

## 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, July 21, 2010 at 6:00pm 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
	Ernie Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Patrick Conrad	St. Pt. Marina Dept. Head/Parks Dept.
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
EXCUSED:	Russ Manguso	Parks Commissioner
	Jeanne C. Ebersole	Assessor
	Rob Klavoon	Wendel Duchscherer
ABSENT:	Edward Michalski	Highway Superintendent
	Sandra Brant	Dir. of Planning

**RESOLUTION 2010-156 Approve Minutes**

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of June 16, 2010 and Work Session of July 14, 2010 be dispensed with and approved as submitted by the Town Clerk.

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

**RESOLUTION 2010 -157 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. Commend all those who were involved in the coordination of the July 4<sup>th</sup> weekend festivities.

2. Congratulated the Town Employees who volunteered at the Taste of Evans and especially Peg Manning, the Supervisor's Secretary for pulling it all together.
3. Read a letter from Sandra L. Brant regarding the request for a Special Use Permit at 1526 Eden-Evans Center Road.
4. Reported on quarterly meeting with Rural Metro. The last quarterly meeting is scheduled for December 7, 2010 at 3:30pm in the Town Hall Conference Room.
5. The Agricultural Advisory Committee has nothing to report since their organizational meeting on June 10<sup>th</sup>.
6. The Water Project and Highway Dept. projects are moving forward on schedule.
7. Extend congratulations and best wishes to Chuck Katra on his new position and thanked him for all of his assistance during his years of service to the Town of Evans and its residents.

Councilman Cooper:

1. Congratulated the Chief of Police and dispatch as well as everyone who participated in the success of the 4<sup>th</sup> of July weekend festivities.
2. Congratulated both Peg Manning and Bob Beck on their hard work in coordinating the Taste of Evans.
3. Commended Chuck Katra on his exceptional job performance at the Town of Evans and wished him well in future endeavors.
4. Reported that there will be an Electronics Recycling Event with Erie County at ECC this fall. Details will become available once the date and time is established.

Supervisor Pordum:

1. Commented on the success of the Taste of Evans and complimented both Peg Manning and Bob Beck on the coordination of vendors and crafters at the event. Complimented many of the Town Employees on their various levels of participation with the Chinese Auction and the whole event.

2. Encouraged everyone to attend the Rocking Reunion at the Town Park immediately following tonight's Town Board Meeting.
3. Commended Town Clerk Jonica DiMartino on her hard work along with Town Comptroller Chuck Katra on their efforts towards the updating and modernization of the Town Clerk's Office to include the acceptance of credit/debit cards in the coming months along with a lock box agreement with Evans Bank to improve efficiency in the tax collection process and to provide availability for additional options of payment acceptance for the taxpayers.
4. Read a letter of commendation from Evan Police Chief Masullo regarding several police officers involved in a recent search investigation and their success in working as a team in locating a critically injured missing person.
5. Announced that July 29<sup>th</sup> is the next outdoor movie night event at the Town Park featuring "Alvin and the Chipmunks, the Squeakquel".
6. Announced that July 28<sup>th</sup> from 6:30- 8:30pm is the third and final public workshop for the Lake Erie Beach revitalization project to be held at the Lake Erie Beach Fire Hall.
7. Handicap door has been installed at the Senior Center.

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

**RESOLUTION 2010-158 Town Clerk's Reports**

Supervisor Pordum moved and Councilman Dash seconded,

<u>Town Clerk Reports- June 2010</u>	
Monthly Report	\$13,346.89
Interest earned	\$4.60
Petty Cash	\$-0-
Games of Chance	\$-0-
Water Receipts	\$162,274.52

Duplicate Bills & Receipts \$8.00  
Interest earned \$50.41

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

**RESOLUTION 2010-159 Authorization to enter into Lockbox/Remittance Agreement**

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, it has been determined that for the efficiency of the collection of Taxes payable through the Office of the Town Clerk, arrangements for a Lockbox/Remittance Agreement with Evans Bank NA have been negotiated;

NOW THEREFORE BE IT RESOLVED, that the Town of Evans by the Supervisor or designee thereof, enter into the Lockbox/Remittance Agreement proposed by Evans Bank NA, detailing the terms and provisions of such services to be provided thereunder.

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

**RESOLUTION 2010-160 Authorization to enter into an Agreement for Accepting Payments via Credit/Debit Card & Electronic Check**

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS, the Town, through the Town Clerk, has investigated the terms and provisions of various programs allowing the payment of certain sums due the Town and;

WHEREAS, it has been determined that the features and abilities offered by JP Morgan Chase in the facilitating of said payments through credit card and/or debit card payments, or electronic check clearing of such payments are best suited to the needs of the Town of Evans;

NOW THEREFORE BE IT RESOLVED, that the Town of Evans, by the Supervisor or designee thereof, enter into the Pay Connexion Agreement proposed by JP Morgan Chase detailing the terms and provisions of such services to be provided thereunder.

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

**RESOLUTION 2010-161 Schedule PH for Issuance of Special Use Permit for 1526 Eden Evans Center Road**

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS, in a letter dated July 13, 2010, the Evans Planning Office has requested that the Town Board set a public hearing regarding the petition of Matthew Leverenz, 1526 Eden-Evans Center Road, Angola, NY 14006, SBL# 221.00-4-29.1

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on August 18, 2010 at 7:15pm for the consideration of said special use permit.

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office and to the Building Department.

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

**RESOLUTION 2010-162 Schedule PH for PLL#2 of the year 2010 for Amending V&T Code**

Councilman Cooper moved and Councilman Dash seconded,

RESOLVED, that a public hearing be scheduled on August 18, 2010 at 7:25pm to consider Proposed Local Law #2 of the year 2010, which would amend the Code of the Town of Evans, Chapter 193 Vehicles and Traffic, Article VII Section 193-35 Schedule II: Speed Limits to add:

<u>Name of Street</u>	<u>Speed (MPH)</u>	<u>Location</u>
Lake Street	35	From Erie Rd to Lake Shore Rd
Versailles Plank Road	45	From Sturgeon Point Rd to Overhead Rd
Eden-Evans Center Rd	40	From North Main St to Delamater Rd
Eden-Evans Center Rd	45	From Delamater Rd to Route 20
Eden-Evans Center Rd	45	From Route 20 to Townline Rd

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

**RESOLUTION 2010-163 Authorize Supervisor to sign an Inter-Municipal Agreement with Erie County To continue Zoning Action Review**

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, pursuant to General Municipal Law section 239-m, certain proposed municipal zoning actions must be submitted to a county planning agency for review and recommendation before the municipality makes a final determination of such zoning actions; and

WHEREAS, General Municipal Law Section 239-m also allows municipal agencies and the County to enter into agreements whereby certain zoning actions do not have to be submitted to a county planning agency for review and recommendations before the municipality makes a final determination on such zoning actions; and

WHEREAS, the purpose of this Agreement is to recognize that certain zoning actions do not have inter-municipal or countywide significance and, therefore, are best handled at the local municipal level without referral to the county planning agency for review and recommendation; and

WHEREAS, eliminating such referral would assist to streamline the County's review process and at the same time to assist to reduce administrative costs for both the Municipality and the County,

NOW THEREFORE BE IT RESOLVED, that Supervisor Francis J. Pordum is authorized to sign an Inter-Municipal agreement with Erie County regarding the option of exempting certain zoning actions from being forwarded to Erie County Planning Department in accordance with Chapter 413 of the Laws of 1991 which amended Section 239-m of the General Municipal Law, 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 2010-164 Resolution of Thanks for Volunteer Services for Assistance during the July 4<sup>th</sup> Celebration**

Councilman Dash moved and Supervisor Pordum seconded,

**Resolution of Thanks**

WHEREAS, the Independence Day celebrations in the Town of Evans utilized hundreds of man hours of volunteer services, and

WHEREAS, those services were provided without any additional cost to the Town of Evans, and

WHEREAS, those services were provided by the dedicated volunteers of the Angola Fire Control Fire Police Officers, and

WHEREAS, those services were also provided by the dedicated members and equipment from the Volunteer Fire Companies in the Towns of Evans and Brant and the Villages of Angola and Farnham, and

WHEREAS, the celebrations were undoubtedly much safer for our resident and visitors,

NOW THEREFORE BE IT RESOLVED, that the Town Board of Evans, New York, on behalf of its residents extends its' thanks and gratitude for a job very well done and for the outstanding contributions of time by those volunteers.

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

**RESOLUTION 2010-165 Declare Surplus Vehicles**

Councilman Cooper moved and Supervisor Pordum seconded,

RESOLVED, that the following vehicles be declared as surplus by the Town of Evans Water Department:

1996 Chevrolet Pickup Blue	VIN#1GCDT19X7TK188913
2000 Chevy Astro Van Blue	VIN#1GC DL19W2YB184766
2000 Chevy Astro Van Blue	VIN#1GC DL19WXYB185213

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

**RESOLUTION 2010-166 Authorize Execution of Agreement for Extension of Emergency Ambulance Services for 2010**

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans had entered into a contract with LaSalle Ambulance Inc. and Towns Ambulance Service Inc., collectively doing business as Rural/Metro Medical Services for the provision of ambulance service including, but not limited to, advanced life support as therein provided, and

WHEREAS, such contract provides for the extension of the term thereof for certain, and specified periods, and

WHEREAS, it is deemed to be in the best interest of the Residents of, and the Town of Evans to extend such contract for the calendar year running from January 1, 2010 through December 31, 2010,

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Evans, or his designee, be and is hereby authorized to execute such document or documents as may be deemed appropriate or necessary to affect such extension of the aforesaid contract subject to the 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

**RESOLUTION 2010-167 Authorization to enter into Software Agreement with BAS**

Councilman Cooper moved and Supervisor Pordum seconded,

RESOLVED: The Supervisor and/or Town Clerk is hereby authorized to sign an agreement for purchase of the Clerk Licensing System from BAS, Inc. at a price not to exceed \$8,000.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

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

**RESOLUTION 2010-168 Authorization to enter into an Agreement with the Angola Public Library**

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS, the Angola Public Library, hereinafter referred to as the "Library" as a part of the Buffalo & Erie County Public Library system, has in the past provided a valuable cultural and educational resource for the residents to the Town, and has made its resources available to the residents of the Town, who are qualified and registered users of the same, pursuant to the rules and circulation of books, videos, and other media, and

WHEREAS, the Library seeks from the Town, funds to help defray the cost of its operations in providing, such services to the residents of the Town and other, and

WHEREAS, the Town is willing to pay the Library, in consideration of such continued service, the sum of \$2,250.00 towards the operational costs incurred by the Library in the current calendar year,



NOW THEREFORE BE IT RESOLVED, that upon full execution of such agreement and in consideration of the provisions of such services by the Library, the Town make the aforementioned payment of \$2,250.00 to the Angola Public Library in accord with said agreement.

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

**RESOLUTION 2010-169 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 July 21, 2010

Date 6/23/2010  
 Abstract No. 11B  
 Voucher No. 1194-1276  
 Prepaid: 31

GENERAL	142,185.63
PART TOWN	16,631.18
HIGHWAY DA	0.00
HIGHWAY	34,200.31
WATER	9,935.98
CAPITAL PROJECTS	21,780.00
SPECIAL DISTRICTS	940.44
DEBT SERVICE	
COMMUNITY DEVELOPMENT	
TOTAL	225,673.54

Date 7/07/2010  
 Abstract No. 12  
 Voucher No. 1278-1403  
 Prepaid:

GENERAL	91,094.31
PART TOWN	16,350.63
HIGHWAY DA	0.00
HIGHWAY	8,664.94
WATER	92,644.11
CAPITAL PROJECTS	1,200.00
SPECIAL DISTRICTS	19,649.25
DEBT SERVICE	

## COMMUNITY DEVELOPMENT

TOTAL	229,603.24
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Date 7/21/2010  
 Abstract No. 13  
 Voucher No. 1404-1527  
 Prepaid: 32, 33, 34, 35, 36, 37

GENERAL	142,674.60
PART TOWN	24,505.57
HIGHWAY DA	0.00
HIGHWAY	347,561.05
WATER	15,122.62
CAPITAL PROJECTS	291,792.02
SPECIAL DISTRICTS	92,209.98
DEBT SERVICE	
COMMUNITY DEVELOPMENT	
TOTAL	913,865.84

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

**RESOLUTION 2010-170 Adjournment**

Supervisor Pordum moved and Councilman Cooper seconded to adjourn to a Work Session on Wednesday, August 11, 2010 @ 6:30pm then to an Agenda Meeting on Wednesday, August 18, 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