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, November 5, 2014 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	J. Grant Zajas	Town Attorney
	Charles LaBarbera	Building Department Supervisor
	Lori Szewczyk	Director of Community Development
	Scott Dill	Director of Planning
	Edward Michalski	Highway Superintendent
	Sandra Brant	Director of Planning
	Ernie Masullo	Chief of Police
	Julie Roach	Seniors Department Head
	Diana Cafferty	Supervisor's Department
	Rob Klavoon	Wendel Engineers

RESOLUTION 2014-310 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the Town Board Meeting of October 15, 2014 and the Work Session of October 29, 2014 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

Supervisor Dash reported that the Supervisor's Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office in accordance of Town Law.

Supervisor Dash read a letter of recognition from Ernest P. Masullo, Chief of Police to Patrolman Thomas Castle and Patrolman James Bouchard on the excellent police work they demonstrated in solving a Burglary, Grand Larceny and numerous car larcenies in the Derby area.

Supervisor Dash read a letter from Sandra L. Brant, Director of Planning regarding a Minor Subdivision Review-dividing a 21.16± acre parcel located at 9393 Ryther Road to create two 5.27± acre parcels on Pontiac Road, and 10.62± acre parcel on Pontiac and

Ryther Roads, Angola, New York 14006, SBL#252.00-2-4. Petitioner: Barbara Wenke, 9393 Ryther Road, Angola, NY 14006.

RESOLUTION 2014-311 Adopt Finding of the Town of Evans Minor Subdivision Review Committee and issue a SEQR negative declaration for the Barbara Wenke Minor Subdivision

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 October 23, 2014, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Barbara Wenke 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 Barbara Wenke Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 252.00-2-4, dividing a 21.16± acre parcel to create:

1. two 5.27± acre parcels each having 450.00± feet of frontage on Pontiac Road, and
2. a 10.62± acre parcel with 986.3± feet of frontage on Pontiac Road and 533.3± feet of frontage
   on Ryther Road.

Petitioner: Barbara Wenke, 9393 Ryther Road, Angola, New York 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 2014-312 Adopt Finding of the Town of Evans Minor Subdivision Review Committee and Approve the Barbara Wenke Minor Subdivision

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated October 23, 2014, 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 Barbara Wenke Minor Subdivision, a division of SBL# 252.00-2-4, dividing a 21.16± acre parcel to create:

1. two 5.27± acre parcels each having 450.00± feet of frontage on Pontiac Road, and
2. a 10.62± acre parcel with 986.3± feet of frontage on Pontiac Road and 533.3± feet of frontage on Ryther Road.

Petitioner: Barbara Wenke, 9393 Ryther Road, Angola, New York 14006

AND BE IT FURTHER

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

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

Committee and Department Head Reports

Councilman Cooper received a report from Dave Mosher from the Grange who attended the state meeting. One on the topics they are working on is the micro-beads in Lake Erie. Councilman Cooper thanked the Highway Department for their assistance with the loading and removal of the Electronics Waste.

Supervisor Dash announced the South Towns Art Trail will be holding their event on November 15, 2015 from 9am to 4pm. There will be eleven locations throughout Evans and Hamburg to view artwork. Supervisor Dash reported on the Building Department monthly report for October. Town Hall meeting at the Angola Village Library will be held at 7pm on November 13, 2014 sponsored by Citizens for Responsible Choices.

Legislator Mills is sponsoring a HEAP Outreach on Tuesday, December 9, 2014 from 8:30 am to 4:00pm in the Court Room.

7:10pm Public Hearing for the Purpose of Considering Proposals for the Federal Community Block Development Grant

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

Notice of Public Hearing
Town of Evans

Notice is hereby given that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York at the Evans Town Hall, 8787 Erie Road, Angola, New York at **7:10 pm** on **Wednesday, November 5, 2014** for the purpose of considering proposed contracts with the Village of Angola and the Village of Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and Highland Hose Fire Company for fire protection and/or emergency ambulance service to be furnished by said fire departments to the Angola Fire Protection District established in the Town of Evans upon the following general term:

A.) The fire department shall answer and attend upon all calls in said Angola Protective Fire District.

B.) For such service said fire departments shall receive the following amount:

Angola Fire Company
$12,000 Emergency Ambulance Service
$104,100 Fire Protection
$ 10,500 Capital Improvement

Lake Erie Beach Fire Company
$15,000 Emergency Ambulance Service
$138,020 Fire Protection
$ 94,550 Capital Improvement

Evans Center Fire Company
$15,000 Emergency Ambulance Service
$138,020 Fire Protection
$94,550 Capital Improvement

Highland Hose Fire Company
$15,000 Emergency Ambulance Service

The contract is for the period of January 2015 through December 2015 and such other incidental terms as may be necessary or proper in connection with such contract.

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
Lynn M. Krajacic
Town Clerk

RESOLUTION 2014-313 Open the Public Hearing

Councilman Feldmann moved and Councilman Cooper seconded to open the public hearing for the consideration of the proposed contracts with the Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and Highland Hose Fire Company.

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

There being nobody present wishing to speak, the Public Hearing was closed.

RESOLUTION 2014-314 Close the Public Hearing

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

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

RESOLUTION 2014-315 Enter into Agreement with the Angola Fire Company, Evans Center Fire Company, Highland Hose Fire Company and Lake Erie Beach Fire Company

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

BE IT RESOLVED, that the Town Board enter into an agreement with the Angola Fire Company, Evans Center Fire Company, Highland Hose Fire Company and the Lake Erie Beach Fire Company for emergency services for the calendar year 2015 per advertised amounts.

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

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

Town of Evans
Notice of Public Hearing
on
Preliminary Budget
Year 2015

Notice is hereby given that the Preliminary Budget of the Town of Evans, Erie County, New York for the fiscal year beginning January 1, 2015 will be filed in the office of the Town Clerk on or after October 21, 2014 at 8787 Erie Road, Angola, New York where it will be available for inspection by any interested person during regular business hours Monday, Tuesday, Thursday, Friday 8:00am to 4:00pm and Wednesday from 9:00am to 5:00pm. Paper copies will be available at the Town Clerk's Office at a cost of $15.00 per Town Board resolution or can be viewed and printed out at no cost at www.townofevans.org.

Further notice is hereby given that the Town Board will meet and review the Preliminary Budget at the Evans Town Hall, 8787 Erie Road, Angola, New York and hold a public hearing at **7:10 pm** on **Wednesday, November 5, 2014** and that at such hearing any person may be heard in favor or against any item or items therein contained.

And further notice is given pursuant to Section 108, of the Town Law that the following are proposed salaries of the Town Officers of this Town, to wit:

Supervisor (no increase)	$40,000
Councilmen (2 each at- no increase)	$15,300
Town Clerk	$56,365
Registrar of Vital Statistics	5,635
Total (no increase)	$62,000
Superintendent of Highways	$61,238
DPW Superintendent	$10,000
Drainage Officer	13,600
Total	$84,838
Town Justices (2 each)	$22,819

By Order of the Town Board
of the Town of Evans
Lynn M. Krajacic
Town Clerk

RESOLUTION 2014-316 Open the Public Hearing

Councilman Feldmann moved and Councilman Cooper seconded to open the public hearing for the consideration of the Town of Evans proposed Preliminary Budget

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

There being nobody present wishing to speak, the Public Hearing was closed.

RESOLUTION 2014-317 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 2014-318 Approve Preliminary Budget

Supervisor Dash moved and Councilman Feldmann seconded,

BE IT RESOLVED, to adopt the preliminary budget as proposed for the fiscal year 2015.

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

RESOLUTION 2014-319 Town Clerks Report

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

Town Clerk Receipts October 2014	$17,420.67
Town Clerk Interest October 2014	2.91
Water Monthly October 2014	1293.46
Water Interest October 2014	.12

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

RESOLUTION 2014-320 Approve Dispatch Contract with Town of North Collins, Town of Collins and Seneca Nation of Indians

Councilman Feldmann moved and Councilman Feldmann seconded,

RESOLVED, that the Town Board of Town of Evans hereby authorizes Supervisor Keith Dash to enter into a Dispatch Service Contract with each the Town of North Collins, the

Town of Collins and the Seneca Nation of Indians to provide dispatch services to each respective entity.

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

RESOLUTION 2014-321 Impoundment and Seizure of Dogs

Councilman Feldmann moved and Councilman Cooper seconded,

BE IT RESOLVED, that pursuant to §106 of the Code of the Town of Evans the fee for the impoundment of dogs seized or taken into custody pursuant to §57-9 of the said Town Code be and the same is hereby established at $20.00 per day.

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

RESOLUTION 2014-322 Suspend the Rules

Supervisor Dash moved and Councilman Cooper seconded to suspend the Rules of Order for consideration of an additional resolution

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

RESOLUTION 2014-323 Authorize Supervisor to Enter into Agreement with the Dormitory Authority of the State of New Yor for Purchase of a New Marine Rescue Vessel

Supervisor Dash moved and Councilman Feldmann seconded,

BE IT RESOLVED, that the Supervisor of the Town of Evans is hereby authorized to enter into an agreement with the Dormitory Authority of the State of New York ("DASNY") to purchase a new Marine Rescue Vessel, Project ID number 6194; and

BE IT FURTHER RESOLVED, that the cost of the Marine Rescue Vessel will be funded through the New York State and Municipal Facilities Program ("SAM"), pending 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 2014-324 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: 10/22/2014
ABSTRACT NO. 20
VOUCHER NO. 1889-1976
PREPAID:

GENERAL	122,675.40
PART TOWN	39,833.72
HIGHWAY DA	
HIGHWAY	59,395.43
WATER	9,894.48
CAPITAL PROJECTS	
SPECIAL DISTRICTS	3,248.00
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	**$235,047.03**

DATE: 11/5/2014
ABSTRACT NO. 21
VOUCHER NO. 1976-2057
PREPAID:

GENERAL	45,220.41
PART TOWN	3,989.80
HIGHWAY DA	
HIGHWAY	26,802.71
WATER	2,203.79
CAPITAL PROJECTS	11,098.00
SPECIAL DISTRICTS	44,884.93
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	**$134,199.64**

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

RESOLUTION 2014-325 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Wednesday, November 12, 2014 at 6:15pm for a Work Session and then to Wednesday November 19, 2014 at 6:30pm for an Agenda meeting and 7:00pm for the regular Town Board Meeting.

VOTE RESULT: ADOPTED
AYES- Feldmann, 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 M. Krajacic
Town Clerk

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Barbara Wenke Minor Subdivision

Project Location (describe, and attach a location map):
9393 Ruther Road at Pontiac Rd. - Property is divided by Ruther Rd

Brief Description of Proposed Action:
Subdivision of a 50 +/- ac. parcel to create two 5.27 +/- ac. parcels and a 10.62 +/- ac. parcel. A 28.84 +/- ac. parcel is already divided by Ruther Rd.

Name of Applicant or Sponsor:	Telephone: 716 - 984 - 4301
Barbara Wenke	E-Mail: Wenke6123@gmail.com
Address: 9393 Ruther Rd	
City/PO: Angola	State: NY / Zip Code: 14006

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? 50 +/- acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 50 +/- acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
☐ Forest ☒ Agriculture ☐ Aquatic ☒ Other (specify): trees
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: Septic	☑	☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☑ ~~Forest~~ - tree regeration ☒ Agricultural/~~grasslands~~ silvaculture ☒ Early mid-successional
☐ Wetland ☐ Urban ☒ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☐	☑
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Barbara Wenke Date: 6/27/14

Signature: Barbara Wenke

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The subdivision of land will not directly affect wetlands or floodplains that may be on the property.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ 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.

Town Board of the Town of Evans — Name of Lead Agency

11-5-14 — Date

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

Town Supervisor — Title of Responsible Officer

Keith E. Dash — Signature of Responsible Officer in Lead Agency

Saydra L. Brant Director of Planning — Signature of Preparer (if different from Responsible Officer)

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