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 6, 2013 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
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Scott Dill	Dir. of Finance
.	Edward Michalski	Highway Superintendent
	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.
	Rob Klavoon	Wendel Duchscherer
ABSENT:	James Guarino	Water Dept

RESOLUTION 2013- 107 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the regular meeting of January 16, 2013 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

1. Karen LaCorte-Nies & Jon Nies RE: Thank you for Patrolman Garrasi and Police Dept.- Supervisor Dash read letter and extended a thank you and congratulations on behalf of himself and the Town Board to Patrolman Garrasi.
2. Chief of Police Ernest Masullo RE: Letter of Recognition for Lt Smith- Supervisor Dash read letter and extended a thank you and congratulations on behalf of himself and the Town Board to Lt Smith
3. Sandra Brant, Dir of Planning RE: PLL#2 of 2013 rezoning of 8746 Erie Rd from NB to GB and two other Re Zonings. Petitioner: Marguerite M.

Hogg- Supervisor Dash read the correspondence and the Town Board took action as follows:

RESOLUTION 2013-108 Authorize Town Clerk to set Public Hearing

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, Marguerite M. Hogg, has requested that the Town Board of the Town of Evans rezone a .98± acre parcel located at 8746 Erie Road, Angola, NY 14006, SBL# 235.00-2-47 from Neighborhood Business (NB) to General Business (GB) for the purpose of operating a landscaping business and a restaurant, a 1.38± acre portion of a parcel located at 8930 Erie Road, Angola, NY 14006, SBL# 235.00-2-6 from Mobile Home Residential-5 (MHR-5) to General Business (GB) for the purpose of operating a hair salon, and a 2.55± acre portion of vacant land located on Erie Road, Angola, NY 14006, known as SBL# 235.00-2-8 8 from Rural Residential (RR) to General Business (GB) to bring the existing mobile home sales lot into conforming zoning.
WHEREAS, in a letter dated January 25, 2013, the Evans Planning Office has requested that the Town Board set a public hearing regarding the request of Marguerite M. Hogg

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 be held on March 6, 2013 at 7:10pm for the consideration of said Rezonings,

AND BE IT FURTHER RESOLVED, that this matter be referred to the Planning Board for review and recommendation.

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office and the Code Enforcement Office. (Stated for the record that the rezoning will be PLL#2 of the year 2013)

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

4. Supervisor Dash read a letter from Sandra Brant, Minor Subdivision Review Committee RE: Judith Fasso at 1348 Pontiac Rd, Angola and the Town Board took action as follows:

RESOLUTION 2013-109 Issue SEQR Negative Declaration

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and
WHEREAS, in a letter dated January 25, 2013, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Judith J. Fasso Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Judith J. Fasso Minor Subdivision. (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 252.00-1-11.11, dividing an 31.48± acre parcel to create:

1. a 3.00± acre parcel with 409.08± feet of frontage on Pontiac Road & 276.93± feet of frontage on Southwestern Boulevard,
2. a 6.47± acre parcel with 200.00± feet of frontage on Pontiac Road & 625.19± feet of frontage on Southwestern Boulevard,
3. a 5.05± acre parcel with 361.41± feet of frontage on Southwestern Boulevard,
4. a 13.62± acre parcel with 1006.65± feet of frontage on Southwestern Boulevard, and
5. a 3.75± acre portion to be annexed to SBL# 252.00-1-6.1

Petitioner: Judith J. Fasso, 1368 Pontiac Road, Angola, NY 14006.

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office.

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

RESOLUTION 2013-110 Approve Judith J. Fasso Minor Subdivision

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated January 25, 2013, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee

and approves the Judith J. Fasso Minor Subdivision, a division of SBL# 252.00-1-11.11, dividing an 31.48± acre parcel to create:

1. a 3.00± acre parcel with 409.08± feet of frontage on Pontiac Road & 276.93± feet of frontage on Southwestern Boulevard,
2. a 6.47± acre parcel with 200.00± feet of frontage on Pontiac Road & 625.19± feet of frontage on Southwestern Boulevard,
3. a 5.05± acre parcel with 361.41± feet of frontage on Southwestern Boulevard,
4. a 13.62± acre parcel with 1006.65± feet of frontage on Southwestern Boulevard, and
5. a 3.75± acre portion to be annexed to SBL# 252.00-1-6.1

Petitioner: Judith J. Fasso, 1368 Pontiac Road, Angola, NY 14006.

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

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

5. Sandra Brant, Minor Subdivision Review Committee RE: Wayne & Cheryl Kerling at 9438 Lake Shore- Supervisor Dash read the letter and the Town Board took action as follows:

RESOLUTION 2013-111 Issue SEQR Negative Declaration

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated January 28, 2013, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Wayne and Cheryl Kerling Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for Wayne & Cheryl Kerling Minor Subdivision. (Addendum B SEQR Short Environmental Assessment Form),

a division of SBL# 250.10-1-19, dividing an 6.66± acre parcel to create:

1. a 1.35± acre parcel with 99.25± feet of frontage on Lake Shore Road,
2. a 1.13± acre parcel with 80.00± feet of frontage on Lake Shore Road, and
3. a 4.18± acre parcel with 179.25± feet of frontage on Lake Shore Road

Petitioner: Wayne & Cheryl Kerling, 9438 Lake Shore Road, Angola, NY 14006.

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office.

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

RESOLUTION 2013-112 Approve the Wayne & Cheryl Kerling Minor Subdivision

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated January 28, 2013, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Wayne & Cheryl Kerling Minor Subdivision, a division of SBL# 250.10-1-19, dividing an 6.66± acre parcel to create:

1. a 1.35± acre parcel with 99.25± feet of frontage on Lake Shore Road,
2. a 1.13± acre parcel with 80.00± feet of frontage on Lake Shore Road, and
3. a 4.18± acre parcel with 179.25± feet of frontage on Lake Shore Road

Petitioner: Wayne & Cheryl Kerling, 9438 Lake Shore Road, Angola, NY 14006.

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

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

6. Joan Kennedy RE: request assistance with the clearing of a drainage ditch on Lakecrest Dr.- Supervisor Dash read the letter and referred it to a work session along with discussion with the Highway Superintendent.

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. EJ Waddell, 600 Milsom, read a letter into the record and provided it to the Town Clerk (Attachment A). The letter and other documents received, as well, will be held in the Town Clerk's working file, assessment file, and to be copied and distributed to the Town Board and Town Attorney.
2. Edward J. Conboy, Jr., 8168 Hillside, urged Town Board to, at least, keep tabled the re-appt of assessor. Also expressed displeasure of a meeting of a Town Official and the Angola Pennysaver which resulted in the prevention of printing an ad. Also commented on the resolutions appointing people and hoped that money added was offset by retirements that had occurred. Also, he commented on the North Collins resolution. Questioned the resolution process and viewing of resolutions prior to Town Board meetings. Questioned the Wendel resolution and the ECWA Hydrant resolution.
3. Ed Schneider, 9575 Redwing, spoke against the appointments on the agenda. He questioned the validity Town of North Collins Assessment Contract. He also questioned the practices of the issuance of rental permits and inspections and recent variances. He stated that these practices seemed contradictory and favorable for one person and different for others. In addition, he commented on the resolution regarding raising fees for landlords and the fair practice of collecting such fees.
4. Cheryl St. George, Hamilton, read a letter and spoke against the appointment of the current assessor. She also asked if resolutions could be emailed. She also provided the Town Clerk with her letter, as well, as others, to be held in the Town Clerk's working file, assessment file, and to be copied and distributed to the Town Board and the Town Attorney.
5. Dick Hammer, 1247 Backus, Derby 14047, would also add his voice against the re-appt of the assessor. He also spoke regarding have another work session where people could voice their opinions. He would like the names and addresses of all of the people who submitted letters regarding the appt of the assessor. Regarding the issue of the Freedom of Information requests, he has now given them to the Town Clerk for due process. Again, he reiterated that he would like to see the re-appt process of the assessor done publicly.

Committee and Department Head Reports

Councilman Feldmann had two items received from Community Development. First, he received correspondence, courtesy of the United Way of Buffalo and Erie County, regarding free tax preparation services for low to moderate income families. More information is available at the Town Hall. Second, he mentioned a free housing seminar open to the public covering several topics. The free seminar is on Tuesday, February 26, 2013 from 6:30pm – 8:45pm at the Lake Erie Beach Fire Hall. Reservations recommended. Please contact Lori Szewczyk at 549-3915.

Councilman Cooper received end of the year report from RCR&R regarding the electronics waste recycling program that was started February 1st of last year. In eleven months the Town has collected 4,693lbs of Computers, 21,488lbs of Computer peripherals, 5,707lbs of Small electronic equipment, 148lbs of Small scale servers, and

45,739lbs of Televisions totaling 77,775lbs of electronic recycling. He commended the citizens of Evans for adopting the program. He also commented that it is a money saver for the Town. He announced that there will be a benefit at Lake Erie Beach Fire Hall from about 1pm-4pm for Amy Hamm, who is one of the Town's dispatchers that had a devastating fire in her home and lost everything. He encouraged people to attend. He commented on attending the Evans Center Vol. Fire Company's installation dinner and commended Adam Bitnun, who responded to 433 calls in one year. He also commended all volunteer firefighters and EMS for their efforts.

Supervisor Dash would also like to congratulate, since the last meeting, the officers of the Angola Volunteer Fire Company, the Evans Center Volunteer Fire Company, and the Lake Erie Beach Volunteer Fire Company, as well as, the officers of the Evans Historical Society, who were installed on their respective nights of installation. He stated that it proves that volunteerism is alive and well and exists here in the Town of Evans. Also, he reported that the LED lighting on the Town properties is 98% complete. On behalf of the Town Board, he wished to again thank Gary Huber, who oversaw the installation. The Supervisor was also very pleased to the savings that this project will bring to the Town.

RESOLUTION 2013-113 Town Clerk Monthly Reports

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

January 2013 Monthly Report	$11,497.83
January 2013 Interest	$2.03
January 2013 Petty Cash	$0
January 2013 Chase Credit	$.32
January 2013 Water Receipts	$99,981.52
January 2013 Interest	$15.95

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-114 Old Business

Supervisor Dash moved and Councilman Cooper seconded, to keep Appt of Assessor on Old Business.

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

RESOLUTION 2013-115 Remove Appt of Deputy Supervisor from Old Business

Supervisor Dash moved and Councilman Feldmann seconded, to remove Appt of Deputy Supervisor from Old Business.

VOTE RESULT: ADOPTED
AYES – Feldmann, Dash
NAYS – Cooper

Supervisor Dash appointed his administrative assistant to act as Deputy Supervisor in his absence from February 15, 2013 to February 25, 2013, because he will be out of town.

RESOLUTION 2013-116 Request State Legislators to adopt Assembly Bill A.88 & A.824 which would make it mandatory for lending institutions to provide contact information for responsible parties regarding vacant structures

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five (5) years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures, and require good faith in obtaining a foreclosure; and

WHEREAS, the Town Board of the Town of Evans supports the passage of said Bills in the State Legislature.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans hereby supports the passage of said Bills and respectfully requests that the State Representatives who represent constituents in the Town of Evans support the passage of said Bills; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to send certified copies of this resolution to Senator Grisanti, Assemblyman DiPietro and Assemblyman Kearns.

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

RESOLUTION 2013-117 Appt of Consultant for DPW/Water Dept

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED, that Tom Kait be appointed as a consultant to the Town of Evans DPW/Water Department at a monthly rate of $250.00 effective January 1, 2013.

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

RESOLUTION 2013-118 Appt of Consultant for Court

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that Mary Ann Baake be appointed as a consultant to the Town of Evans Courts at an hourly rate of $9.50 p/h effective January 28, 2013.

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

RESOLUTION 2013-119 Appt of General Crew Chief RPT

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED, that Gary Huber be appointed as a General Crew Chief, RPT effective February 7, 2013 at the rate of $11.75 per hour due to additional responsibilities.

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

RESOLUTION 2013-120 Sign North Collins Assessment Services Contract

Councilman Feldman moved and Supervisor Dash seconded,

RESOLVED, that the Supervisor is hereby authorized to sign the contract with the Town of North Collins for assessment services for the period of January 1, 2013 to December 31, 2013.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Aye

Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-121 Additional stipend for Highway Superintendent for additional duties of overseeing the Dept of Public Works

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, that pursuant to Section 64 of Town Law of the State of New York the Town Board established the Department of Public Works on October 2, 2012, which included the Highway Department, the Water Department and the Parks Department, including the Marina, and

WHEREAS, the Highway Superintendent was given the added duties of overseeing the Department of Public Works in addition to his regular duties of Superintendent of Highways,

NOW THEREFORE BE IT RESOLVED, that the Superintendent of Highways receive an additional annual stipend of $10,000.00 effective January 1, 2013 to be paid on a quarterly basis.

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

RESOLUTION 2013-122 Appt of Police Officer

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, that Frederick Garrasi III, is hereby appointed to the position Police Officer subject to the Erie County Civil Service Rules, the successful completion of all medical testing, psychological evaluation and background investigation at the salary established pursuant to the Collective Bargaining Agreement effective February 7, 2013.

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

RESOLULTION 2013-123 Appt of two (2) part time Public Safety Dispatchers

Councilman Cooper moved and Supervisor Dash seconded,

RESOLVED, that Michael Conti is hereby appointed part-time Public Safety Dispatcher with the Evans Police Department to be called as needed at the rate of $13.55/hour; and further be it

RESOLVED, that Eric Hamilton is hereby appointed part-time Public Safety Dispatcher with the Evans Police Department to be called as needed at the rate of $13.55/hour.

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

RESOLUTION 2013-124 Authorize Supervisor to sign Letter Proposal Agreement with Audubon Architecture, Engineering, Land Surveying & Landscape Architecture, P.C.

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, the Supervisor of the Town of Evans is hereby authorized to sign the Letter Proposal Agreement with Audubon Architecture, Engineering, Land Surveying & Landscape Architecture, P.C. dated January 30, 2013 for design services related to the completion of a design/contract documents, specifications, assistance with bid procurement & limited services during construction, subject to the approval of the Town Attorney.

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

RESOLUTION 2013-125 Authorize Town Clerk to advertise for PH for the consideration of PLL#3 of the year 2013 RE: Rental Permits and the requirements

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED, that the Town Clerk is authorized and directed to cause publication of a notice of Public Hearing to consider amend of and/or changes to the Town Code, Chapter 158, regarding rental permits and the requirement therefore and consequences of failure to comply with the same. Said hearing to be scheduled for February 27, 2013 at 7:15 p.m.
A draft of the proposed local law #3 of the year 2013 will be available at the Town Clerk's Office on or before February 14, 2013.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye

Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-126 Fees for Building & Electrical Inspections

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED, that the attached fees for Building and Electrical Inspections for the Town of Evans Building Department be approved effective February 7, 2013. (Attachment B & C)

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-127 Authorize the payment of Hydrant Fees to the Erie County Water Authority in Connection with the Execution of the Lease Management Agreement

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans is scheduled to enter into a Lease Management Agreement with the Erie County Water Authority on or before April 1, 2013; and

WHEREAS, pursuant to the terms of the Lease Management Agreement, the Town is required pursuant to Section 3, Paragraph 3.5 entitled "Charges for the Supply of Water" of the draft Agreement to pay the Authority charges for Public Fire Protection as set forth in the Authority's Tariff; and

WHEREAS, the Town of Evans Water System is comprised of the Water Districts 1,1X, 1XX, 2, 2X, 3, 4, &5, and

WHEREAS, the Erie County Water Authority has requested that the Town Board by resolution specifically agree to pay such tariff on the existing hydrants in Water Districts 1,1X, 1XX, 2, 2X, 3, 4, & 5

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Evans does hereby agree to pay the Erie County Water Authority charges for Public Fire Protection as set forth in the Authority's Tariff for all fire hydrants located in Water Districts 1,1X, 1XX, 2, 2X, 3, 4, & 5

2. This resolution shall take effect immediately.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-128 Approve Town Licenses

Supervisor Dash moved and Councilman Feldmann seconded,

Licenses:

George P. Williams D/B/A Super Freeze – Refreshment & Amusement

Derrik W. Decker D/B/A Decker's Corner LLC – Refreshment

MHD

William R. Pfeil – Triton Valley Derby

William R. Pfeil – Triton Valley Angola

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
AYES – Feldmann, Cooper, Dash
NAYS – none

RESOLUTION 2013-129 Audit of Bills

Councilman Cooper moved and Councilman Feldmann seconded,

BE IT RESOLVED, that all properly audited bills be paid out of their respective accounts per abstract brought forth:

Date: 01/25/2013
Abstract No. 2
Voucher No. 52-112
Prepaid:

GENERAL	$111,076.93
PART TOWN	$24,045.03
HIGHWAY DA	0
HIGHWAY	$21,654.81
WATER	$8,873.39
CAPITAL PROJECTS	$71.90
SPECIAL DISTRICTS	$15,116.63
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	0.00
TOTAL	$180,838.69

Date: 02/06/2013
Abstract No. 3
Voucher No. 113-206
Prepaid:

GENERAL	$740,368.72
PART TOWN	$485.12
HIGHWAY DA	0
HIGHWAY	$4,005.98
WATER	$93,916.91
CAPITAL PROJECTS	$18,120.10
SPECIAL DISTRICTS	$27,228.46
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	0.00
TOTAL	$884,125.29

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

RESOLUTION 2013-130 Adjournment

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn to Wednesday, February 13, 2013 at 6:15pm for a Work Session, Wednesday February 27, 2013 at 6:30pm for an Agenda meeting and 7:00pm for the regular Town Board Meeting. (A moment of silence was respectfully given in honor of Officer Patricia Parreti)

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, RMC
Town Clerk

PROJECT I.D. NUMBER

617.20
Appendix C

SEQR

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR: Judith J. Fasso

2. PROJECT NAME: Judith J Fasso Minor Subdivision

3. PROJECT LOCATION:
Municipality: Town of Evans County: Erie

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
1348 Pontiac Road approximately 1,000 +/- feet from the intersection of Southwestern Blvd, aka US Rte 20.

5. IS PROPOSED ACTION:
☐ New ☐ Expansion ☒ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY: Subdividing a 31.48 +/- acre parcel to create a 3.00 +/- acre parcel, a 6.47 +/- acre parcel, a 5.05 +/- acre parcel, a 13.62 +/- acre parcel a 3.75 +/- acre parcel to be annexed to an adjacent parcel known as SBL# 252.00-1-6.1 owned by Ronald Brent

7. AMOUNT OF LAND AFFECTED:
Initially 31.48 acres Ultimately 31.48 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☒ Yes ☐ No If No, describe briefly

WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☒ Commercial ☐ Agriculture ☒ Park/Forest/Open space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☒ No If yes, list agency(s) and permit/approvals

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If yes, list agency name and permit/approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Judith J. Fasso Date: 1-14-13

Signature: Judith J. Fasso

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
☐ Yes ☒ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Town Board of the Town of Evans
Name of Lead Agency

Keith E. Dash
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Keith E. Dash
Signature of Responsible Officer in Lead Agency

Sandra R. Brant, Director of Plan
Signature of Preparer (if different from responsible officer)

1/6/13
Date

617.20
Appendix C
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: WAYNE & CHERYL KERLING

2. PROJECT NAME: KERLING MINOR SUBDIVISION

3. PROJECT LOCATION:
Municipality: TOWN OF EVANS County: ERIE

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
9438 LAKESHORE RD

5. PROPOSED ACTION IS:
☐ New ☐ Expansion ☒ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
SUBDIVIDING A 6.66 +/- AC PARCEL TO CREATE A 1.35 +/- AC PARCEL, A 1.13 +/- AC PARCEL, AND A 4.18 +/- AC PARCEL

7. AMOUNT OF LAND AFFECTED:
Initially 6.66 acres Ultimately 6.66 acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☒ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☒ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☒ Other
Describe: (CAMP) SCHOOL

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☒ No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: WAYNE KERLING Date: 1/18/2013

Signature: Wayne Kerling

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town Board - Town of Evans
Name of Lead Agency

1/6/13
Date

Keith E. Dash
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Keith E. Dash
Signature of Responsible Officer in Lead Agency

Sandra L. Brant, Director of Planning
Signature of Preparer (If different from responsible officer)

February 6, 2013

To: The Evans Town Board

Last Thursday, January 30, 2013, I was subjected to one of the most un-American experiences of my life: I was denied the opportunity to place a political informative ad in the Angola Pennysaver. I do not question the right of the owner but I do question the ethics of the town official who apparently convinced the owner to do it. I did not give 2 ½ years of my life serving my country to allow any government official to flaunt the Constitution of this great country and suppress free speech.

I am asking Jean Ebersole to explain her action in this matter and to explain the purpose of a proposed closed door meeting between Mr. Austin, Mr. Cooper, Jean Ebersole and the ETU officers.

I am also asking each member of the Board to give me his opinion on this matter.

Sincerely,

Ernest Waddell

RECEIVED
FEB 6 2013
TOWN CLERK
TOWN OF EVANS

CC: Supervisor Dash
Councilman Cooper
Councilman Feldmann
Assessor
Town Atty.
File

Read into record.

Received on Feb. 6, 2013 by the Town Clerk @ 6:50pm.

Code		Fees
100	Single fimily homes	$100.00 plus .25 S.F
101	Mobile Home	$350.00
102	Two Family Home	$100 plus .25 S. F.
103	Three Family or more	$50 per unit plus .25 S.F
104	Townhouse	$100 plus .20 S. F.
105	Extend residential	$100 plus .20 S. F.
107	Repair Residential	$100 plus $5 per 1000
108	Detached garage w/&w/o Elect.	$200.00
109	Attached garage w/ elect	$200.00
110	Demolition-residential	$150.00
111	Inground Swimming Pool	$150.00
112	Fence	$50.00
113	Shed	$50.00
114	Above Ground Pool W/Elect	$150.00
115	Open Deck/porch	$50 Plus .15 S.F.
116	Woodstove/Fire place	$75.00
117	Roof Permit	$75.00
120	Alteration to Residential	$100. Plus $5. Per 1000
200	Commercial/Industrial	$200. Plus .50 Per S.F.
201	Extend Commercial/Industrial	$200. Plus .50 Per S.F.
202	Alteration to Commercial/Industrial	$200. Plus 10. Per 1000
203	repair Comm/ Industrial	$200.00
204	Demolition-commercial	$300.00
255	Operating Permit	$50.00 Per Year
300	Farm Buildings	$100.00
301	Signs	$60 plus .1 S.F.
303	Tempory Sign	$150.00
304	Generators/w elect.	$100.00
400	Variance	100 area/500 use variance
401	Commercial/Industrial	200 & use 500
410	Special use Pemit	$200.00
420	Flood Plain Dev.	$150.00
500	Rental Permit two year	$100/ $50 Reinspection fee
501	Fire prevention insp.	$0 first insp.100 each after

Reinspection fee	$50.00
duplicate certificates of occupancy or certificate of compliance	$50.00
Speical Inspections	$50.00 per hour
Zoning Letters	$50.00

1% per day late fee

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2013.0.2890 / Virus Database: 2639/6068 - Release Date: 01/30/13

TOWN OF EVANS
ELECTRICAL INSPECTIONS

SCHEDULE OF FEES

Service only	
100 AMP-200 AMP	$100.00
300 AMP-400 AMP	$125.00
500 AMP-800 AMP	$150.00
801 AMP- 1200 AMP	$175.00
1201-3000 AMP	$200.00

NEW BUILD RATE

One and two family home (not exceeding 200 amp- three trips & 2000 Sq. Ft. or less) $200.00

One and two family dwelling (3 trips & in Excess of 2000 Sq. Ft. in size) $300.00

RESIDENTIAL ADDITIONS OR ALTERATIONS TO EXISTING COMPLEX:

One & two family dwelling addition- 2 trips & up
To 1000 sq. ft. $100.00
One & two family dwelling additions-2 trips & up
To 2000 sq. ft $150.00
Multi-family dwellings (per unit) $150.00

RESIDENTIAL SWIMMING POOLS & SPAS:

Residential in ground	$150.00
Residential above ground	$100.00
Spas & hot tubs	$100.00

RESIDENTIAL GENERATORS:

Flat fee	$100.00

COMMERICAL FEES:

Minimum	$100.00
Outlets	$1.50 each
Fixtures & devices	$1.50 each

RE-INSPECTION:

Conducted as a result of defective workmanship
Found during initial inspection:
Residential Re- inspection $100.00 Commercial Re-inspection $150.00

ELECTRICAL EVALUTION: Visual inspection resulting from no initial permit or as-built conditions (minimum fee) $100.00 Plus $25.00 per hour if a report is needed.