

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, August 18, 2010 at 7:00 pm there were:

PRESENT:	Keith E. Dash (*arrived late at 7:45pm due to a medical emergency*)	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
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Patrick Conrad	St. Pt. Marina Dept. Head/Parks Dept.
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Jeanne C. Ebersole	Assessor
ABSENT:	Julie Roach	Seniors Dept. Head

RESOLUTION 2010-171 Approve Minutes

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of July 21, 2010 be dispensed with and approved as submitted by the Town Clerk.

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

Public Comment on Agenda Items

1. Ed Conboy, Jr. of 8168 Hillside Street, Evans, NY addressed the Board with questions and comments regarding Resolution #6 as stated on the sign in sheet.
2. Ed Conboy, Jr. of 8168 Hillside Street, Evans, NY addressed the Board with questions and comments regarding Resolution #7 as stated on the sign in sheet.

RESOLUTION 2010 -172 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. Announced that the Electronics Recycling Drop Off Day is postponed due to Erie County Budget cuts. In the next several months, in various locations, there will be Medical Waste Disposal Drop-Off Days. More information will follow as soon as it is available.
 2. Commended Mrs. Ebersole, the Town Assessor, for taking her own personal time, to accompany him to a meeting at the home of an elderly homebound couple to answer questions about their re-assessment and the process altogether.
 3. Commended the Parks Dept., Lori Szewczyk- the Director of Community Development, and the Parks and Recreation Advisory Board on another successful outdoor movie event- "Jaws". This Thursday will wrap up the season with the showing of the "Wizard of Oz".
- Supervisor Pordum:
1. Commented on the success of another summer season with the work of the Parks Dept., Senior Center, and Parks & Recreation Advisory Committee.
 2. Announced upcoming groundbreaking ceremony to be held sometime in the following week for the Nettlecreek Playground.
 3. Met with the Chief of Police for an update of Police Department Activity and would like to commend the Department on a job well done during this busy season.
 4. Will be touring the newly finished roadways within the Point Breeze section with the Highway Superintendent next week.

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

RESOLUTION 2010-173 Town Clerk's Reports

Supervisor Pordum moved and Councilman Cooper seconded,

Town Clerk Reports- July 2010

Monthly Report	\$14,916.64
Interest earned	\$8.62
Petty Cash	\$-0-
Games of Chance	\$-0-
Water Receipts	\$87,506.87
Interest earned	\$21.88

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

7:15pm Public Hearing RE: Special Use Permit

Supervisor Pordum opened the Public Hearing by asking the Town Clerk to read the Published Legal Notice as follows:

LEGAL NOTICE TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on August 18, 2010 at 7:15 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the issuance of a Special Use Permit for the operation of a Towing/Recovery business, to be located at 1526 Eden-Evans Center Road, Angola, NY 14006 being SBL# 221.00-4-29.1. Petitioner is Matthew Leverenz, Tick Tock Towing/Recovery Service, 1526 Eden-Evans Center Road, Angola, NY 14006.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
 Jonica B. DiMartino
 Town Clerk

1. Councilman Cooper read a letter from Sandra L. Brant, Chairman of the Evans Planning Board. The letter states that the Planning Board unanimously voted to recommend granting a special use permit with reason and conditions listed in the content.
2. Councilman Cooper asked for reiteration that all cars will be stored in a secured inside location since no fencing has been addressed. Both Mrs. Brant and Mr. Leverenz assured him that all vehicles will be stored inside.
3. Councilman Cooper then addressed the condition of the former Tick Tock site. Mr. Leverenz stated that the former owners are deceased and that the items on the prior property were part of the former business that he is not associated with. Mr. Leverenz also stated that he would take full responsibility for the cleanup of the current property in

the unlikely case that the business should close. He also reiterated that all vehicles will be stored inside no matter what the condition.

4. Robert L. Palmer, 1780 Eden-Evans Center Road, complimented the owner on the current condition of the property, and asked questions regarding the permit issuance process.

5. Sandra Brant spoke on behalf of Tebra Howard, who is a direct neighbor of the property. Mrs. Brant stated that Ms. Howard attended a Planning Board meeting, addressed her concerns and all questions were answered in a satisfactory manner that left her supportive of the special use permit as long as all conditions were adhered to.

6. Ed Conboy, 8168 Hillside, spoke regarding his concerns with the shrubbery to be planted. Rob Klavoon, engineer for Wendel Duchscherer, stated that if the Water Project would disrupt any of the plantings, they would be replaced.

Supervisor Pordum closed the Public Hearing.

RESOLUTION 2010-174 Issue SEQRA Negative Declaration

Councilman Cooper moved, and Supervisor Pordum seconded,

WHEREAS, Tick Tock Towing/Recovery has requested a Special Use Permit for the operation of a towing/recovery service with minor car and truck repairs to be located at 1526 Eden-Evans Center Rd., Angola, NY 14006, part of SBL# 221.00-4-29.1, and

WHEREAS, the Town of Evans Planning Board and the Town Engineer have reviewed the Environmental Assessment Form for this property, and have determined that there will be no significant effect on the environment, and have recommended the issuance of a SEQRA negative declaration.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans adopts these findings and issues a negative declaration in accordance with the SEQRA requirements for Tick Tock Towing/Recovery Special Use Permit. (Addendum A SEQRA Short Environmental Assessment Form).

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

RESOLUTION 2010-175 Grant Special Use Permit

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, Tick Tock Towing/Recovery has requested a Special Use Permit for the operation of a towing/recovery service with minor car and truck repairs to be located at 1526 Eden-Evans Center Rd., Angola, NY 14006, part of SBL# 221.00-4-29.1, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing on August 18, 2010 regarding said Special Use Permit, and

WHEREAS, the Town Board of the Town of Evans has issued a negative declaration as part of the SEQR review process, and

WHEREAS, the Evans Planning Board has conducted a thorough review of the application and has unanimously voted to recommend approval of said Special Use Permit, for the following reasons:

1. We have identified no significant environmental concerns and recommend a SEQR Negative Declaration.
2. The project meets all of the zoning requirements of the Town.
3. The retention and continuation of the business is well suited for the area and will fill an underutilized building with a viable business.
4. This is in compliance with the intent of the Town's Comprehensive Plan; and

WHEREAS, the Planning Board also recommended the following conditions be placed on said Special Use Permit:

1. The site must be developed in accordance with the site plan reviewed and recommended by the Evans Planning Board on July 28, 2010 and approved by the Evans Town Board.
2. There shall be no storage of vehicles, vehicle parts, accessories or scrap parts outside of the building.
3. Only minor car and truck vehicle repairs will be conducted on site.
4. There shall be no use of the airport runway.
5. If a future need for a dumpster arises, it shall be screened in accordance with Town Code.
6. All vegetation situated along the northwestern property boundary shall remain intact to provide a buffer for the adjoining residential property.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Tick Tock Towing/Recovery, 1526 Eden-Evans Center Rd., Angola, NY 14006, part of SBL# 221.00-4-29.1, for a period of one (1) year, and

BE IT FURTHER RESOLVED, that the six (6) above-recommended conditions be placed upon said Special Use Permit,

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

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

7:25 pm Public Hearing PLL#2- Speed Limits

Supervisor Pordum opened the Town Board Public Hearing by asking the Town Clerk to read the Published 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 August 18, 2010 at 7:25 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #2 of the year 2010 which will amend Local Law #1 of the year 1993 commonly known as the Vehicles and Traffic Law and any amendments thereto, Town Code, Chapter 193, Article II, Section 193-5 and Chapter 193 Schedule II: Speed Limits thereof to read:

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

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
Jonica B. DiMartino
Town Clerk

1. Robert L. Palmer, 1780 Eden-Evans Center Rd., is in favor of the speed limit signs and asked questions regarding the process.

Supervisor Pordum closed the Public Hearing.

RESOLUTION 2010-176 Adopt Local Law #2 of the year 2010

Councilman Cooper moved and Supervisor Pordum seconded,

BE IT RESOLVED, that Proposed Local Law #2 of the year 2010 be and hereby is adopted as Local Law #2 of the year 2010.

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

RESOLUTION 2010-177 Authorization to sign contract for Tax Software Application Extender

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 and for making available on the Internet, certain Real Property Tax Data; and

WHEREAS, a proposal, to provide such service, has been received from TSL Co. Inc; and

WHEREAS, the terms for the provision of such services have been reviewed by the Town Clerk and found to be acceptable and reasonable; and

WHEREAS, the Town Board believes the provision of such information on the Internet is beneficial to the residents of the Town and those interested in obtaining the information to be provided, and will aid in the efficiency of the Town Clerk's Office in the provision of such information to interested parties;

NOW THEREFORE BE IT RESOLVED, that the Town Clerk of the Town of Evans is hereby authorized and directed to execute and enter into a contract, as proposed by TSL Co., Inc, a copy of which is on file with the Town Clerk, subject to the approval of the Town Attorney.

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

RESOLUTION 2010-178 Authorize Purchase of Police Vehicles

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED, the Town Board authorizes the purchase of three (3) 2010 model year or newer full size Ford Crown Victoria CVPI 4-door rear wheel drive with a factory severe duty police package vehicles at a cost not to exceed \$83,000.

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

RESOLUTION 2010-179 Authorize Vehicle Transfer

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, one (1) 2004 Crown Victoria police vehicle (#53) has been replaced;

THEREFORE BE IT RESOLVED, that the 2004 Ford Crown Victoria police vehicle, VIN 2FAHP71W94X115414, is hereby declared surplus and transferred to the Building Inspector Department.

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

RESOLUTION 2010-180 Police Appointments

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED, that the following appointments are made within the Evans Police Department:

Detective Douglas Czora is hereby appointed to the position of Civil Service Police Lieutenant effective immediately at a salary established pursuant to the collective bargaining agreement with a probationary period of twenty-six weeks; and further

Patrolman Peter Smith is hereby appointed to the position of Civil Service Police Lieutenant effective September 1, 2010, at a salary established pursuant to the collective bargaining agreement with a probationary period of twenty-six weeks; and further be it,

RESOLVED, that it is understood that the Chief of Police, by his authority, can make assignments within the Police Department; therefore the following assignments are made:

Lieutenant Douglas Czora will be assigned to the Detective Bureau; and

Lieutenant Peter Smith will be assigned as a Patrol Lieutenant; and further be it

RESOLVED, that Greg Szarowicz is hereby appointed to the position of full-time Civil Service Police Officer in the Town of Evans Police Department at the salary established pursuant to the collective bargaining agreement. This appointment is effective September 1, 2010, with a one year probationary period; and further be it

RESOLVED, that Nathan Miller is hereby appointed part-time Police Officer with the Evans Police Department to be called as needed at a rate of \$15.10/hour days and afternoons, \$16.25/hour midnights.

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

RESOLUTION 2010-181 Appointment of Affirmative Action Officer

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED, that the Town of Evans, as a member of the Erie County CDBG Urban County Consortium, is required to appoint an Affirmative Action Officer for the Town. Paul Ryerse is reappointed as Affirmative Action Officer for the Town of Evans.

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

RESOLUTION 2010-182 Authorizing Engineering Services for Roadway Access and Waterline Improvements Phase 2

Councilman Cooper moved and Supervisor Pordum seconded,

RESOLVED, the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Duchscherer dated August 10, 2010 for waterline and roadway access design services for Dawn Avenue from Lenix to Harrison Street, subject to the approval of the Town Attorney.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

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

RESOLUTION 2010-183 Authorizing Engineering Services for Waterline Replacement Contract 09-2

Councilman Cooper moved and Supervisor Pordum seconded,

RESOLVED, the Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel Duchscherer dated August 10, 2010 for waterline construction inspection services for Contract 09-2, subject to the approval of the Town Attorney.

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

RESOLUTION 2010-184 Water Bill Adjustments

Councilman Cooper moved and Supervisor Pordum seconded,

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

- | | | |
|----|-------------------------------------|--|
| 1. | Trimper, Lucille
6832 Canterbury | Account# 01080280
Adjustment -\$71.78 + penalty |
| 2. | Jahn, Elmer
400 Roat Dr. | Account# 02050550
Adjustment- \$122.51 |
| 3. | Delano, Cheryl
1150 Church Rd. | Account# 02110310
Adjustment- \$506.51 |

(*Councilman Dash entered the meeting at this point.*)

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

RESOLUTION 2010-185 Town Licenses

Supervisor Pordum moved and Councilman Cooper seconded,

- 1) Russell T. Mogavero dba Meadowbrook Restaurant and Bar- Live Band Permit
- 2) Deebe Ann Brown dba Scallywags- Refreshment, Amusement, & Live Band Permits

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- Dash, Cooper, Pordum
 NAYS- none

RESOLUTION 2010-186 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 August 18, 2010

Date: 08-11-2010
 Abstract No. 14
 Voucher No. 1528-1683
 Prepaid: 38, 39, 40

GENERAL	106,847.62
PART TOWN	12,281.07
HIGHWAY DA	0.00
HIGHWAY	12,826.96
WATER	112,388.92
CAPITAL PROJECTS	0.00

SPECIAL DISTRICTS	19,340.67
DEBT SERVICE	
COMMUNITY DEVELOPMENT	<u>2,990.00</u>
TOTAL	266,675.24

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

RESOLUTION 2010-187 Adjournment

Supervisor Pordum moved and Councilman Dash seconded to adjourn to a Work Session on Wednesday, September 1, 2010 @ 6:30pm & a Work Session on Wednesday, September 8, 2010 then to an Agenda Meeting on Wednesday, September 15, 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

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

T I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

APPLICANT / SPONSOR

Matthew J. Leverenz

2. PROJECT NAME

Tick Tack Towing/Recovery Special

3. PROJECT LOCATION:

Municipality EVANS

County ERIE

Use Permit

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

1526 EDEN EVANS CT Rd

5. IS PROPOSED ACTION:

New Expansion Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:

Operate a Towing/Recovery Business including minor
Vehicle repairs

7. AMOUNT OF LAND AFFECTED:

Initially .54/- acres Ultimately .54/- acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?

Yes No If No, describe briefly was asked to go before REVOLV BOARD

SLB

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?

Residential Industrial Commercial Agriculture Park/Forest/Open space Other

Describe:

(haying)

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?

Yes No If yes, list agency(s) and permit/approvals

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?

Yes No If yes, list agency name and permit/approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?

Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Matthew J. Leverenz

Date: 6/7/10

Signature: X Matthew J. Leverenz

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

3

3

)
)
)