

## 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, June 16, 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
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Charles Katra	Dir. of Finance/Town Comptroller
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Patrick Conrad	St. Pt. Marina Dept. Head
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Russ Manguso	Parks Commissioner
	Jeanne C. Ebersole	Assessor
ABSENT:	Edward Michalski	Highway Superintendent

**RESOLUTION 2010-142 Approve Minutes**

Supervisor Pordum moved and Councilman Dash seconded that the reading of the minutes of the meeting of May 26, 2010 and Executive Session of June 2, 2010 be dispensed with and approved as submitted by the Town Clerk.

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

**RESOLUTION 2010 -143 Committee and Department Head Reports**

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

Councilman Cooper: 1. ECC South is hosting a Household Hazardous Waste Drop Off Day on Saturday, June 19<sup>th</sup> from 9am-2pm. Flyers have been posted throughout the

Town Hall and more information is available at [www.erie.gov/environment](http://www.erie.gov/environment).

2. The Angola Parks and Gazebo Concert schedule is now available and has been posted throughout the Town Hall.

3. Recognized and commended Julie Roach and the B.R.I.D.G.E.S. committee and sponsors on another successful Post-Prom Party.

Councilman Dash:

1. Commended Julie Roach and the B.R.I.D.G.E.S. committee on their hard work and success with the Post-Prom Party.

2. Met with the newly organized Agricultural Committee and reported that Norman Bromley was elected by the membership as the Chairman and Diane Held was elected as the Secretary. Sandra Brant and Debi Wilson from Planning were recognized on their assistance with the reformation of the committee.

3. Read the report from Rural Metro.

4. Extended a thank you to Charles LaBarbera and Ed Michalski for their assistance with two separate drainage issues.

5. Time Warner Cable and Verizon have been contacted and are in the process of fixing their low hanging lines at the corner of Beach Rd and Route 5.

Supervisor Pordum:

1. Congratulated Julie Roach and the committee on the Post-Prom Party event.

2. Commented on the Parks Dept and their efforts in getting the beaches ready for the summer season. Also, reiterated the shared service success of additional aid received from Brant and Eden in accomplishing this task so the beaches would be open on schedule.

3. Announced the Boys and Girls Club of Lake Shore's Golf Tournament to be held on Monday, August 2<sup>nd</sup> at the Gowanda Country Club. For more

information, contact Kim Heimborg at the Evans Bank in Derby.

4. Announced the Town Park Outdoor Movie Night Schedule for the 2010 Season.

5. Announced the Taste of Evans to be held at the Town Park on Sunday, July 18<sup>th</sup>.

6. Erie County will be putting a new finishing coat on the roadway to strengthen Lake Shore Rd.

7. Chief Masullo reported that the department has applied for this year's COPS grant.

8. Announced that the rules will be suspended during the resolutions to accommodate two resolutions that were submitted after the agenda deadline for tonight's meeting. One is for Graycliff and the other is the hiring of a part-time police officer to replace one that received a full time position in the Village of Hamburg.

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

**RESOLUTION 2010-144 Town Clerk's Reports**

Supervisor Pordum moved and Councilman Cooper seconded,

<u>Town Clerk Reports- May 2010</u>	
Petty Cash	\$-0-
Monthly Report	\$15,305.26
Interest earned	\$9.73
Water Receipts	\$115,583.62
Duplicate Bills & Receipts	\$88.00
Interest earned	\$36.88

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

**RESOLUTION 2010-145 Evans Town Board opposes NYS Senate Bill S.2211 & S.2219 and NYS Assembly Bill A. 10330**

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS: the New York State Department of Agriculture & Markets has proposed in the Governors Budget to remove the licensing of dogs from the State control and turning it over to all local municipalities in New York State; and

WHEREAS: under Senate Bill S.2211 and Assembly Bill A. 10330 the legislatures have proposed a requirement that all dogs must be microchipped and a registry of dogs be created, which the Town of Evans believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions; and

WHEREAS: the Senate has also introduced under Bill S.2219 a law requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which the Town of Evans also believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Town of Evans opposes Senate Bill S.2211 requiring all dogs in NYS to be microchipped and a registry of dogs to be created and Bill S.2219 requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions.
2. The Town of Evans opposes Assembly Bill A. 10330 requiring all dogs in NYS to be microchipped and a registry of dogs to be created, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions.
3. The Town Clerk is hereby ordered to send a certified copy of this resolution to the town's local Senate and Assembly representatives and to Governor David Patterson.
4. This resolution shall take effect immediately.

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

**RESOLUTION 2010-146 Closing of Kennedy Avenue & Eisenhower Road on July 3, 2010 (raindate of July 4<sup>th</sup>) for purpose of 4<sup>th</sup> of July celebration at Lake Erie Beach/Point Breeze area**

Councilman Dash moved and Councilman Cooper seconded,

The July 4<sup>th</sup> celebration in the Lake Erie Beach/Point Breeze area brings several thousand plus people to this community to honor our nation's birth; and

The public safety responsibility for those people enjoying the celebration, those people residing in this celebration area, and the people who will transverse this area are a responsibility that is best served through the following road closures.

The Town Board of the Town of Evans hereby authorizes the closing of Kennedy Avenue and Eisenhower Road from the Old Lake Shore Road to Quebec Street for the purpose of providing public safety to all participants, residents and traffic during the 3<sup>rd</sup> of July (rain date 4<sup>th</sup> of July), in addition to all other public safety measures as set forth under the Code of the Town of Evans.

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

**RESOLUTION 2010-147 Appt of Lifeguards/Lifeguard Captains, Recreation Supervisor, Assistant Rec. Supervisor, Pool Attendants and Rate of Pay**

Councilman Dash moved and Supervisor Pordum seconded,

RESOLVED; that the following individuals be appointed to the position of lifeguard and/or lifeguard captain; to be called as needed; to be paid the designated hourly rate of pay:

Amanda Gravius	6931 Potter Road, Derby	\$7.50
Robert Burke	9407 Jamestown , Angola	\$7.50
Haeli Halloran	60 Lotus Bay, Irving	\$7.50
Lauren Jakiel	6983 Potter Road, Derby	\$7.50
Tim Jakubiec	1509 Eden Evans Ctr., Angola	\$7.50
Hailey Kane	1632 South Creek, Derby	\$7.50
Dylan Kelly	901 Bennett Road, Angola	\$7.50
Sancheri Kennedy	6773 Lake Shore, Derby	\$7.50
James Murphy	664 Monroe , Angola	\$7.50
Arrigo, Charles	78 Summerdale, Angola	\$8.00
Bartha, Kathryn	95 Railroad Ave, Angola	\$8.00/8.75
Benzing, Kyle	531 Ivy Road, Angola	\$8.00/8.75
Koerner, Chelsey	7098 Versailles Plank, Derby	\$8.00
Violanti, Alexander	2119 Derby Road, Eden	\$8.00/8.75
Juskiewicz, Joseph	1817 South Creek, Derby	\$8.50
Maslach, Lucas	1781 South Creek, Derby	\$8.50/9.25
McGough, Mollie	7223 Versailles Plank, Derby	\$8.50
O'Connor, Marguerite	8812 Lake Shore, Angola	\$8.50/9.25
Violanti, Joseph	8571 North Main, Eden	\$8.50/9.25
Connors, Chad	6962 Potter Road, Derby	\$9.25
Tisdale, Arwen	258 Garfield, Angola	\$10.25
Maslach, Megan	1781 South Creek, Derby	\$10.75
Widmer-Wick, Ian	369 Harper Road, Angola	\$11.75

Be It Resolved; that the following be appointed to the designated position;

to be paid the designated hourly rate of pay:

Harrison, Lance	9640 Ellicott St., Angola	\$13.50(Recreation Supervisor)
Widmer-Wick, Ian	369 Harper Road, Angola	\$11.00(Assist. Rec. Supervisor)
Weinheimer, Kalie	6767 Black Road, Derby	\$7.50(Pool Attendant)
Radder, Kaitlin	60 South Lane, Angola	\$7.25(Pool Attendant)
Cala, Mikelle	1267 Backus Rd, Derby	\$7.25(Pool Attendant)

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

**RESOLUTION 2010-148 Town of Evans Registrar Agreement with Village of Angola**

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, certain vital statistics records of the Village of Angola, and specifically those recorded prior to 1942, are kept at the Evans Town Clerk's Office; and

WHEREAS, the production of such records requires, under the current circumstances, potential inconvenience to those persons or parties requesting such certified records and to the municipal clerks charged with the production of the same and causes a delay and inconvenience to such parties and the respective clerks of the Town and Village;

NOW THEREFORE BE IT RESOLVED, that the Town of Evans, through its Clerk or a designee of the Town, is hereby authorized to enter into an agreement with the Village of Angola to allow for the issuance of such requested records and the collection and disposition of the fees regarding such certificates by the Clerk of the Town of Evans in cooperation with the Clerk of the Village of Angola as to be specified in such agreement, subject to the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

**RESOLUTION 2010-149 Supervisor to Sign Agreement for Sublease/Collocation for Cell Tower**

WHEREAS: CROWN CASTLE is lessee under agreement with thw Town for a tower site located at Town Hall; and

WHEREAS: From time to time Crown takes on subleases or collocations on said tower that requires greater "speed to market" to satisfy prospective tenants; and

WHEREAS: The Town Board hereby acknowledges that the Town benefits financially by sharing in all such sublease/collocation agreements;

RESOLVED: the Supervisor is hereby authorized to sign necessary agreements with CROWN CASTLE providing consent and requiring advanced written notice of any sublease/collocation agreement subject to the approval of the Director of Finance and the Town Attorney.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

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

**RESOLUTION 2010-150 Suspension of the Rules**

Supervisor Pordum moved and Councilman Dash seconded,

To suspend the rules to include the following two resolutions that did not make the agenda deadline, but were deemed necessary to include in tonight's board meeting.

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

**RESOLUTION 2010-151 Support for Restoration of Graycliff Estate**

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS, America's most esteemed architect, Frank Lloyd Wright, designed the Graycliff Estate in the Town of Evans, and

WHEREAS, the Graycliff Estate is an architectural masterpiece and a New York State Landmark listed on the National Register of Historic Places, and

WHEREAS, the Graycliff Estate is an integral part of a region-wide initiative to develop heritage and cultural tourism, and

WHEREAS, heritage and cultural tourism is an important component in the economic development of the Town of Evans, in particular,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Evans, New York supports the application of the Graycliff Conservancy, Inc. Historic Preservation, funding through the New York State Environmental Protection Act of 1993 of \$300,000, for the restoration of the historic interiors of the Graycliff Estate,

AND BE IT FURTHER RESOLVED that the Graycliff Estate, a masterwork by Frank Lloyd Wright and a New York State Landmark is, for these and other reasons, an

important part of the architectural heritage of the Town of Evans and the United States, and should be restored, preserved, and made accessible to the public,

AND BE IT FURTHER RESOLVED that a restored Graycliff Estate will enhance economic development and job creation through heritage and cultural tourism both in the Town of Evans and throughout the region,

AND BE IT FURTHER RESOLVED that the Town of Evans and the region will benefit, if the restoration of the Isabelle R. Martin House, also known as the Graycliff Estate, is through the New York State Environmental Protection Act of 1993.

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

**RESOLUTION 2010-152 Appt of Part-Time Police Officer**

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED: that Jeffrey DeVinney, 5967 Rosewood Terrace, Apt A, Lakeview, NY 14085, is hereby appointed part-time police officer with the Evans Police Department to be called as needed at the rate of \$15.10/hr days and afternoons, \$16.25/hour midnights.

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

**RESOLUTION 2010-153 Town Licenses**

Supervisor Pordum moved and Councilman Cooper seconded,

1. Vincent R. Gugliuzza- 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.

**RESOLUTION 2010-154 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 June 16, 2010

Date 6/9/10  
 Abstract No. 10  
 Voucher No. 1018-1152  
 Prepaid: 22-30



GENERAL	68,112.13
PART TOWN	10,969.95
HIGHWAY DA	0.00
HIGHWAY	9,217.15
WATER	82,497.22
CAPITAL PROJECTS	208,242.54
SPECIAL DISTRICTS	132,525.12
DEBT SERVICE	
COMMUNITY DEVELOPMENT	6,000.00

TOTAL 517,564.11

Date 6/16/2010  
 Abstract No. 11  
 Voucher No. 1153-1193  
 Prepaid:

GENERAL	37,946.79
PART TOWN	1,670.80
HIGHWAY DA	0.00
HIGHWAY	0.00
WATER	0.00
CAPITAL PROJECTS	287,336.94
SPECIAL DISTRICTS	19,266.83
DEBT SERVICE	
COMMUNITY DEVELOPMENT	

TOTAL 346,221.36

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

**RESOLUTION 2010-155 Adjournment**

Supervisor Pordum moved and Councilman Cooper seconded to adjourn to a Work Session on Wednesday, June 14, 2010 @ 6:15pm then to an Agenda Meeting on Wednesday, June 16, 2010 @ 5:00pm with the regular Town Board meeting immediately following at 6:00pm.

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