

## 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, September 29, 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
	Lori Szewczyk	Dir. of Community Development
	Drew Eszak	Dir. of Finance
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	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.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Jeanne C. Ebersole	Assessor
	Sandra Brant	Dir. of Planning
ABSENT:	Charles LaBarbera	Building Dept. Head

**RESOLUTION 2010-197 Approve Minutes**

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of September 15, 2010 and the (2) two sets of work session of September 21, 2010 be dispensed with and approved as submitted by the Town Clerk.

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

**Public Comment on Meeting Agenda Items**

1. Gary Marcinkowski, 9654 Maplewood, spoke regarding concerns on Holland Rd.
2. Tina Baratt, 9654 Maplewood, spoke regarding concerns on Holland Rd. and submitted two letters, from other residents, to the Town Board regarding same concerns.
3. Bill Henry, 1456 Pontiac Rd., spoke regarding Federal Community Block Grant and Renewable Energy.

Supervisor Pordum put the rest of Public Comment on Meeting Agenda Items on hold until after the Public Hearing scheduled at 7:20pm.

**7:20 pm Public Hearing RE: Federal Community Block Development Fund**

The Public Hearing opened with the Town Clerk directed 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 September 29, 2010 at 7:20 pm at the Evans Town Hall, 8787 Erie Road, Angola, New York regarding the use of Federal Community Block Development Funds in the Town of Evans.

The Town of Evans is eligible for a Federal Community Block Development Grant under Title 1 of the Housing and Community Act, of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Evans.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Evans selection of potential projects to be submitted for possible funding under the Federal Community Block Development Grant Program.

The hearing will also present a review of prior Community Block Development projects and expenditures and discussion of eligible activities. The meeting room is wheelchair accessible.

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

1. Robert L. Palmer, 1787 Eden-Evans Center Rd, submitted a request for improvements to an area in Derby where a veteran's memorial is located and for improved handicap accessibility in the Town Hall.
2. Edward G. Schneider III, 9575 Redwing St, submitted 4 letters to the Town Board regarding possible funding ideas for improved accessibility to the Town Hall and Lake Erie Beach Park.
3. Dick Hammer, 1247 Backus Rd, asked questions regarding grant allocation.

**RESOLUTION 2010-198 Close the Public Hearing**

Supervisor Pordum moved and Councilman Dash seconded to close the public hearing and resume the regular meeting.

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

**Public Comment on Meeting Agenda Items (continued)**

4. Dick Hammer, 1247 Backus Rd, Derby spoke on various items.

**RESOLUTION 2010 -199 Committee and Department Head Reports**

Supervisor Pordum moved and Councilman Dash seconded to approve the Committee and Department Head Reports as reported.

- |                   |   |
|-------------------|---|
| Supervisor Pordum | <ol style="list-style-type: none"> <li>1. Advised that the contract was awarded for Phase I of the Hike/Bike Path.</li> <li>2. Reiterated that the Town is reviewing all concerns regarding the Dawn Ave. project</li> </ol>  |
| Councilman Cooper | <ol style="list-style-type: none"> <li>1. Commented on the success of the Electronics Recycling Drop Off Day hosted and sponsored by GM Powertrain.</li> </ol>  |
| Councilman Dash   | <ol style="list-style-type: none"> <li>1. Commented on the retirement party that he attended with Councilman Cooper, honoring Lt. Donald Hepkins, who retired earlier this year from the Evans Police Department.</li> <li>2. Reported on Rural Metro Services.</li> <li>3. Reported on the status of the National Grid project of replacement of poles.</li> <li>4. Complimented the Water Department- specifically Gary Noel &amp; Flora Dentice on their job performance during the ongoing water transition to ECWA.</li> <li>5. Addressed the Holland Road concerns and detailed conversations and steps to address those concerns that have take place over the past year.</li> </ol> |

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

**RESOLUTION 2010-200 Delinquent Water Bills to be re-levied onto 2011 County & Town tax bills**

Councilman Dash moved, and Councilman Cooper seconded,

RESOLVED: that all delinquent water accounts in the amount of \$34.00 or more not paid by October 13, 2010 will be re-levied onto the 2011 County and Town tax bills. WITH NO EXCEPTIONS!!!!

At present time, the outstanding amounts per water billing districts are as follows:

District #1	\$110,042.10
District #2	\$107,020.10
District#3	<u>\$ 96,529.82</u>
Total	\$313,592.02

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

**RESOLUTION 2010-201 Water Bill Adjustment**

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED: that an adjustment be made to the following account because of water leak.

1.	Jost, Richard & Mary Rose 7341 Delameter Rd. Derby, NY 14047	Account# 01091020 Adjustment- \$246.26 + penalty
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VOTE RESULT: ADOPTED BY ROLL CALL  
 Councilman Dash aye  
 Councilman Cooper aye  
 Supervisor Pordum aye

**RESOLUTION 2010-202 2010-2013 Snow Removal & Ice Control Agreement with Erie County**

Councilman Cooper moved and Councilman Dash seconded,

RESOLVED: the Supervisor of the Town of Evans is hereby authorized to sign the agreement with the County of Erie for the 2010-2013 Snow Removal and Ice Control Agreement.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

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

**RESOLUTION 2010-203 Close Holland Road for Sturgeon Point Sportmans Club charitable event**

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, the Sturgeon Point Sportsman Club is sponsoring a charitable event on Holland Road in the Town of Evans to benefit local organizations; therefore be it

RESOLVED, that the Town Board of the Town of Evans hereby authorizes the closing of Holland Road, from Route 5 to Hardpan Road on Saturday, October 23, 2010 from 1:00pm - 12:00am (midnight) for the purpose of providing public safety to all participants, residents and traffic during the Halloween charitable celebration pending approval, permits and insurance requirements.

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

**RESOLUTION 2010-204 Celebration of Halloween**

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS, the Evans Town Board declares the celebration of Halloween in the Town of Evans for Sunday, October 31, 2010;

WHEREAS, the citizens of the Town of Evans are hereby requested to leave an outside light on during the hours from 6:00pm - 8:00pm to insure the safety of the children in their Trick or Treat travels and show willingness to participate in the celebration of Halloween with the children of the community;

And that a copy of this resolution be published by the Town Clerk in the Angola Pennysaver

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

**RESOLUTION 2010-205 Dog Licensing Fees**

Supervisor Pordum moved Councilman Cooper seconded,

WHEREAS, the State of New York has mandated the imposition of a surcharge on the licensing of dogs; and

WHEREAS, a thorough review of this matter and recommendations made to the Town Board regarding related issues and costs was conducted,

NOW THEREFORE BE IT RESOLVED, that pursuant to Chapter 106 of the Town Code, the following fees are as set forth in the Exhibit A attached hereto and made a part hereof, are set and established in place of those previously established for the licensing of dogs subject to the provisions of the Town Code;

AND BE IT FURTHER RESOLVED, that there shall be no refunds, prorating of any fee paid for any license pursuant hereto, or transfer of any license issued.

#### Exhibit A

Each spayed and neutered dog- a one year license (including state mandated surcharge)	\$12.00
Each spayed and neutered dog- a three year license (including state mandated surcharge)	\$36.00
Each unspayed and unneutered dog- a one year license (including state mandated surcharge)	\$25.00
Each unspayed and unneutered dog- a three year license (including state mandated surcharge)	\$75.00

The above fee shall be reduced by \$1.00 for each year of said license upon production, at the time of licensing, of proof satisfactory and acceptable to the Town Clerk or the Dog Control Officer, that the dog to be so licensed has had implanted a microchip for identification purposes.

Also, the above fee shall be reduced by \$1.00 for each year of said license upon production, at the time of licensing, of proof satisfactory and acceptable to the Town Clerk or the Dog Control Officer, that the owner of the dog to be so licensed has attained the age of 65 years of age.

There shall be a \$3.00 fee for the replacement of any previously issued and unexpired license and/or tag.

There shall be no refunds, prorating of any fee paid for any license issued pursuant hereto, or transfer of any license issued.

These fees shall take effect on January 1, 2011.

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

**RESOLUTION 2010-206 Justice Court Grant Authorization**

Councilman Cooper moved and Supervisor Pordum seconded,

RESOLVED, that the Evans Town Board does hereby authorize the Supervisor and/or his successor to submit to the New York State Unified Court system a 2010-2011 Justice Court Assistance Program Grant application in the amount not to exceed \$30,000 and to sign any related documents, as it may be required.

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

**RESOLUTION 2010-207 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 September 29, 2010

Date: 9/22/2010  
 Abstract No. 17  
 Voucher No. 1896-2008  
 Prepaid: 46, 47, 48

GENERAL	123,992.72
PART TOWN	21,244.40
HIGHWAY DA	0.00
HIGHWAY	261,678.68
WATER	9,243.22
CAPITAL PROJECTS	359,824.22
SPECIAL DISTRICTS	75,785.82
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>2,680.00</u>
TOTAL	854,449.06

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

Supervisor Pordum                      aye

**RESOLUTION 2010-208 Adjournment**

Supervisor Pordum moved and Councilman Cooper seconded to adjourn to a Work Session on Wednesday, October 13, 2010 @ 6:30pm then to an Agenda Meeting on Wednesday, October 20, 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