

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, May 26, 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
	Kathy Karyczak	Assessor's Dept.
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Charles Katra	Dir. of Finance/Town Comptroller
	Edward Michalski	Highway Superintendent
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Patrick Conrad	St. Pt. Marina Dept. Head
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
EXCUSED:	Russ Manguso	Parks Commissioner
ABSENT:	Rob Klavoon	Wendel Duchscherer
	Julie Roach	Seniors Dept. Head

RESOLUTION 2010-127 Approve Minutes

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of May 5, 2010 and Work Sessions of April 28, 2010 & May 19, 2010 be dispensed with and approved as submitted by the Town Clerk.

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

RESOLUTION 2010 -128 Committee and Department Head Reports

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

Councilman Cooper:

1. Announced June is Paint Up/Fix Up/Clean Up Month in the Town of Evans
2. Announced Erie County Hazardous Waste Drop Off on Saturday, June 19th from 9am - 2pm

3. Presented Building Department Monthly Reports

Councilman Dash:

1. Stated that the Water Department Transitional Process to ECWA is moving along quite smoothly
2. Read the Rural Metro Monthly Report and announced their next meeting on June 24th
3. Commented on the Public Hearing regarding Code Revisions
4. Wished everyone a good Memorial Day Weekend

Supervisor Pordum:

1. Read notice from American Legion Newcomb Long Post 928 regarding the Anniversary Celebrations of the Post to take place at 2pm on May 29th.
2. Announced the Memorial Day Observance to take place on Sunday, May 30th at 2pm at the Town Hall Main Entrance with remarks from Legion Commander Gene Hackemer, Evangeline Conley and presentation of the Veteran of the Year Award. The event is hosted by the Town of Evans Veteran's Committee.
3. Commented on the second public hearing at Lake Erie Beach Fire Hall regarding the Lake Erie Beach Revitalization Strategy.
4. Announced Flag Banner Program and the display of banners on Route 5 in Derby and Angola. Donations to defray the cost are to be made to the VFW Post#5798 Flag Banner Program.

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

RESOLUTION 2010-129 Town Clerk's Reports

Supervisor Pordum moved and Councilman Cooper seconded,

Town Clerk Reports- April 2010

Petty Cash	\$-0-
Monthly Report	\$18,132.36
Interest earned	\$6.84
Water Receipts	\$85,437.06
Duplicate Bills & Receipts	\$102.00
Interest earned	\$19.22

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

RESOLUTION 2010- 130 Town Licenses

Supervisor Pordum moved and Councilman Dash seconded,

1. Michael and Deborah Slawinski -Fireworks
2. Michelle Elizabeth Matthews D/B/A Mickey's New Rise and Dine-Refreshment
3. Jason Elliot Haynes D/B/A Jay's Hilltop Bistro, Inc.- Refreshment, Amusement and Live Band
4. Laura Jean Whittinghill- Live Band

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 BY ROLL CALL
 Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

Supervisor Pordum noted that 3 resolutions have been taken off the agenda.

RESOLUTION 2010 -131 Appointment of 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 \$7.25 per hour:

Robert Densmore, 26 Maple St., Angola
 Joshua Karter, 1090 Cain Road, Angola
 Joseph Muscato, 17 Lorain St., Angola
 Allison Ludwig, 53 Sunset Blvd., Angola
 Jeremy Cournyea, 865 Bennett Rd., Angola
 Arthur Conrad, 6873 Delamater Rd., Angola
 Jacob Vail, 856 Nicole, Angola
 Matthew O'Brien, 689 Lake St., Angola
 Bradley Weber, 9022 Joyce Lane, Angola
 Joshua Androff, 344 Reeves Rd., Angola

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

RESOLUTION 2010 - 132 Sign agreement with Lakeshore Employee Testing Service, Inc.

Councilman Cooper moved and Councilman Dash seconded,

RESOLVED: Supervisor Francis J. Pordum of the Town of Evans is hereby authorized to sign the agreement with the Lakeshore Employee Testing Service, Inc., contract year 2010.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

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

RESOLUTION 2010 - 133 Appointment of members to the Evans Agricultural Advisory Committee

Councilman Dash moved and Supervisor Pordum seconded,

RESOLVED: the following are hereby appointed to the Town of Evans Agricultural Advisory Committee for terms to expire as follows:

Norm Bromley for a term to expire December 31, 2012
Diane Held for a term to expire December 31, 2012
Steve Fitzpatrick for a term to expire December 31, 2012
Joe Kwilos for a term to expire December 31, 2011
Mark Sullivan for a term to expire December 31, 2010

BE IT FURTHER

RESOLVED: that Russell Barten of the Erie County Farm Bureau; Keith Dash, Town Board Councilman and Sandra Brant, Town Planning Director are hereby appointed ex-officio members.

AND BE IT FURTHER

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

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

RESOLUTION 2010- 134 Highway Superintendent to attend NYS Association of Town Cornell Local Roads Program Annual Highway School

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED: that the Town Board hereby authorizes the Superintendent of Highways to attend the NYS Association of Towns Cornell Local Roads Program Annual Highway School in Ithaca, NY from June 7 through June 9, 2010. All actual and necessary expenses are to be paid from respective accounts according to Town Code and Policies.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

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

RESOLUTION 2010- 135 Execute agreement with Local 41 of the International Brotherhood of Electrical Workers

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS: The collective bargaining agreement between Local 41 of the International Brotherhood of Electrical Workers and the Town of Evans expired December 31, 2009, and

WHEREAS: Representatives of both parties have negotiated a tentative agreement to expire December 31, 2012,

THEREFORE BE IT

RESOLVED: that the Evans Town Board hereby authorizes Supervisor Pordum to execute the agreement to be effective January 1, 2010 to December 31, 2012 subject to approval of the Town Attorney and the Director of Finance.

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

Supervisor Pordum called the Public Hearing to order at 7:20pm and asked the Town Clerk to read the Legal Notice as follows:

**Legal Notice
 Town of Evans**

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on May 26, 2010 at 7:20pm at the Evans Town Hall, 8787 Erie Road, Angola, NY 14006, for the consideration of proposed minor amendments to the Town Code, Section 200 Zoning, Section 178 Subdivision, Section 149 Property

Maintenance and Section 70 Building Administration. A draft copy of the proposed amendments is available, at the Town Clerk's Office, to review or pick up during normal business hours, Monday thru Friday from 8 am - 4 pm and Wednesday until 6pm.

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
Town Clerk

Sandra L. Brant- Director of Planning spoke in favor of the proposed amendments.

RESOLUTION 2010-136 Close Public Hearing

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

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

RESOLUTION 2010- 137 Negative SEQR for PLL #1 of 2010

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS: the Evans Town Board wishes to adopt Proposed Local #1 of the year 2010 regarding minor code revisions to Section 200 Zoning, Section 178 Subdivision, Section 149 Property Maintenance and Section 70 Building Code Administration; 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 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 May 26, 2010 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 #1 of the year 2010, regarding minor revisions to Section 200 Zoning, Section 178 Subdivision, Section 149 Property Maintenance and Section 70 Building Code Administration 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 doe Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

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

RESOLUTION 2010-138 Adopt PLL #1 as LL #1 of the year 2010

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS: the Evans Town Board finds that Proposed Local Law #1 of the 2010 regarding minor code revisions to Section 200 Zoning, 178 Subdivision, 149 Property Maintenance and 70 Building Code Administration will bring about consistence between various sections of the code; compliance with NYS Building Codes, consistency with Town processes, and clarification and articulation of language in the Code; and

WHEREAS: in a letter dated April 15, 2010, the Evans Planning Director and the Code Enforcement Officer have recommended adoption of these proposed code amendments; and

WHEREAS: the Evans Town Board held a public hearing on the proposed code amendments on May 26, 2010; 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 #1, of the year 2010, be and hereby is adopted as Local Law #1 of the year 2010.

AND BE IT FURTHER

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash aye
 Councilman Cooper aye
 Supervisor Pordum aye

RESOLUTION 2010- 139 Standard Work Day for Elected and Appointed Officials

Supervisor Pordum moved and Councilman Dash seconded,

RESOLVED: that the Town of Evans hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	SS #	Registration #	Standard Work Day	Term Begins/Ends	Participates in Time Keeping System	Days/ Pay Period	Elected/ Appointed
Town Comptroller	Charles Katra	0322	36538692	8	1/1/2010-12/31/2011	N	10	Appointed
Town Prosecutor	Grant Zajas	9092	20262465	8	1/1/2010-12/31/2010	N	1.5	Appointed
Town Prosecutor	Michele Parker	6263	42700146	8	1/1/2010-12/31/2010	N	1.5	Appointed
Town Attorney	Grant Zajas	9092	20262465	8	1/1/2010-12/31/2010	N	10	Appointed
Dir. Comm. Deve.	Lori Szewczyk	8449	40418691	8	1/1/2010-12/31/2010	N	10	Appointed
Town Clerk	Jonica DiMartino	0608	40765786	8	1/1/2010-12/31/2013	N	10	Elected
Town Justice	Anthony Barone	1661	34792291	8	1/1/2008-12/31/2011	N	5	Elected
Town Justice	Timothy Cooper	4028	34306704	8	1/1/2010-12/31/2013	N	5	Elected
Town Councilman	Paul Cooper	4025	42223958	8	1/1/2008-12/31/2011	N	5	Elected
Town Councilman	Keith Dash	7664	42654392	8	1/1/2008-12/31/2011	N	5	Elected
Highway Supervisor	Edward Michalski	3797	20238150	8	1/1/2010-12/31/2013	N	10	Elected

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

RESOLUTION 2010-140 Audit of Bills

Councilman Dash moved and Supervisor Pordum 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 May 26, 2010

Date 5/19/2010
 Abstract No. 9
 Voucher No. 880-1017
 Prepaid:

GENERAL	115,597.34
PART TOWN	23,120.18
HIGHWAY DA	0.00
HIGHWAY	38,669.80
WATER	14,599.79
CAPITAL PROJECTS	
SPECIAL DISTRICTS	80,497.46
DEBT SERVICE	
COMMUNITY DEVELOPMENT	7,975.00

TOTAL 280,459.57

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

RESOLUTION 2010-141 Adjournment

Supervisor Pordum moved and Councilman Dash seconded to adjourn to a Work Session on Wednesday, June 9, 2010 @ 6:15pm then to an Agenda Meeting on Wednesday, June 16, 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

PROJECT I.D. NUMBER

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 <i>Town Board of the Town of Evans</i>		2. PROJECT NAME <i>Zoning Ordinance Amendment</i>	
3. PROJECT LOCATION: Municipality <i>Town of Evans</i> County <i>Erie</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>Throughout the Town</i>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>Town Code revisions - minor changes to Section 200-Zoning, Section 178-Subdivision, Section 149-Property Maintenance and Section 70-Building Code Administration</i>			
7. AMOUNT OF LAND AFFECTED: <i>Town-wide</i> Initially _____ acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly <i>N/A</i>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <i>N/A</i>			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>Town Board of the Town of Evans</i>		Date: <i>April 15, 2010</i>	
Signature: <i>Sandra L. Brant, Director of Planning</i>			

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—ENVIRONMENTAL ASSESSMENT (To be completed by 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 patterns, 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 CEA?
 Yes No

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 and 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
Name of Lead Agency

Francis J. Pordum
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Francis J. Pordum
Signature of Responsible Officer in Lead Agency

Sandra L. Brant, Planning
Signature of Preparer (If different from responsible officer)
Director

5/27/10
Date