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, October 15, 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
	Jeneen McSkimming	Assessor
	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
	Diana Cafferty	Supervisor's Department

RESOLUTION 2014-294 Approve Minutes

Councilman Feldmann moved and Supervisor Dash seconded that the reading of the minutes of the Town Board Meeting of October 1, 2014 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

Supervisor Dash read a communication from the First Congregational United Church of Christ announcing their Annual Fall Bazaar on Saturday, October 25th.

Supervisor Dash read a communication from Lori Szewczyk, Director of Community Development regarding the Global Connect notification system.

Councilman Feldmann read a communication from the Angola Moose Lodge announcing their Holidays for Troops Benefit on Sunday, October 26th from noon to 5pm

Committee and Department Head Reports

Councilman Cooper reminded residents that it is Fire Prevention Month. Councilman Cooper reported that Rural Metro had 858 transports and 974 transports are required to avoid a subsidy charge from the Town.

Supervisor Dash announced the Community Services of WNY group home will not be coming to the Town of Evans. The property on Pontiac Road has been sold. He thanked Sandy Brant for helping them negotiate the sale of that property. Supervisor Dash also announced the Dog Park is waiting for a shipment of concrete to complete the project and Claddagh Commission has offered to volunteer and service the Dog Park. The Town is awaiting a final walk-through on the Sturgeon Point Nature Trail. Supervisor Dash commended the Town of Evans Planning Department and all those involved in the Woods at Grey Cliff project.

RESOLUTION 2014-295 Town Clerks Report

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

Town Clerk Receipts September 2014	$17,511.66
Town Clerk Interest September 2014	$3.09
Water Monthly September 2014	258.19
Water Interest September 2014	.07

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

RESOLUTION 2014-296 Celebration of Halloween

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Evans Town Board declares the celebration of Halloween in the Town of Evans for Friday, October 31, 2014: and

WHEREAS, the citizens of the Town of Evans are hereby requested to leave an outside light on during the hours of 6:00 pm to 8:00 pm to insure the safety of the children in their Trick or Treat travels and show willingness to participate in the celebration of Halloween with the children of our community,

NOW THERFORE

BE IT RESOLVED, that a copy of this resolution be published by the Town Clerk in the Angola Pennysaver.

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

RESOLUTION 2014-297 Sign Fee Waiver for Town Park

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, that per Town of Evans Code 200.29 Sign Regulations, and Fee Schedule that the Town Board does hereby grant a waiver of the signage fee to the Evans Parks Department to have the portable sign at the Evans Town Park to advertise for the Haunted Hayride and Santa in the Park, effective for the month of October thru December 2014.

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

RESOLUTION 2014-298 Adopt Preliminary Budget

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, on September 25, 2014 the Supervisor of the Town of Evans duly filed the tentative budget for the fiscal year beginning January 1, 2015 and ending December 31, 2015 with the Town Clerk; and

WHEREAS, the Town Clerk of the Town of Evans duly presented said tentative budget to the Town Board on or before October 5, 2014;

NOW THEREFORE BE IT RESOLVED that in accordance with Section 106 of Town Law, the tentative budget as revised, amended or modified by the Town Board shall constitute the Preliminary Budget of the Town of Evans for the fiscal year beginning January 1, 2015 and ending December 31, 2015; and

BE IT FURTHER RESOLVED that the Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Evans and said Town Clerk is hereby authorized and directed, on or after October 21, 2014, to reproduce copies for public distribution at a cost of $15.00 per copy and to also place the budget on the Town of Evans Website where there will be no cost to the public.

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

RESOLUTION 2014-299 Set Public Hearing for 2015 Preliminary Budget

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that in accordance with Article 8, Section 108 of Town Law, that a public hearing be held to hear those people wanting to discuss the Preliminary Budget on November 5, 2014 at 7:10 pm at the Evans Town Hall; and

BE IT FURTHER RESOLVED, THAT THE Town Clerk advertise said Public Hearing in accordance with Town Law.

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

RESOLUTION 2014-300 Set Public Hearing for Angola Protective Fire District

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the Angola Protective Fire District has been duly established as a Fire Protection District within the Town of Evans; and

WHEREAS, Town Law requires the Town of Evans to provide fire protection within said Fire District;

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 184 of Town Law that a public hearing be held with reference to the furnishing of such fire protection for the Angola Fire Protective District which shall be held on the 5th day of November, 2014 at 7:10 pm and that notice of such hearing shall be published in the official newspaper of the Town of Evans.

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

RESOLUTION 2014-301 Authorize Supervisor to Sign Contract with Erie County Community Development Block Grant Program

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS: The Town of Evans is or may be eligible for Community Development Block Grants, and,

WHEREAS: The Town advertised and conducted a public hearing on Wednesday, October 1, 2014 at 7:10 p.m. to receive input for the grant for the 2015-2016 year as to the community development needs and as to projects for which such grant or grants may be sought;

NOW THEREFORE BE IT RESOLVED That the Town Board authorizes Supervisor Dash and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG

1. South Creek/John K. Thompson Pool ADA Improvements
2. Rural Transit Services, Inc.

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

RESOLUTION 2014-302 Final Plat Approval for The Woods at Gray Cliff Subdivision

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Town Board of the town of Evans on December 4, 2013, following a public hearing duly held regarding The Woods at Grey Cliff subdivision, approved such subdivision, subject to certain conditions, and also at that time issued a negative declaration regarding the SEQR process, and

WHEREAS, the applicant has prepared a final subdivision plat, which has been reviewed and accepted by the Town Engineer and Town Planning Division, and

WHEREAS, the final subdivision plat has been reviewed and approved by all required Erie County Departments, the Erie County Water Authority, the NYS Department of Transportation, the NYS Department of Environmental Conservation and the U. S. Army Corp of Engineers.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans does hereby grant final plat approval for The Woods at Grey Cliff Subdivision, consisting of 55 lots, contingent upon the following conditions:

1. The applicant shall sign the Public Improvement Permit (PIP) Agreement and shall pay all required fees as set forth in the fee schedule given to the Town's Planning Director.
2. The applicant and contractor performing the Public Improvement Permit shall provide the necessary insurance documents naming both, the Town and Wendel, its Engineers, as additional insureds.
3. The applicant shall deliver to the Town an acceptable Surety Bond in the sum equal to the cost of the work to be performed, and to include the cost of the sewer, in the event the County of Erie does not require a sewer bond.

4. The applicant shall pay all required SWPPP inspection fees as set forth in the fee schedule given to the Town's Planning Director.
5. All conditions of the October 9, 2014 letter from the USACOE to the applicant must be met as outlined, with no additional cost to the Town of Evans.
6. All drainage easements to the Town of Evans shall be filed prior to the completion and approval of each construction phase of the subdivision.
7. Copies of all written approvals from the Erie County Water Authority, Erie County Health Department and Erie County Department of Sewer Management, ECSD #2 shall be provided to the Planning Office prior to the issuance of Public Improvement Permit.
8. The applicant will be required to provide proof of NYSDOT and Erie County Department of Public Works Highway Work Permits prior to commencing construction.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Evans is hereby authorized to sign the final plat plan for The Woods at Grey Cliff subdivision, and

BE IT FURTHER

RESOLVED, that the applicant shall file the final plat with the County Clerk's office

AND BE IT FURTHER

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

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

RESOLUTION 2014-303 Authorize the Payment of Hydrant Fee to Erie County Water Authority

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, The Woods at Grey Cliff is a new subdivision within the Town of Evans, and

WHEREAS, Carmelas Court and Thomas Avenue are located within Town of Evans Water Districts, and

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

NOW, THEREFORE BE IT

RESOLVED, that the Town of Evans does hereby agree to pay the Erie County Water Authority charges for Public Fire Protection as set forth in the Authority's Tariff for the four (4) additional fire hydrants on Carmelas Court and three (3) additional hydrants on Thomas Avenue to be installed, and

BE IT FURTHER

RESOLVED, that this resolution shall take effect immediately, 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 2014-304 Authorization to Place Liens on Real Property for Services and/or Equipment and Devices, Including the Installation of Back Flow Prevention Devices.

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, certain costs have been incurred for and/or related to water, sewer, refuse and other unpaid services, including but not limited to the installation of back flow prevention devices, the cost of such devices and the installation of the same, regarding real property for which such services and/or equipment and devices were provided; and

WHEREAS, in accordance with the New York State Town Law, section 198, the Town of Evans and the Town of Eden are authorized to enforce payments for such various unpaid accounts for water, sewer, refuse and other unpaid town services by placing a lien upon the real property for which such services were provided; and

WHEREAS, pursuant to such authorization the Town of Evans and the Town of Eden opts to enforce such payments by placing a lien upon such real property; and

WHEREAS, a schedule reflecting such unpaid amounts and accounts as to the properties specified by Section, Block and Lot numbers has been prepared and is attached hereto and made a part hereof; and

WHEREAS, pursuant to such authorization and the exercise of such authority and option a Letter of Authorization is to be forwarded to the County of Erie and/or the Erie County Real Property Tax Department or relevant divisions and/or departments of the same

NOW THEREFORE BE IT RESOLVED, that the Town of Evans pursuant to Section 198 of the Town Law of the State of New York opts to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services including, but not limited to, those set forth in the exhibit attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Supervisor, Town Clerk and or Assessor of the Town of Evans, or the designee of the same, be and are hereby authorized and directed to execute and deliver to the Town of Evans, Town of Eden, County of Erie and/or Erie County Real Property Tax Department a Letter of Authorization and/or other documents required to give force and effect to this resolution and action of the Town Board of the Town of Evans.

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

RESOLUTION 2014-305 Approve Town Licenses

Supervisor Dash moved and Councilman Cooper seconded,

Licenses:

James Tredo-D/B/A Tredo's Pizzeria - Refreshment

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, Dash
NAYS: None

RESOLUTION 2014-306 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: 10/08/2014
ABSTRACT NO. 19
VOUCHER NO. 1792-1888
PREPAID:

GENERAL	22,632.35
PART TOWN	24,974.18
HIGHWAY DA	
HIGHWAY	59,843.18
WATER	4,009.58

CAPITAL PROJECTS	
SPECIAL DISTRICTS	33,524.53
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	**$144,983.82**

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

RESOLUTION 2014-307 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Wednesday, October 29, 2014 at 6:15pm for a Work Session and then to Wednesday November 5, 2014 at 6:30pm for an Agenda meeting and 7:00pm for the regular Town Board Meeting. Meeting adjourned in Memory of Joseph Catalano, former VFW Commander and Town of Evans Councilman.

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

In Memory of Joseph Catalano
Former VFW Commander,
and
Town of Evans Councilman

Town of Evans Backflow 2015
Special District 44102

SBL#	units	Amount	5 year	interest rate	Total 2015 interest		total
28/86 Split		69,778.98	13,955.80	0.91%	127.00		14,082.79
per unit/per year	114						123.53
193.09-1-1.111	28	3,458.93					
193.09-1-1.112	86	10,623.86					
		14,082.79					

Posted 2014 - 2015 10/1/14

Town of Evans Backflow prevention 2015
within Town of Eden Special District 40102

SBL#	Address	Amount	5 year Term	interest rate	2015 interest	Total 2015
		64,750.00	*12,950.00*	*0.91%*	*117.85*	*13,067.85*
per parcel		*13,067.85*			*per unit*	*4,355.95*
207.00-1-29.1	**7254 Southwestern**	**4,355.95**				
207.00-1-26.12	**7264 Southwestern**	**4,355.95**				
207.00-1-26.2	**7274 Southwestern**	**4,355.95**				