (F) 332-6805 • 1377 Abbott Road, Lackawanna, NY 14218 (P) 824-3555 (F) 824-1125

cc. A. Benovese
Dykeman
Marra