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 27, 2013 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn R. Stoessel	Deputy 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
.	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
EXCUSED:	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	James Guarino	Water Dept

RESOLUTION 2013- 131 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the regular meeting of February 6, 2013 be dispensed with and approved as submitted by the Town Clerk.

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

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. Mr. Qualey, 443 Lakeside Ave., spoke about Proposed Local Law #3 of the year 2013 and some of the concerns that he and some of the property owners of the Grandview Bay area have regarding rental properties and protection for neighbors. He is requesting some language change in the proposed local law. He submitted a communication to the Deputy Town Clerk who provided copies to the Town Board, Town Attorney & Code Enforcement Office on February 28th.
2. Dick Hammer, 1247 Backus Rd. stated that he attended the seminar that Lori Szewczyk, Director of Community Development hosted at Lake Erie

Beach Fire Hall last week pertaining to Lake Erie Beach area housing. He praised Supervisor Dash and Lori Szewczyk with what they have been doing regarding real estate. He commented the building permit fees are too high and the Codes are too stringent. He questioned what will happen with the land after a property is demolished.

7:10pm Public Hearing regarding Special Use Permit Renewal for Creature Comfort Pet Resort LLC at 1437 Pontiac Rd.

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 February 27, 2013 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the renewal of a Special Use Permit for the continuing operation of a commercial Kennel, known as Creature Comfort Pet Resort, LLC, for dog and cat boarding, daycare, training, grooming and bathing, located at 1437 Pontiac Rd, Angola, NY, SBL# 252.00-1-26. Petitioner: Richard Morse

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- 132 Open the Public Hearing

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

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

There was no one present who wished to speak.

RESOLUTION 2013- 133 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 134 Approve special use permit renewal for Creature Comfort

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS: on January 2, 2013, Richard Morse (Creature Comforts Pet Resort, LLC) requested a special use permit renewal for the purpose of continuing operation of a commercial kennel for dog and cat boarding, daycare, training, grooming and bathing located at 1437 Pontiac Rd., Angola, NY SBL# 252.00-1-26.2, and

WHEREAS: the Town of Evans Planning Office and the Code Enforcement Office have conducted a proper review for the application and the facility and have recommended the special use permit be renewed for a period of two (2) years, and

WHEREAS: the negative SEQRA declaration issued by the Town Board on December 6, 2010, for said facility is still sufficient and valid, and

WHEREAS: the Town Board of the Town of Evans has conducted a public hearing regarding said special use permit renewal.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grant a special use permit renewal to Richard Morse (Creature Comforts Pet Resort, LLC) for the purpose of continuing operation f a commercial kennel for dog and cat boarding, daycare, training, grooming and bathing to be located at 1437 Pontiac Road, Angola NY SBL#252.00-1-26.2, for a two (2) year period,

AND BE IT FURTHER

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

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

Supervisor Dash Aye

7:15pm Public Hearing regarding the consideration of the adoption of Proposed Local Law #3 of the year 2013 RE: the proposed revision to the Town Code Chapter 158 Rental

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

Notice of Public Hearing
Town of Evans

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on February 27, 2013 at 7:15pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006, for consideration of Proposed Local Law #3 of the year 2013 for proposed revision to the Town Code, Chapter 158 Rental or Unoccupied Premises, Article XV, Section 84. 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 & 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- 135 Open the Public Hearing

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

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

RESOLUTION 2013- 136 Close the Public Hearing

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

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

Supervisor Dash stated in reaction to Mr. Quayle's comments under Public Comment no action will be taken tonight on Proposed Local Law #3 of the year 2013.

Committee and Department Head Reports

Councilman Cooper commented that the 1st of the Town wide fire training was held last Thursday. This is joint training for uniform standards for all of the fire companies. Reminded everyone that it is fish fry season and please support our local fire companies and veterans.

Councilman Feldmann, Supervisor Dash and Department Heads present had no report at this time.

RESOLUTION 2013-137 Old Business

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

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

RESOLUTION 2013-138 Suspend the Rules of Order for conduct of business at Evans Town Board meetings.

Councilman Feldmann moved and Councilman Cooper seconded to suspend the rules of order for the conduct of business at Evans Town Board meetings for the consideration of the adoption of the awarding of the bid for the Backflow Prevention Improvements Contract 13-01.

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

RESOLUTION 2013-139 Award Backflow Prevention Improvements Contract 13-01

Supervisor Dash moved and Councilman Cooper seconded,

Whereas, Bids on the Town of Evans Backflow Prevention Improvements Project (Contract 13-01) were received and opened on February 20, 2013 at 1:00 PM, in accordance with the Notice to Bidders previously authorized and,

Whereas, the low bid for the Base Bid was submitted by Fairway Contracting with a Total Base Bid of $143,750.00, and

Whereas, the award of Alternate #1 is not required, and

Whereas, Wendel has reviewed the proposal from Fairway Contracting and held a meeting on February 27, 2013 with the President of Fairway Contracting, and confirmed his understanding of the requirements of this project and,

Now, therefore be it resolved, that the Evans Town Board authorizes award of the Backflow Prevention Improvements Project (Contract 13-01) to Fairway Contracting, PO Box 352, Orchard Park, NY 14127 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurance's.

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

RESOLUTION 2013-140 Appointment of Laborer

Supervisor Dash moved and Councilman Feldmann seconded that Resolution #1 (Appointment of Laborer) on tonight's Agenda be removed as it is not needed at this time.

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

RESOLUTION 2013-141 Workplace Violence Policy, Prevention Program and Procedures Manual

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, violence in the work place is a leading cause of fatal and non-fatal injury throughout the U.S. that may affect an organization at any time, and

WHEREAS, the Town Board wants to set policy consistent with the requirements of Article 2, Section 27-b of the New York State Labor Law,

NOW THEREFORE BE IT RESOLVED, THAT THE Town adopt the final draft of the Police Department Workplace Violence Prevention Policy, Prevention Program and Procedures Manual dated February 1, 2013, and

BE IT FURTHER RESOLVED, that this policy shall apply to all employees of the Town of Evans.

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

RESOLUTION 2013-142 Appt of (2) part time Police Officers

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED, that Thomas Castle, is hereby appointed part-time police officer with the Evans Police Department to be called as needed at the rate of $15.10/hr days and afternoons, $16.25/hour midnights, subject to pre-employment testing; and further be it

RESOLVED, that Graig Leone, is hereby appointed part-time police officer with the Evans Police Department to be called as needed at the rate of $15.10/hr days and afternoons, $16.25/hour midnights, subject to pre-employment testing; and further be it

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

RESOLUTION 2013-143 Standard work days for elected and appointed officials

Councilman Feldmann moved and Supervisor Dash seconded,

BE IT RESOLVED, that the Town Board of the Town of Evans establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body as set forth in the attached schedule. (Schedule A)

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

RESOLUTION 144 Standard work days for employees

Councilman Cooper moved and Councilman Feldmann seconded,

BE IT RESOLVED, that the Town Board of the Town of Evans establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System:

a.	**Full Time Union and Non Union Employees**	**-**	**8 hours**
b.	**Regular Part Time (RPT) Employees**	**-**	**8 hours**
c.	**Part Time Employees**	**-**	**8 hours**
d.	**Seasonal Employees**	**-**	**8 hours**

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

RESOLUTION 145 Authorize Highway Superintendent to clean the drainage ditch on Lakecrest Dr.

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that the Superintendent of Highways is authorized to clean the drainage ditch located on Lakecrest Drive. The ditch is not draining the ground water properly to the catch basin located along the roadside.

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

RESOLUTION 146 Accept bid from Industrial Appraisal Company for an on-site inspection and appraisal of the building/structures, site improvements, fixed equipment, machinery and moveable equipment

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the Town has not performed an inventory of capital assets that meets the recognition criteria for Governmental Accounting Standards Board ("GASB") Statement No. 34, and

WHEREAS, the Town's financial statements do not present the financial position, and the changes in financial position, of the Town's governmental activities, and the business-type activity, fairly, in conformity with accounting principles generally accepted in the United States of America.

NOW THEREFORE BE IT RESOLVED, that the Town accept the bid of Industrial Appraisal Company for an amount not to exceed $7,550.00 to conduct an on-site inspection and appraisal of the building/structures, site improvements, fixed equipment, machinery and moveable equipment of the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 147 Appt of Van Driver and Appt of part time Clerk

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED: that John Fowler be appointed as Van Driver to be called as needed at the hourly rate of $8.50, effective March 1, 2013.

BE IT FURTHER RESOLVED: that Maureen Andrews be appointed as needed for the Parks Department at the hourly rate of $10.00, effective immediately.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 148 Schedule Request for Proposals for dredging of the Sturgeon Point Marina

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED: the Town Engineer and Town Attorney are hereby authorized to solicit Requests for Proposals for the Dredging of Sturgeon Point Marina with the work to be completed on an as needed basis.

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

RESOLUTION 149 Schedule Bid Opening for the Construction of Replacement Water and New Waterlines contract 13-2

Councilman Feldmann moved and Supervisor Dash 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 replacement and new waterlines (Contract 13-2), and

Whereas, the plans and specifications have received the regulatory approvals from the necessary reviewing agencies,

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

- Books available: Thursday, March 7, 2013
- Open Bids: Friday April 5, 2013 at 1:00 PM.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 150 Audit of Bills

Councilman Cooper moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract brought forth:

Date: 02/20/2013
Abstract No. 4
Voucher No. 204-314
Prepaid: 12 & 13

GENERAL	$147,481.67
PART TOWN	$17,084.29
HIGHWAY DA	0
HIGHWAY	$35,964.03
WATER	$10,074.56
CAPITAL PROJECTS	$

SPECIAL DISTRICTS	$865.01
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	0.00
TOTAL	$211,469.56

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

Supervisor Dash read the following Proclamation:

WHEREAS, Public Service is a true gift of dedication and caring; and,

WHEREAS, one of the most valuable assets a municipality has are dedicated and hardworking people; and

WHEREAS, Russell Manguso, Sr. has given his time and talent to the Town of Evans for almost forty (40) years; and

WHEREAS, his strong commitment as an employee and a volunteer to the citizens of the Town of Evans is exemplary;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans does hereby declare

February 27, 2013
As
RUSSELL MANGUSO, SR. DAY

_____

Keith E. Dash
Supervisor

Paul T. Cooper
Councilman

Dennis M. Feldmann
Councilman

RESOLUTION 2013-151 Adjournment

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn to Wednesday, March 6, 2013 at 6:30pm for an Agenda Meeting and 7pm for the regular Town Board meeting, 2013 then to Wednesday, March 13, 2013 at 6:15pm for a Work Session.

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 R. Stoessel
Deputy Town Clerk

Jonica B. DiMartino, RMC
Town Clerk

TITLE	NAME	SS#	REGISTRATION #	STANDAD Work Day	TERM Begins/ Ends	PARTICIPATES in time Keeping System	Days/ Months
ELECTED OFFICIALS							
Highway Superintendent	Edward Michalski	0397	20238150	8	01/01/10-12/31/13	N	Tier 1
Town Clerk	Jonica DiMartino	0608	40765786	8	01/01/10-12/31/13	N	23
Town Justice	Anthony Barone	1661	34792291	8	01/01/12-12/31/15	N	12.63
Town Justice	Timothy Cooper	4028	34306704	8	01/01/10-12/31/13	N	not submitted
Town Councilman	Paul Cooper	4025	42223958	8	01/01/12-12/31/15	N	not submitted
Town Supervisor	Keith Dash	7664	42654392	8	01/01/12-12/31/15	N	17.20
APPOINTED OFFICIALS							
Town Attorney	Grant Zajas	9092	20262465	8	01/01/13-12/31/13	N	Tier 1
Town Prosecutor	Grant Zajas	9092	20262465	8	01/01/13-12/31/13	N	Tier 1
Town Prosecutor	Michele Parker	6263	42700146	8	02/01/13-12/31/13	N	1.23
Dir. Of Community	Lori Szewczyk	8449	40418691	8	01/01/13-12/31/13	N	18.96
Assessor	Jeanne Ebersole	2659	38394201	8	01/01/08-12/31/13	Y	N/A