Evans Town Board

At the regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, March 20, 2013 there were:

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

RESOLUTION 2013-168 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded to approve the minutes of the February 27, 2013 and March 6, 2013 Town Board meetings.

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

RESOLUTION 2013-169 Approve Minutes

Supervisor Dash moved and Councilman Feldmann seconded to amend the Work Session minutes of March 13, 2013 to reflect that Supervisor Dash and Town Attorney were late not absent.

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

Communications

1.)Supervisor Dash read the communication from Sandra Brant, Chairman of the Evans Planning Board regarding the Earl Brathwaite request for a special use permit renewal at 9712 Southwestern Blvd., Angola.

RESOLUTION 170 Schedule PH for the Braithwaite Special Use Permit Renewal

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated March 11, 2013, the Planning Office has requested that the Town Board set a public hearing regarding the petition of Earl Brathwaite, for a special use permit renewal for the operation of a used car lot at 9712 Southwestern Blvd., (a.k.a. US Route 20), Angola, NY 14006, SBL# 251.00-2-21.

NOW THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Clerk to advertise for a public hearing to be held on April 17, 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

2.)Supervisor Dash read the communication from Sandra Brant, Director of Planning regarding the revisions to Town Code Zoning Section 200-12(R-2), 200-34, 200-8.1, 200-8-2, 200-9 and 200-16 for the Lake Erie Beach Revitalization Strategy to aid in residential development in the Lake Erie Beach neighborhood.

RESOLUTION 2013-171 Schedule PH for PLL #4 of the year 2013 (Zoning Code revisions for LEB Neighborhood Revitalization Strategy)

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: in a letter dated March 14, 2013 the Town's Director of Planning has requested that the Evans Town Board set a public hearing for the consideration of adoption of Proposed Local Law #4 of 2013 regarding proposed revisions to the Town Zoning Code – Sections 200-12(R-2 Zoning District), 200-34, 200-8.1, 200-8.2, 200-9, 200-16; and

WHEREAS: the R-2 Zoning District revisions are in conformance with the goals and recommendations of the LEB Neighborhood Revitalization Strategy and attracting investment to underutilized properties, and

WHERAS: the other code revisions will provide clarification or certain existing Town standards.

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 April 17, 2013 at 7:20pm for the consideration of Proposed Local Law #4 of the year 2013.

AND BE IT FURTHER

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

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

3.)Supervisor Dash read a letter of recognition for Lt. Czora & Det. Green Jr. for an incident on March 13th.

4.)Supervisor Dash announced that Senator Mark Grisanti or his staff will at the Evans Town Hall on the following dates from 10am – 2pm:

April 9 April 23 May 7 May 21 June 4
June 17 July 9 July 23

Privilege of the Floor on Meeting Agenda Items & Other Issues

1.)Jonica B. DiMartino, Evans Town Clerk, 8787 Erie Road, made the following statement:

I would just like to take a moment to thank you all for your support these past 4 years that I have served as your Town Clerk. However for my children, family, and personal reasons, I have decided not to seek re-election. I will however, finish out the remainder of my term. My office and I support Lynn Krajacic, one of my deputies that will be running for the position of Town Clerk.

2.)Kevin Rasinski, 9027 Iroquois, commented and questioned the Zoning Board granting of a building permit but the Code Enforcement Office will not issue it.

3.Ed Schneider III, spoke about the following:

-St. Pt. Marina concession stand

-commented on a Resolution on tonight's agenda regarding the agreement with Wendel Engineers for the water project

-questioned various portions of the Erie County Water Authority agreement and its finances

Committee and Department Head Reports

Councilman Cooper reported that the Evans Environmental Fair will be April 6th from 9am – 2pm at the Evans Center Vol. Fire Co. and the Boy Scouts will holding a fundraising pancake breakfast from 8am – 11am and a fundraising lunch from 11:30am – 1:30pm. There will be also an electronic waste collection. There will also be a can collection benefiting the Boys and Girls Club.

Councilman Feldmann announced that between 2007 – 2012 the office of Community Development has obtained over $5 million in grants.

Supervisor Dash reported that there will be a public meeting on Tuesday, March 26th at 7pm in the Town Hall facilitated by Erie County Water Authority regarding the lease management agreement. This meeting will be advertised in the Pennysaver and also on the Town's website.

-expressed sympathies to Amy Hamm, Dispatcher and Bill Hamm, Co-Coordinator on the death of their Mom.

RESOLUTION 2013-172 Old Business

Supervisor Dash moved and Councilman Feldmann seconded to keep the Appointment of Assessor and PLL #3 of the year 2013 (revision of Chapter 158 Rental or Unoccupied Premises) on Old Business.

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

RESOLUTION2013-173 Water Bill adjustment

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED: THAT AN ADJUSTMENT BE MADE TO THE FOLLOWING WATER ACCOUNT BECAUSE OF A LEAK.

NAAB, LEON	Account # 02060590
608 MILSOM PARKWAY	Adjustment $409.29
	+PENALTY

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye

Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-174 2 Clerks to attend Introduction to Government Accounting training

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS: the Office of the State Comptroller is sponsoring a local training school for Introduction to Government Accounting in the Village of Arcade, from April 23-25, 2013;

NOW THEREFORE BE IT

RESOLVED: that Maureen Cournyea and Tricia Buergin be authorized to attend the classes, registration cost of $85.00 each to be paid by the Town and any other reasonable expenses be reimbursed.

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

RESOLUTION 213-175 Appt of part time Court Clerk

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Town Justice's are in need of a part time clerk due to retirement, and

WHEREAS, interviews were conducted by the Justices to fill such position,

NOW THEREFORE BE IT RESOLVED, that Jeanette M. Rodriguez of Derby, NY 14047 is hereby appointed to the part time position of clerk in the Justice Courts at an hourly rate of $8.75 effective March 25, 2013.

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

RESOLUTION 176 Appt of part time Code Enforcement Officer

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, one (1) full time and one (1) part time employee has resigned their position with the Town of Evans Building Department; and

WHEREAS, the Building Department is in need of an additional employee; and

WHEREAS, Albert L. Schallmo, 450 Lakeside Avenue, Angola, N.Y. has met or exceeded the minimum requirements set forth by the Town of Evans.

NOW THEREFORE BE IT RESOLVED,
That Albert L. Schallmo residing at 450 Lakeside Avenue, Angola, N. Y. be appointed a part time Code Enforcement Officer at an hourly rate of $10.00 p/h

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

RESOLUTION 2013-177 Town Board to oppose Senate.2605/Assembly.3005 bills

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, towns, villages and cities throughout the State of New York are dependent upon the fine revenues collected in their courts, to cover a large share of Justice Court and Police enforcement budgets, and

WHEREAS, Legislation proposed in NYS Senate Bill 2605 and Assembly Bill 3005, if passed, would provide certain vehicular and traffic violations be reduced to a lower penalty, portions of the fines that are now retained by the municipalities in these cases would be given to the State of New York, and

WHEREAS, if these Senate and Assembly Bills should pass, it is most likely fewer plea bargains would be reached, which would lead to more trials which would clog the Court system and mean more expenses, not only to the local municipalities but to the State of New York, and

WHEREAS, in many instances overtime would have to be paid to enforcement personnel to testify as more cases go to trial, and

WHEREAS, the NYS Association of Towns testified and opposed these bills at a hearing on the Executive Budget on Monday, January 20, 2013, and

WHEREAS, the Town Board of the Town of Evans deems it in the public interest to oppose this proposed legislation;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans opposes S.2605/A.3005, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Evans is hereby directed to send a copy of this resolution to the Governor, each Assemblyman and Senator in Western New York.

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

RESOLUTION 2013-178 Authorize agreement with Wendel Engineers for the Backflow Prevention – Engineering Design Contract 13-1 for design services, bidding services, engineering during construction & residential observation services

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED, that the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Engineers dated March 11, 2013 for Backflow Prevention – Engineering Design, WDPN: 2589-32, Contract 13-1 for design services, bidding services, Engineering during Construction, and Resident Observation Services, as outlined in the proposal letter dated March 12, 2013, subject to the approval of the Town Attorney.

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

RESOLUTION 2013-179 Authorize agreement with Wendel Engineers for Engineering Proposal – Water Project Program Management Update & Waterline Replacement & Extensions, Contract 13-2 for program management and design services, bidding services, engineering during construction and resident observation services

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED, that the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Engineers, dated March 11, 2013 for Engineering Proposal – Water Project Program Management Update and Waterline Replacement and Extensions, WDPN:2589-32, Contract 13-2, for Program Management and Design Services, Bidding Services, Engineering during Construction and Resident Observation Services , as outlined in the proposal letter dated March 12, 2013, subject to the approval of the Town Attorney.

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

*"The nightmare is over as far as we are concerned."

RESOLUTION 2013-180 Authorize Lease Management Agreement with Erie County Water Authority

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, the Town Supervisor of the Town of Evans is hereby authorized to sign the Lease Management Agreement with the Erie County Water Authority, subject to approval of the Town Attorney and Director of Finance.

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

RESOLUTION 2013-181 Authorize the establishment of the Water Surcharge 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 will, pursuant to Section 1, Paragraph 1.1entitled "Obligations of the District" of the draft Agreement, establish a surcharge for the purposes of payment of debt necessary to fund the capital improvements necessary to meet ECWA standards,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Evans Town Board does hereby establish the surcharge to be $2.89 per $1,000 gallons of water metered and billed to all in and out of district customers provided water by Town of Evans waterlines,

2. The Town of Evans Town Board reserves the right to adjust the surcharge on an annual basis as necessary in accordance with the Lease Management Agreement,

3. This resolution shall take effect upon successful execution of the Lease Management Agreement by both the Town of Evans, and the Erie County Water Authority.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-182 Agreement with Village of Angola for the hydrant & maintenance for the water contract

Councilman Cooper moved and Councilman Feldmann seconded,

Whereas in connection with the agreement with the Erie County Water Authority for the provision of water service to the residents, or a portion of the residents, of the Town an agreement was between the Village and said Water Authority was necessary regarding the supply of water through certain facilities owned by or under the control of the Village of Angola; and
Whereas in consideration of the same it is deemed necessary and appropriate that the Town enter into an agreement with the Village regarding the maintenance, repair replacement and service and related matters relative to of certain meters, Joyce Lane and the provision by the Village of water service to certain Town residents and the New York State Thruway Authority;
Now Therefore Be It Resolved that the Town enter into an agreement with the Village of Angola, subject to the approval of the Village Board and the Town Attorney and Director of Finance, of an agreement addressing the aforesaid issues and related matters so as to facilitate the implementation of the lease management agreement between the Town and the Erie County Water Authority.

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

Supervisor Dash commented that the Erie County Water Authority is planning to take over the operation and maintenance of the Town of Evans water system as soon as Monday, April 1st. There will be a public information question & answer meeting to be held Tuesday, March 26th at 7pm pertaining to this matter. All residents will receive a letter from the Town of Evans and the Erie County Water Authority within the next week once the Erie County Water Authority approves this. All Town final water billing will be completed between April 15th and May 15th. The first Erie County Water Authority bills will be received around July 1st and they will not be paid at the Evans Town Hall. The Town will still collect the payment for about 200 properties that will still be serviced by the Evans DPW. Erie County Water Authority is to be responsible for all repairs and they may be contact at 849-8444. Erie County Water Authority will not be able to grant any billing adjustments due to service leaks etc. What precipated this is that we will phase out of the water business by creating a Department of Public Works. The Chairman of the DPW, once the water authority is officially has take us over will them commence with cross training of those water employees. We at the present have 5 full time employees and 2 part time employees to meld into the other departments that are

under the umbrella of the DPW. The idea of that with this takeover was to give the taxpayers a bigger bang for their buck and as people retire through attrition from those departments there won't be any replacements because of the cross training.

RESOLUTION 2013-183 Audit of Bills

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

There was no abstract provided.

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

Supervisor Dash read the following proclamation.

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

WHEREAS: Garry D. Noel has given his time and talent to the Town of Evans for twenty five (25) years; and

WHEREAS: his commitment to his fellow employees and 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

March 20, 2013
As
Garry D. Noel Day

Keith E. Dash
Supervisor

Paul T. Cooper
Councilman

Dennis M. Feldmann
Councilman

RESOLUTION 2013 -184 Adjournment

Supervisor Dash moved and Councilman Feldmann seconded to adjourn to Wednesday, March 27, 2013 at 6:15pm for a Work Session then to Tuesday, April 2, 2013 at 6:30pm for a Demolition Hearing, then to Wednesday, April 3, 2013 at 6:30pm for an Agenda meeting and 7:00pm for the Town Board meeting.

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

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Jonica B. DiMartino, RMC
Town Clerk