

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, October 20, 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
	Drew Eszak	Dir. of Finance
	Edward Michalski	Highway Superintendent
	Sandra Brant	Dir. of Planning
	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

RESOLUTION 2010-212 Approve Minutes

Supervisor Pordum moved and Councilman Dash seconded that the reading of the minutes of the meeting of September 29, 2010 and the work session of October 13, 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. Dick Hammer, Derby, NY asked questions regarding language of the agenda, resolutions, and contracts.

Supervisor Pordum read the Public Notice 2010 30-day period for Inclusion of Lands into an Agricultural District from ECDEP.

RESOLUTION 2010-213 Committee and Department Head Reports

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

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

RESOLUTION 2010-214 Town Clerk Reports

Councilman Dash moved, and Councilman Cooper seconded to approve the Town Clerk Reports as follows:

September 2010

1. Monthly Report	\$9,620.26
2. Interest Earned	\$1.31
3. Petty Cash	\$0.00
4. Water Receipts	\$106,701.85
5. Interest Earned	\$30.14

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

RESOLUTION 2010-215 Water Bill Adjustment

Councilman Dash moved and Supervisor Pordum seconded,

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

1. Weisdell, Gerald	Account# 03090270
237 Reeves Rd.	Adjustment- \$469.46 + penalty

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

RESOLUTION 2010-216 Tentative Budget to become the Preliminary Budget as amended

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS On September 30, 2010 the Supervisor of the Town of Evans duly filed the tentative budget for fiscal year beginning January 1, 2011 with the Town Clerk, and

WHEREAS the Town Clerk of the Town of Evans duly presented said tentative budget to the Town Board on or before October 5, 2010

THEREFORE BE IT

RESOLVED that in accordance with Town Law §106 the tentative budget as revised, amended or modified by the Town Board shall constitute the Preliminary Budget of the Town of Evans for the fiscal year beginning January 1, 2011, and

BE IT FURTHER

RESOLVED that the Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Evans and said Town Clerk is hereby authorized and directed, on or after October 29, 2010, to reproduce copies for public distribution at a cost of \$15.00 per copy

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

RESOLUTION 2010-217 Advertise for PH for 2011 Preliminary Budget

Supervisor Pordum moved and Councilman Dash seconded,

RESOLVED, that in accordance with Article 8, Section 108 of Town Law that a public hearing be held to hear those people wanting to discuss the Preliminary Budget on November 3, 2010 at 6 p.m. at the Evans Town Hall, and

BE IT FURTHER

RESOLVED, that the Town Clerk advertise said Public Hearing in accordance with Town Law.

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

RESOLUTION 2010-218 Advertise for PH for 2011 Angola Protective Fire District budget

Supervisor Pordum moved and Councilman Dash seconded to amend the original submitted time of 2nd PH from 6pm to 6:30pm- CARRIED

Councilman Cooper moved and Councilman Dash seconded (as amended)

WHEREAS The Angola Protective Fire District has been duly established as a fire protection district within the Town of Evans, and

WHEREAS Town Law requires the Town of Evans to provide fire protection within said district,

THEREFORE BE IT

RESOLVED that pursuant to section 184 of Town Law that a public hearing be held with reference to the furnishing of such fire protection for the Angola Protective Fire District shall be held on the 3rd day of November, 2010 at **6:30 p.m.** and that notice of such hearing shall be published in the official newspaper.

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

RESOLUTION 2010-219 SEQR Negative Declaration for Town's LWRP

Supervisor Pordum moved Councilman Cooper seconded,

WHEREAS, the Town of Evans originally adopted a Local Waterfront Revitalization Program (LWRP) in March 1986; and

WHEREAS, acknowledging the need to update the LWRP to reflect current conditions and help to better manage land use activities in the waterfront area, the Town Board authorized the preparation of an update to the local program; and

WHEREAS, the Evans Town Board, assisted by the Town of Evans Waterfront Advisory Committee and Wendel Companies, the Town's Planning Consultants, has completed a Draft Amendment to the Local Waterfront Revitalization Program and LWRP Consistency Review Law, in accordance with the guidelines of the New York State Department of State and the requirements of Article 42 of the New York State Executive Law; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the New York State Environmental Conservation Law, the Town Board is designated as the SEQR Lead Agency, conducted a coordinated environmental review of the LWRP amendment, and has appropriately acknowledged and addressed all comments received from interested and involved agencies; and

WHEREAS, the findings of the environmental review indicate that the adoption of the Town of Evans Local Waterfront Revitalization Program Amendment and Consistency Review

Law will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public, and is consistent with all associated social and economic considerations.

NOW THEREFORE BE IT

RESOLVED, that the Evans Town Board, acting as the lead government entity for this action, has determined that the adoption of the Local Waterfront Revitalization Program Amendment and Consistency Review Law is not anticipated to result in any significant adverse impacts on the environment, and that a Negative Declaration is hereby issued based on the findings set forth in the Negative Declaration Notice of Determination of Non-Significance; and

BE IT FURTHER

RESOLVED, that the Town Supervisor is authorized to sign the Environmental Assessment Form and Negative Declaration, and direct Sandra L. Brant, Director of Planning to undertake the preparation of all appropriate notices and filings; 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 2010-220 Erie County Community Development Block Grant Projects

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS: The Town of Evans is or may be eligible for Community Development Block Grants, and,

WHEREAS: The Town advertised and conducted a public hearing on Wednesday, September 29, 2010 at 7:20 p.m. to receive input for the grant for the 2011-2012 year as to the community development needs and as to projects for which such grant or grants may be sought;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes Supervisor Pordum and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG

1. Kennedy Avenue Greenway Streetscape Project
2. Fernbrook Drainage Improvement Project
3. Rural Transit Services, Inc.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Dash aye

Councilman Cooper	aye
Supervisor Pordum	aye

RESOLUTION 2010-221 Sign Agreement for Rural Transit Van Service

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED, that the Evans Town Board authorize Supervisor Pordum to sign on the Rural Transit Van Service for the Community Development Block Grant for 2010-2011 for low to moderate income, seniors and the disabled.

AND FURTHER BE IT

RESOLVED, that a certified copy of this resolution be given to the Supervisor's Office.

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

RESOLUTION 2010-222 Execute Dog Shelter Agreement

Councilman Dash moved and Supervisor Pordum seconded,

RESOLVED, that the Supervisor is authorized to enter into a contract with JAMCO DOG BOARDING AND TRAINING CENTER, INC. for the sheltering and care of dogs seized by the Town of Evans, for the period commencing July 1, 2010 and running through June 30, 2012, as more fully set forth in a proposed agreement on file with the Town Clerk and in substantial conformity therewith, 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 2010-223 AUTHORIZATION OF CHANGE ORDER NO. 1
ROADWAY ACCESS & WATERLINE IMPROVEMENTS
CONTRACT 09-1**

Councilman Cooper moved and Councilman Dash seconded,

WHEREAS, New Frontier Excavating and Paving, Inc. was retained by the Town of Evans to complete Contract No. 09-1, Roadway Access and Waterline Improvements, and

WHEREAS, Wendel Duchscherer, the Town Engineer, has determined that New Frontier Excavating and Paving, Inc. has completed the project in general conformance with the Contract Plans and Specifications,

NOW, THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes deduct Change Order No. 1 to revise the total original contract amount for project close-out.

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

**RESOLUTION 2010-224 FINAL CLOSE-OUT RESOLUTION
ROADWAY ACCESS & WATERLINE IMPROVEMENTS
CONTRACT 09-1**

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS, New Frontier Excavating and Paving, Inc. was retained by the Town of Evans to complete Contract No. 09-1, Roadway Access and Waterline Improvements, and

WHEREAS, Wendel Duchscherer, the Town Engineer, has determined that New Frontier Excavating and Paving, Inc. has completed the project in general conformance with the Contract Plans and Specifications,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans accepts the final pay request and Release of Liens provided by New Frontier Excavating and Paving, Inc.

BE IT FURTHER RESOLVED, that the Town of Evans authorizes full contract payment and release of all retained monies.

BE IT FINALLY RESOLVED, that the Maintenance Bond will remain in effect for a two (2) year period from October 20, 2010.

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

**RESOLUTION 2010-225 DEDICATE PORTIONS OF UTICA, DELEVAN, POTOMAC, &
HARDING**

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, that the Town of Evans has completed roadway improvements on:

1. Utica Street between Lancaster Avenue and Reeves Avenue
2. Delevan Avenue from 330' west of Redwing Street to Utica Street,
3. Potomac Avenue, and
4. Harding between Oakland and Pearl, and

WHEREAS, these roads have been constructed to New York State Department of Transportation and Town of Evans design standards,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans Highway Superintendent is authorized to maintain these roads and add them to the Town of Evans roadway inventory

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

RESOLUTION 2010-226 Advertise for RFP for Contracting of Ambulance Services

Councilman Cooper moved and Councilman Dash seconded,

WHEREAS, the Town Board has deemed it advisable to solicit proposals for providing the Town with Ambulance services;

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is authorized to advertise a request for proposals to provide the Town with ambulance services, with further details as to such request for proposals in conformance with the information which will be available at the Town Clerk's Office.

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

RESOLUTION 2010-227 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 October 20, 2010

Date: 10/06/2010
 Abstract No. 18
 Voucher No. 2009-2115
 Prepaid: 49, 50, 51, 52, 53

GENERAL	56,414.06
PART TOWN	4,011.93

HIGHWAY DA	0.00
HIGHWAY	26,170.44
WATER	6,257.20
CAPITAL PROJECTS	39,224.51
SPECIAL DISTRICTS	42,690.74
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	
TOTAL	174,768.88

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

RESOLUTION 2010-228 Adjournment

Councilman Cooper moved and Councilman Dash seconded to amend the adjournment listed on the agenda - Carried

Councilman Dash moved and Supervisor Pordum seconded to adjourn to a Work Session on Wednesday, October 27, 2010 @ 6:30pm then to an Agenda Meeting on Wednesday, November 3, 2010 @ 5:30pm with a 6:00pm Public Hearing for the Preliminary Budget, a 6:30pm Public Hearing for the Fire Protection/Ambulance Contracts and a 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