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, January 16, 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
	Patrick Conrad	St. Pt. Marina Dept. Head
	Diana Cafferty	Supervisor's Dept.
	Rob Klavoon	Wendel Duchscherer
ABSENT:	Julie Roach	Seniors Dept. Head
	James Guarino	Water Dept

RESOLUTION 2013- 070 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the organizational meeting and regular meeting of January 2, 2013 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

1. Supervisor Dash read a letter from Ernest Masullo RE: letter of recognition.

   The Supervisor commended Lt. Brad DiMartino, Patrolman Scott DeJohn, and Patrolman Pat Atler for their outstanding police work regarding the incident referred to in the letter.

2. Supervisor Dash acknowledged a letter from Joseph Gajdosz RE: Assessor which he received and filed.

3. Supervisor Dash read the following letter from Marguerite Hogg RE: request rezoning of 8746 Erie Rd., portion of 8930 Erie Rd. & portion of SBL#235.00-2-8.

RESOLUTION 2013-071 Move to refer communication to the Planning Board for further review.

Supervisor Dash moved and Councilman Cooper seconded to refer the communication from Marguerite M. Hogg requesting the various rezoning on Erie Road to the Planning Board for review and recommendation.

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

4. Supervisor Dash read a letter from Sandra Brant, Director of Planning RE: Special Use Permit Renewal for Richard Morse at 1437 Pontiac Rd.

RESOLUTION 2013-072 Authorize Town Clerk to advertise for a Public Hearing

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated January 10, 2013, the Planning Office has requested that the Town Board set a public hearing regarding the petition of Richard Morse for a special use permit renewal for the continuing operation of a commercial kennel, known as Creature Comforts Pet Resort, LLC, for dog and cat boarding, daycare, training, grooming and bathing, located at 1437 Pontiac Rd., Angola, NY, SBL# 252.00-1-26.2

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on February 27, 2013 at 7:10pm for the consideration of said special use permit renewal, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Office to determine the need for Planning Board review and recommendation prior to the public hearing, 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

5. Supervisor Dash read letter of resignation of Town Prosecutor.

7:10pm Public Hearing regarding Special Use Permit Renewal for 8243 Erie Rd.

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

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 January 16, 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 motor vehicle sales and service facility, located at 8243 Erie Rd. (a.k.a. NYS Route 5), Angola, NY, a portion of SBL# 220.19-2-13 Petitioner: Kevin Rasinski, Razor Brakes & Mufflers.

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 2013-073 Open Public Hearing

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

No public comment was received.

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

RESOLUTION 2013-074 Close Public Hearing

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

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

RESOLUTION 2013-075 Grant Special Use Permit renewal to Kevin Rasinski (Razor Brakes & Mufflers

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, on December 6, 2012, Kevin Rasinski (Razor Brakes & Mufflers) requested the renewal of a Special Use Permit for the purpose of continuing the operation of an auto vehicle sales and service facility, located at 8243 Erie Rd. (a.k.a. NYS Route 5), Angola, NY, a portion of SBL# 220.19-2-13.1 (previously known as SBL# 220.19-2-13), and

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

1. The site must be developed in accordance with the revised site plan as approved by the Town of Evans Planning Board on 12/19/03.
2. For the purpose of sales, no more than 22 cars may be displayed or stored on the site.
3. There shall be no storage of auto parts or accessories outside of the building.
4. Any painting, sandblasting, machine grinding or sanding must occur inside of the building, with a ventilation system designed in accordance with State and Federal standards.
5. To minimize adverse effects on the character of the surrounding area, no major auto repairs will be conducted on the site.
6. Said special use permit shall be issued for a five (5) year period. Said application shall be reviewed at such time, and

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 period of five (5) years, and

WHEREAS, the negative SEQRA declaration issued by the Evans Planning Board on November 20, 2003, 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 grants a Special Use Permit renewal to Kevin Rasinski (Razor Brakes & Mufflers) for the purpose of continuing the operation of an auto vehicle sales and service facility, located at 8243 Erie Rd. (a.k.a. NYS Route 5), Angola, NY, a portion of SBL# 220.19-2-13.1 (previously known as SBL# 220.19-2-13), for a period of five (5) years.

BE IT FURTHER RESOLVED, that the above recommended conditions, 1-5, be placed upon said Special Use Permit Renewal

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 PLL#1 of the year 2013

Supervisor Dash asked the 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 Januiary 16, 2013 at 7:15pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #1 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 miscellaneous revisions to the Town Code Chapter 200 Zoning, Section 200-22 Motor Vehicle Service District (MS) and Section 200-7 Word usage; terms defined. 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 2013-076 Open Public Hearing

Councilman Feldmann moved and Councilman Cooper seconded, to open the public hearing.

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

No public comment was received.

RESOLUTION 2013-077 Close Public Hearing

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

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

RESOLUTION 2013-078 Issue Negative SEQR Declaration

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Evans Town Board wishes to adopt proposed Local Law No. 1 of the Year 2013 regarding code revisions to Sections 200-22 and 200-7 Zoning, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Quality Review), the Evans Town Board as SEQR Lead Agency, determined that the action was an Unlisted Action and completed a Short Environmental Assessment Form, and

WHEREAS, the Evans Town Board held a Public Hearing on January 16, 2013 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans has determined that the adoption of proposed Local Law No. 1 of the year 2013, regarding revisions to Sections 200-22 and 200-7 Zoning of the Town Code will not have a significant impact on the environment and, therefore, issues a Negative Declaration. Based on this determination of non-significance, no further SEQR review is required (Addendum A Short Environmental Assessment Form).

AND BE IT FURTHER RESOLVED, that the Evans Town Board authorizes the Town Planning Director to conduct all necessary filings pursuant to the SEQR requirements for Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

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

RESOLUTION 2013-079 Adopt PLL#1 of 2013 as Local Law #1 of the year 2013

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Evans Town Board finds that proposed Local Law No. 1 of the year 2013 regarding revisions to Section 200-22 and 200-7, which will permit convenience stores as an accessory use in the Motor Service (MS) Zoning District is consistent with the intent of the Zoning District and complies with the Town's Comprehensive Plan, and

WHEREAS, in a letter dated December 17, 2012, the Evans Planning Director and the Code Enforcement Officer have recommended adoption of these proposed code revisions, and

WHEREAS, the Evans Town Board held a public hearing on the proposed code revisions on January 16, 2013, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Review), the Evans Town Board declared itself SEQR Lead Agency, and issued a Negative Declaration of Significance.

NOW THEREFORE BE IT RESOLVED, that proposed Local Law No. 1, of the year 2013, be and hereby is adopted as Local Law No. 1 of the year 2013.

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

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

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. Ed Schneider, 9575 Redwing, spoke regarding issues with certain residents' assessments. Also had questions regarding the reappointment of the assessor.
2. Cheryl St. George, 6440 Hamilton, spoke regarding the fairness of the assessment dept and the BAR (Board of Assessment Review) regarding fairness and objectivity.
3. Kevin Rasinski, 9027 Iroquois, spoke on issues regarding the building/code enforcement dept and improvements that he has been trying to make with his property. Also had issues with the Zoning Board of Appeals regarding the same.
4. Ed Conboy Jr., 8168 Hillside St, spoke on three issues. First, he thanked Councilman Feldmann for motioning to table the resolution regarding the appointment of assessor. Second, he referred to the contract to be signed with Wendel engineering and had questions regarding the contract. Third, asked if the current contract is expired, and if the Town is collecting storage rental for the equipment that is still in there.
5. Dick Hammer, 1247 Backus, Derby, NY, spoke directly to Councilman Cooper regarding a FOIL request and the process involved. The Town Clerk was asked to clarify the process and Councilman Cooper stated he would return the letter to Mr. Hammer to re file with the Town Clerk's Office. Also, commented on the assessment dept and is duties to the residents.

Committee and Department Head Reports

Supervisor Dash congratulated, on behalf of himself and the Town Board' Chief Masullo for being elected to the Erie County Police Chiefs' Association. Also he had a meeting with a representative from Senator Grisanti's Office regarding programs that the state may be able to assist regarding Sturgeon Point Marina with the larger boat slips, the sand and a dredger, badly in need of repair or replacement. Also, the issue with the reconstruction of Derby Rd and the box culverts, the Highway Superintendent has also

been working with Senator Grisanti's office and reiterated that the issue is being looked into. Also, the Director of Finance is assisting the Supervisor to compile a concise list of all state mandates and looking for some relief in those areas.

Councilman Cooper received the final reports from Rural Metro. The Town has exceeded the number required to receive the service at no additional cost to the Town. Also, commented on attending the Highland Hose Volunteer Fire Company installation dinner and spoke highly of the dedication of these people especially Katie Steinwagel who alone responded to 313 EMS calls in this past year. Congratulated all of the Officers that were installed that evening.

Councilman Feldmann had no report at this time.

RESOLUTION 2013-080 Town Clerk Monthly Reports

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

December 2012 Monthly Report	$11,230.73
December 2012 Interest	$1.75
December 2012 Petty Cash	$0
December 2012 Water Receipts	$149,503.62
December 2012 Interest	$27.43

2012 Year End Annual Report- Town Clerk
2012 Year End Report- Water Collection
2012 Year End Report- County & Town Tax Collection
2012 Year End Report- School Tax Collection

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

RESOLUTION 2013-081 Old Business

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

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

RESOLUTION 2013-082 Suspend the Rules

Supervisor Dash moved and Councilman Cooper seconded, to suspend the rules for two additional resolutions to be added.

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

RESOLUTION 2013-083 Change Meeting Date

Supervisor Dash move and Councilman Cooper seconded, to move the February 20, 2013 Town Board agenda and regular meeting to February 27, 2013.

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

RESOLUTION 2013-084 Advertise for Bids for Backflow Prevention Facilities and Equipment Contract 13-1

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 installation of backflow prevention facilities and equipment within Water Districts 1x and 5 (Contract 13-1), and

Whereas, the plans and specifications have received regulatory approval from the Erie County Health Department,

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

- Books available: Wednesday January 23, 2013
- Open Bids: Thursday February 14, 2013at 1:00 PM.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-085 Enter & execute contracts with Angola Park & Gazebo Committee: Building Relationships in Development Government Education Services; Christmas in the Village; Event Art Guild & Lions Club of the Town of Evans

Councilman Cooper moved and Supervisor Dash seconded,

NOW THEREFORE BE IT RESOLVED, that conditioned as further set forth herein, the Supervisor is authorized to enter into and execute any contract or agreement appropriate, subject to the approval of the Town Attorney, to monument such arrangements and that the TOWN make the specified payments to such organizations in accord with such agreement or contract as follows:

1) ANGOLA PARK AND GAZEBO COMMITTEE, to render a service in providing, organizing, and sponsoring various concerts and cultural events held generally, at the William J. Houston Gazebo and surrounding park for the year 2013, a sum not to exceed$395.00;

2) BUILDING RELATIONSHIPS IN DEVELOPMENT GOVERNMENT EDUCATION SERVICES (B.R.I.D.G.E.S.) to render a service providing, organizing and sponsoring post senior prom activities relative to the 2013 Lake Shore Central Senior Prom a sum not to exceed $210.00;

3) CHRISTMAS IN THE VILLAGE to render a service in providing, organizing and sponsoring various activities and cultural events generally and commonly referred to as “CHRISTMAS IN THE VILLAGE” for the year 2013, a sum not to exceed $170.00;

4) EVANS ART GUILD to render a service in providing, organizing and sponsoring various activities and cultural events, including but not limited to an art show or shows for the year 2013, a sum not to exceed $260.00; and

5) LIONS CLUB OF THE TOWN OF EVANS, to render a service in providing, organizing and sponsoring a Halloween Parade for the year 2013, a sum not to exceed $395.00.

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

RESOLUTION 2013-086 Enter into agreements with Evans Junior Archery; Lake Shore Youth Football, Inc. Girls; Lake Shore Youth Football, Inc.; Lake Shore Youth Soccer Association

Councilman Feldman moved and Councilman Cooper seconded,

WHEREAS, in the past the Town of Evans has entered in contracts and/or agreements with various organizations willing to organize and sponsor various events, programs and/or activities in the Town of Evans or available to residents of the Town of Evans which provide a benefit and enjoyment to residents of the TOWN; and
WHEREAS, various organizations have indicated a willingness to organize and sponsor certain such events, programs and/or activities; and
WHEREAS, to defray the cost of the same certain such organizations seek funds from the TOWN; and
WHEREAS, the TOWN is willing, in consideration of the efforts of such organizations, to make payment of sums to be hereby specified to help defray the actual costs and expenses of such program and activities, or a portion thereof;
NOW THEREFORE BE IT RESOLVED,
That conditioned as further set forth herein, the supervisor is authorized to enter into an agreement appropriate, subject to the approval of the Town Attorney, to make such arrangements and that the TOWN make the specified payments to such organizations in accord with such agreement or contract for the year 2013 as follows:

1. Evans Junior Archery Program - $ 380.00
2. Lake Shore Youth Baseball, Inc. - $5,500.00
3. Lake Shore Youth Baseball, Inc. Girls - $ 830.00
4. Lake Shore Youth Football, Inc. - $5,500.00
5. Lake Shore Youth Soccer Association - $5,500.00

BE IT FURTHER RESOLVED, that in the sole discretion of the Supervisor, the Supervisor may make a condition of such contract and the payment of such funds to any such organization as the Supervisor may elect a satisfactory review of said organization's operating budget and presentment to the TOWN of vouchers regarding expenditures made by said Organization, and the filing with the TOWN of an inventory satisfactory to the Supervisor, of assets, equipment and supplies employed in, on, or in connection with said program, as well as a summary of disposition of such assets, equipment and supplies disposed of since the last payment made by the TOWN, detailing to whom such assets, equipment and supplies were transferred, the consideration for such transfer and the date or dates of the same, or the manner in which such assets, equipment and supplies were otherwise consumed.

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

RESOLUTION 2013-087 Annual maintenance agreement with Eagle Systems Office Technologies

Supervisor Dash moved and Councilman Feldmann seconded,

BE IT RESOLVED, that the Supervisor is authorized to sign the annual maintenance agreement with Eagle Systems Office Technologies, 201 Pine Street, Jamestown, NY 14701 for the calendar year of 2013 for the following:

Toshiba Estudio 205L	located Building Department	$492.80
Sharp MX-B402SC	located Court	$462.00

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

RESOLUTION 2013-088 Appt of Police Officers

Councilman Cooper moved and Supervisor Dash seconded,

RESOLVED, that Kenneth R. Kloss is hereby appointed to the position Police Officer subject to 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; and be it further

RESOLVED, that Jeffrey L. DeVinney is hereby appointed to the position Police Officer subject to 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.

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

RESOLULTION 2013-088 Appt of Affirmative Action Officer

Councilman Feldmann moved and Councilman Cooper seconded,

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

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

NOW THEREFORE BE IT RESOLVED, that Paul E. Ryerse Assistant Code Enforcement Officer, be appointed the Affirmative Action Officer for the Town of Evans, effective January 1, 2013, at no additional compensation.

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

RESOLUTION 2013-089 Sign Agreement with Angola Public Library

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the contract with the Angola Public Library has expired, and

WHEREAS, the Angola Public Library provides a valuable service to the residents of the Town of Evans,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign an agreement with the Angola Public Library from January 1, 2013 to December 31, 2013 at a cost of $2,250.00, upon approval of the Town Attorney and the Director of Finance.

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

RESOLUTION 2013-090 Sign Contract with Meals on Wheels for Western New York, Inc.

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the contract with Meals on Wheels for Western New York, Inc. is expiring, and
WHEREAS, Meals on Wheels for Western New York, Inc. provides a valuable service to the residents of the Town of Evans,
NOW THEREFORE BE IT RESOLVED, THAT THE Supervisor is authorized to sign a contract with Meals on Wheels for Western Ne w York, Inc. for the period of January 1, 2013 to December 31, 2013 at a cost of $6,200.00 upon approval of the Town Attorney and the Director of Finance.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Aye

Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-091 Sign Contract with Community Concern, Inc.

Councilman Feldmann moved and Supervisor Dash seconded,

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

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

NOW THEREFORE BE IT RESOLVED, that the supervisor is authorized to sign a contract with Community Concern, Inc. for the period of January 1, 2013 to December 31, 2013 at a cost of $40,000.00.

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

RESOLUTION 2013-092 Appt of Director of Personnel

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED, to appoint Diana A. Cafferty as Director of Personnel at no additional cost to the Town of Evans from January 1, 2013 to December 31, 2013.

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

RESOLUTION 2013-093 Sign contract with Audubon Architecture, Engineering, Surveying and landscaping Architecture, PC (Wendel)

Councilman Cooper moved and Supervisor Dash seconded,

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

WHEREAS, the Town Board desires to continue the contract with Wendel,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign a contract with Wendel from January 1, 2013 to December 31, 2013 pursuant to the approval of the Town Attorney.

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

RESOLUTION 2013-094 Sign contract with CSEA Local 1000 AFSCME, AFL-CIO Union

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED, that the Supervisor is authorized to sign the contract between the CSEA , Local 1000 AFSCME, AFL-CIO Union covering the Town of Evans Highway employees from January 1, 2013 to December 31, 2017 with the approval of the Town Attorney and the Director of Finance.

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

RESOLUTION 2013-095 Appt of Chairman and Vice-Chairman of the Conservation Committee

Supervisor Dash moved and Councilman Cooper seconded,

BE IT RESOLVED that David Mosher is hereby appointed as Chairman of the Town of Evans Conservation Committee through December 31, 2013, and

BE IT FURTHER RESOLVED, that Tom Marks is hereby appointed as Vice Chairman of the Town of Evans Conservation Committee through December 31, 2013.

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

RESOLUTION 2013-096 Appt of Provisional Lieutenant

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, William J. Sills has served the Town of Evans as a Patrolman since January 22, 1984, and

WHEREAS, his experience and dedication as a Police Officer more than qualifies him for promotion,

NOW THEREFORE BE IT RESOLVED, that William J. Sills be appointed provisionally to the position of Lieutenant effective January 16, 2013 and

BE IT FURTHER RESOLVED, that his rate of pay be set per the collective bargaining agreement between the PBA and the Town of Evans.

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

RESOLUTION 2013-097 Waive late fee for Refreshment License application

Councilman Feldmann moved and Councilman Cooper seconded,

Resolved, that the late fee of $25.00 for Decker's Corner be waived due to unforeseen circumstance.

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

RESOLUTION 2013-098 Appt of Electrical Inspector

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans is in need of a certified Electrical Inspector, and

WHEREAS, Paul Ryerse, currently employed in the Building Department has been certified to do electrical inspections,

NOW THEREFORE BE IT RESOLVED, that Paul Ryerse is appointed as the Town of Evans Electrical Inspector at a stipend of $2,500.00 per year 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 2013-099 Angola Fire Protective District 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 7, 2012 at the Evans Town Hall to consider proposed contracts for the fiscal year 2013 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
$19,000.00 Emergency Ambulance Service
$104,165.00 Fire Protection
$$10,500.00 Capital Improvements

Lake Erie Beach Fire Company
$19,000.00 Emergency Ambulance Service
$138,025.00 Fire Protection
$94,550.00 Capital Improvements

Evans Center Fire Company
$19,000.00 Emergency Ambulance Service
$138,025.00 Fire Protection
$94,550.00 Capital Improvements

Highland Hose Fire Company
$19,000.00 Emergency Ambulance

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

RESOLUTION 2013-100 Appt of Deputy Supervisor

Councilman Cooper moved and Councilman Feldmann seconded, to table this resolution (Old Business), pending further discussion.

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

RESOLUTION 2013-101 Appt of Climate Smart Community Task Force members

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans desires to create policies and programs to reduce greenhouse gas emissions, enhance operational and energy efficiencies and reduce energy costs; and

WHEREAS, a Climate Smart Communities Program has been implemented;

NOW THEREFORE BE IT RESOLVED, that the following be appointed to the Climate Smart Community Task Force,

Councilman Paul Cooper
Town of Evans
8787 Erie Road
Angola NY 14006

Director of Community Development
Lori A. Szewczyk
Town of Evans
8787 Erie Road
Angola NY 14006

Aliesa Adelman
Wendel Duchscherer
140 John James Audubon Pkwy
Suite 201
Buffalo NY 14228

Climate Coordinator
David Farinacci
Tradesman International
Mill Street
Angola NY 14006

Robert Trembath

Tim Feider

Sales Auditor
Lime Energy
190 Lawrence Bell Drive
Suite 104
Buffalo NY 14221

Lake Shore Central Schools
959 Beach Road
Angola NY 14006

Gary Huber
Town of Evans
8787 Erie Road
Angola NY 14006

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

RESOLUTION 2013-102 Request for Proposals for Sturgeon Point Marina Concession Stand

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS the current contract for the operation of a refreshment concession at the Sturgeon Point Marina, has expired or is about to expire; and

WHEREAS the Town wishes to solicit and request proposals for the operation of such concession and;

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is authorized to advertise for a request for proposals for the operation of such refreshment concession at the Sturgeon Point Marina, guidelines/specifications to be incorporated in such proposals to be received in response to such published request to be available at the Office of the Town Clerk, said proposals to be received no later than, and to be opened on Monday, February 11, 2013 at 12 o'clock pm.

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

RESOLUTION 2013-103 Appt of two (2) Town Prosecutors

Councilman Cooper moved and Supervisor Dash seconded,

Whereas J. Grant Zajas having been appointed sole prosecutor for the TownM. to prosecute non-criminal violations within the jurisdiction of the Town of Evans Justice

Court has tendered his resignation as such sole prosecutor, which resignation is hereby accepted, and

Whereas the said position must be filled; and

Whereas it is deemed appropriate that two prosecutors be appointed to tend the needs of such position;

Now Therefore be it resolved that Michelle M. Parker be retained as a Town Prosecutor for the calendar year 2013 to prosecute non-criminal violations within the jurisdiction of the Town of Evans Justice Court, subject to the confirmation of the Erie County District attorney and that each be compensated for the calendar year 2013 in the amount of $10,500.00 payable bi-weekly.

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

RESOLUTION 2013-104 Approve Town Licenses

Supervisor Dash moved and Councilman Cooper seconded,

Licenses:

Macnallys Management Inc. D/B/A Mickey Rats Beach Club/Captain Kidds – Refreshment, Amusement & Live Band

David S. Jacobson D/B/A Pat's Pizzeria – Refreshment

William J. Connors D/B/A T E Connors Inc (Lake Shore Rd)- Refreshment

Robert J. Pasinski D/B/A Jovial Bar II, Inc. – Refreshment & Amusement

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 2013-105 Audit of Bills

Councilman Cooper moved and Supervisor Dash seconded,

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

Date: 01/16/2013
Abstract No. 1
Voucher No. 1-51
Prepaid:

GENERAL	$19,748.32
PART TOWN	$1,927.12
HIGHWAY DA	0
HIGHWAY	$12,160.60
WATER	$2,295.05
CAPITAL PROJECTS	$125.00
SPECIAL DISTRICTS	$78,108.80
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	0.00
TOTAL	$114,364.89

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

RESOLUTION 2013-106 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Wednesday, January 23, 2013 at 6:15pm for a Work Session, Wednesday February 6, 2013 at 6:30pm for an Agenda meeting and 7:00pm for the regular 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,

Jonica B. DiMartino, RMC
Town Clerk

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: Town of Evans

2. PROJECT NAME: Code Amendments

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

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Town-wide

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

6. DESCRIBE PROJECT BRIEFLY:
Addition of convenience stores to permitted accessory uses in the Motor Service (MS) zoning district-200-22, including a definition of same to 200-7.

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

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: Town of Evans Date: 12/12/12

Signature: Sandra L. Brant, Director of Planning

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 of the Town of Evans — 1/16/13
Name of Lead Agency — Date

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

Keith E. Dash — Sandra L. Grant, Director of Planning
Signature of Responsible Officer in Lead Agency — Signature of Preparer (If different from responsible officer)