

Evans Town Board

At a 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, April 21, 2010 at 7:00pm there were:

PRESENT:	Keith E. Dash	Councilman
	Paul T. Cooper	Councilman
	Francis J. Pordum	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
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
	Cati Knab	Wendel Duchscherer
EXCUSED:	Charles Katra	Dir. of Finance/Town Comptroller
	Patrick Conrad	St. Pt. Marina Dept. Head
ABSENT:	Julie Roach	Seniors Dept. Head

RESOLUTION 2010-105 Approve Minutes

Supervisor Pordum moved and Councilman Dash seconded that the reading of the minutes of the meeting of March 31, 2010 be dispensed with and approved as submitted by the Town Clerk.

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

RESOLUTION 2010-106 Approve Committee and Department Head Reports

Supervisor Pordum moved and Councilman Cooper seconded to approve the Committee and Department Head Reports as follows:

Councilman Dash:

1. Read a letter from Minor Subdivision Review Committee.
2. Commended Planning and Code Enforcement for their work on the upcoming code revisions.

3. Spoke to Legislator Dixon's Office regarding concerns of the lighting at Wendt Park near Old Lake Shore Rd.
4. The Highway Department has begun its paving schedule and the chipper has also been put to use.
5. The Multi-Use Recreational Path monies for Phase 1 have been released by NYS and the Town is awaiting word from the Erie County Legislature/Erie County Control Board regarding their involvement.
6. Attended Environmental Fair and commended the vendors present and the information that was made available to residents.

- Councilman Cooper:
1. Complimented the Conservation and Recycling Committees for their efforts in the organization of the Environmental Fair.
 2. Announced Lake Erie Beach Vol. Fire Company Prevention and Kid's Safety Day to be held on Saturday, April 24, 2010 from 9am - 1pm.
 3. Announced that the Town of Evans Justice Court is now utilizing credit card payments of Visa, Mastercard, and Discover. The NYS Court system has absorbed the convenience fees regarding this type of transaction so that there is no additional cost to the Town.

- Supervisor Pordum:
1. The Town has reapplied for a grant for the addition of solar panels to the Town Hall.
 2. Attended the Sturgeon Point Advisory Committee meeting and commented on the seasonal dredging that is now being done.
 3. Attended the Parks and Recreation Advisory Committee meeting. The Committee is developing a schedule of events for the summer season.

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

RESOLUTION 2010-107 Approve Town Clerk Monthly Reports

Supervisor Pordum moved and Councilman Cooper seconded,

Town Clerk Reports - March 2010

Petty Cash	\$-0-
Monthly Report March	\$10,607.04
Interest Checking	\$3.45
NYS Racing & Wagering	\$-0-

Water Receipts	\$140,672.75
Duplicate Bills and Receipts	\$110.00
Interest Checking	\$43.10

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

RESOLUTION 2010-108 Authorize Engineering Services for Roadway Access & Waterline Improvements- Contract 09-1

Councilman Cooper moved and Councilman Dash seconded,

RESOLVED: the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Duchscherer dated March 26, 2010 for waterline and roadway construction inspection services for Contract 09-1, subject to the approval of the Director of Finance and the Town Attorney.

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

RESOLUTION 2010-109 Authorize the Supervisor to Award Bid for Waterline Replacement Project- Contract 09-2

Councilman Cooper moved and Councilman Dash seconded,

WHEREAS: Bids on the Town of Evans Waterline Replacement Project (Contract 09-2) were received and opened on April 6, 2010 at 10:00 am, in accordance with the Notice to Bidders previously authorized and,

WHEREAS: the low bid for the Base Bid was submitted by J.D. Northrup Construction Incorporated with a Total Base Bid of \$4,683,465.00

WHEREAS: Wendel Duchscherer has reviewed the proposal from J.D. Northrup Construction Incorporated and held a meeting on April 13, 2010 with the President of J.D. Northrup Construction Incorporated, Karl Northrup, and confirmed his understanding of the requirements of this project. The proposal and his responses were satisfactory and,

WHEREAS: the Evans Town Board has determined that the Town of Evans has sufficient monies for construction of the Base Bid.

Now therefore be it,

RESOLVED: that the Evans Town Board authorizes award of the Waterline Replacement project (Contract 09-2) to J.D. Northrup Construction Incorporated, 6633 Route 219, PO Box 669, Ellicottville, NY 14731 contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances.

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

RESOLUTION 2010-110 Issue SEQR Negative Declaration RE: SBL#235.07-4-32

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS: in a letter dated April 16, 2010, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Caryl A. Youngers Minor Subdivision, and

WHEREAS: it has been determined that there will be no significant effect on the environment,

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 Caryl A. Youngers Minor Subdivision. (Addendum A SEQR Short Environmental Assessment Form)

A division of SBL#235.07-4-32, dividing a 6.66+/- acre parcel to create:

1. a .27+/- acre parcel with 85.00+/- feet of frontage on North Main Street, and
2. a 6.39+/- acre parcel with 174.74+/- feet of frontage on North Main Street.

Petitioner: Caryl A. Youngers, 8607 North Main Street, Angola, NY 14006

And be it further,

RESOLVED: that a copy of this resolution be given to the Planning Office.

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

Resolution 2010-111 Approve Minor Subdivision RE: SBL#235.07-4-32

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS: 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 Caryl A. Youngers Minor Subdivision, a division of SBL#235.07-4-32, dividing a 6.66+/- acre parcel to create:

1. a .27+/- acre parcel with 85.00+/- feet of frontage on North Main Street, and
2. a 6.39+/- acre parcel with 174.74+/- feet of frontage on North Main Street.

Petitioner: Caryl A. Youngers, 8607 North Main Street, Angola, NY 14006.

And be it further,

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

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

RESOLUTION 2010- 112 Approve Water Adjustments

Councilman Dash moved and Supervisor Pordum seconded,

RESOLVED, that an adjustment be made to the following accounts because of water leaks.

1. Breau, J.L. Account# 03070690
9635 Lake Shore Adjustment- \$1683.07 + penalty
2. Warner, Bonita Account# 03010360
9534 Jamestown St. Adjustment- \$48.51 (penalty only)

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

**RESOLUTION 2010-113 Authorize Town Clerk to Advertise for a Public Hearing RE:
Proposed Minor Amendments to Town Code**

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS: in a letter dated April 15, 2010, the Planning Director and Code Enforcement Officer have requested that the Town Board set a public hearing regarding proposed minor amendments to the Town Code, Section 200 Zoning, Section 178 Subdivision, Section 149 Property Maintenance and Section 70 Building Administration.

Now therefore be it,

RESOLVED: that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on May 26, 2010 at 7:20pm for the consideration of said amendments to the Town Code, 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- Dash, Cooper, Pordum
NAYS- none

RESOLUTION 2010-114 Proclamation RE: Municipal Clerks Week

Supervisor Pordum moved and Councilman Dash seconded,

**Proclamation
To The People of the Town of Evans**

**MUNICIPAL CLERKS WEEK
April 19th through April 23rd, 2010**

WHEREAS: the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world,

WHEREAS: the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS: the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS: the Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS: the Municipal Clerk is the information center on functions of local government and community, and

WHEREAS: Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, province, county, and professional organizations, and

WHEREAS: it is most appropriate that we recognize the accomplishments of the Office of Municipal Clerk.

Now THEREFORE, I, Francis J. Pordum, Supervisor of the Town of Evans, do recognize the week of April 19th through April 23rd 2010 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Jonica DiMartino, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 21st day of April, 2010

Francis J. Pordum, Supervisor
Town of Evans

RESOLUTION 2010-115 Enter into Agreement with Southtowns HAZ-MAT Team

Councilman Cooper moved and Councilman Dash seconded,

WHEREAS: Southtowns HAZ-MAT Team has, in the past agreed with the Town of Evans to provide emergency response to hazardous materials and incidents in the Town of Evans (excluding the Village of Angola) and to provide containments, entry reference decontamination and resource information and other services in consideration of the sum of \$5,000 per year, the period of such agreements to run from January 1, 2009 to December 31, 2009 and January 1, 2010 to December 31, 2010; and

WHEREAS: The services contemplated by said Agreements, and to be provided by Southtowns HAZ-MAT, benefit the residents of the Town of Evans;
Now therefore be it,

RESOLVED: that Francis J. Pordum, Supervisor of the Town of Evans, is hereby directed to execute on behalf of the Town of Evans, such Agreements, as many counterparts as deemed appropriate in his discretion, and to deliver the same and the aforesaid payment to Southtowns HAZ-MAT Team.

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

RESOLUTION 2010-116 Appt of PT Laborers

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED: that the following individuals be appointed to the position of laborer; to be called as needed; to be paid the designated hourly rate of pay:

Russell Merlino	6919 Hamilton Dr., Derby	\$7.25
Steven Siracuse	9038 Joyce Lane, Angola	\$7.25
Alan Litzinger	20 Beverly Dr., Angola	\$7.25
Zachary Forsys	1480 Wisconsin Rd., Derby	\$7.25
Dylan Hammer	33 Long Beach Ln., Angola	\$7.25
John Litzinger	20 Beverly Dr., Angola	\$7.25
Scott Dillon	9028 Joyce Ln., Angola	\$7.50
Kurtiss Driscoll	9546 Jamestown Rd.	\$7.50
Andrew Jasinski	84 Terrylynn Dr., Angola	\$7.50
Bartholomew Loos	70 High St., Angola	\$7.50
Adam McCulle	9407 Fairview St., Angola	\$7.50
Bryant Morrison	1255 Cain Rd., Angola	\$7.50
Richard Walker	6505 Lake Shore Rd., Derby	\$7.50
Candice Wielgasz	1711 Sturgeon Point, Derby	\$7.50
Mathew R. Mungovan	1353 Sturgeon Point, Derby	\$8.00
Fred Bartlett	1069 Brookwood, Derby	\$8.00
Art Buczkowski	775 Sturgeon Point, Derby	\$8.00
William Ludwig	53 Sunset Blvd.	\$8.00
James Feldmann	343 Roat, Angola	\$8.00
Daniel Haidon	6647 Gates Dr., Derby	\$8.00
Dale Kelley	9213 Waterman Rd., Angola	\$8.00
Donald Schiedel	979 Meier Rd., Derby	\$8.00in applying
Phyllis Jost	1711 Sturgeon Point, Derby	\$8.25
Wilbur Jost	1711 Sturgeon Point, Derby	\$8.25

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

RESOLUTION 2010-117 Audit of Bills

Councilman Dash moved and Councilman Cooper seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstracts brought forth on April 21, 2010

	Date 4/07/2010	
	Abstract No. 6	
	Voucher No. 539-632	
	Prepaid: 10-18	
GENERAL		150,938.66
PART TOWN		20,697.55
HIGHWAY DA		0.00
HIGHWAY		45,347.89
WATER		89,484.76
CAPITAL PROJECTS		128,077.83
SPECIAL DISTRICTS		5,963.39
DEBT SERVICE		
COMMUNITY DEVELOPMENT		10,345.00
TOTAL		450,855.08

	Date 4/21/2010	
	Abstract No. 7	
	Voucher No. 633-790	
	Prepaid: 19-20	
GENERAL		173,959.03
PART TOWN		17,305.94
HIGHWAY DA		0.00
HIGHWAY		27,834.29
WATER		22,713.52
CAPITAL PROJECTS		96,360.09
SPECIAL DISTRICTS		96,494.57
DEBT SERVICE		
COMMUNITY DEVELOPMENT		
TOTAL		434,667.44

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

RESOLUTION 2010-118 Adjournment

Supervisor Pordum moved and Councilman Cooper seconded to adjourn to a Work Session on Wednesday, April 28, 2010 @ 6:15pm then to an Agenda Meeting on Wednesday, May 5, 2010 @ 6:30pm with the regular Town Board meeting immediately following at 7:00pm.

VOTE RESULT: ADOPTED
 AYES- Dash, Cooper, Pordum
 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
Town Clerk
Town of Evans**