

## Evans Town Board

At the 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, February 9, 2011 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
	Jeanne C. Ebersole	Assessor
	Drew Eszak	Dir. of Finance
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Patrick Conrad	St. Pt. Marina Dept. Head
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
EXCUSED:	Edward Michalski	Highway Superintendent
	Rob Klavoon	Wendel Duchscherer
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Julie Roach	Seniors Dept. Head

**RESOLUTION 2011-080 Approve Minutes**

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of January 19, 2011 be dispensed with and approved as submitted by the Town Clerk.

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

**RESOLUTION 2011-081 Enter into Executive Session**

Councilman Dash moved and Councilman Cooper seconded to enter into executive session regarding a personnel matter.

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

**RESOLUTION 2011-082 Return to the Regular Meeting**

Councilman Dash moved and Councilman Cooper seconded to exit the executive session and return to the regular meeting.

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

For the record, Supervisor Pordum acknowledged that action was taken.

**RESOLUTION 2011-083 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

**7:15 pm Public Hearing RE: Lease, sale or disposition of a portion of SBL#235.00-2-37 - cell tower**

Supervisor Pordum opened the Public Hearing by directing the Town Clerk to read the legal notice as follows:

Legal Notice of Public Hearing

Please take notice that the Town Board of the Town of Evans located at 8787 Erie Rd., Angola, NY 14006, has been approached about the lease, sale or disposition of a portion of Town owned property, SBL#235.00-2-37 (8787 Erie Rd.), which is the site of a cell tower placed upon such Town owned property, and input from residents of the Town and those interested, in the same, is sought by the Town Board.

The Town Clerk of the Town of Evans is duly authorized and directed to advertise for a public hearing to be held at the Town Hall, 8787 Erie Rd, Angola, NY 14006, on Wednesday, February 9, 2011 at 7:15pm, relative to the aforesaid lease, sale, or disposition of a portion of SBL#235.00-2-37 (8787 Erie Rd). Further details will be provided and made available to the Evans Town Clerk's Office after such Public Hearing notice is properly advertised.

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

Supervisor Pordum opened the floor for anyone who wished to speak on the subject. No one spoke for or against.

**RESOLUTION 2011-084 Close the Public Hearing**

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

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

**RESOLUTION 2011-085 Town Clerk Reports**

Supervisor Pordum moved and Councilman Cooper seconded,

**Town Clerk Reports**

January Monthly	\$13,381.75
January Interest	\$3.67
Jan. Water Receipts	\$101,236.50
January Interest	\$30.45

**RESOLUTION 2011-086 Acceptance of Draft Amendment to LWRP as Complete & Ready for Public Agency Review)**

Supervisor Pordum moved and Councilman Dash seconded,

**WHEREAS**, the Town of Evans originally adopted a Local Waterfront Revitalization Program (LWRP) in March 1986, and has recently undertaken the preparation of an amendment to update this program in cooperation and coordination with the New York State Department of State, and in accordance with the provisions of Article 42 of the New York State Executive Law; and

**WHEREAS**, the Draft Amendment to the LWRP has been prepared under the review and guidance of the Town of Evans Waterfront Advisory Committee, with consultant planning services provided by Wendel Companies, the Town Planning Consultant; and

**WHEREAS**, the Evans Town Board, as lead agency, prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the amended LWRP, in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law; and

**WHEREAS**, the Town Board has determined that this action will not result in any anticipated adverse impacts to the natural, institutional, economic, developmental, or social resources of the Town, and prepared and adopted a SEQR Negative Declaration in this regard; and

**WHEREAS**, the Town Board will hold a public hearing on March 29, 2011 to gather

public questions and comments on the Draft Amendment to the LWRP and, in evaluation of this input, has determined that the Draft Amendment to the LWRP is complete and ready for required review by all appropriate public agencies.

**NOW, THEREFORE BE IT RESOLVED**, that the Draft Amendment to the Local Waterfront Revitalization Program for the Town of Evans is accepted by the Town Board as complete and ready for public agency review, and shall be submitted to the New York State Department of State for distribution to and subsequent review by Federal, State, and regional agencies pursuant to the provisions of Article 42 of the New York State Executive Law; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Planning Director to file the necessary draft documentation with the New York State Department of State and ready the draft documents for public review and comment; and

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be given to the Planning Office.

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

**RESOLUTION 2011-087 Schedule Public Hearings for LWRP Draft Amendment & Consistency Review Law**

Supervisor Pordum moved and Councilman Dash seconded,

**WHEREAS**, in a letter dated February 3, 2011, the Planning Director has requested that the Town Board set a public hearing to gather public comment on the Draft Amendment to the Local Waterfront Revitalization Program (LWRP); and

**WHEREAS**, the Planning Director also requested that the Town Board set a public hearing to gather public comment on the Consistency Review Law.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board authorizes the Town Clerk to advertise for a public hearing to be held on Tuesday, March 29, 2011 at 7pm to gather public comment on the Draft Amendment to the LWRP; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Town Clerk to advertise for a public hearing to be held on Tuesday, March 29, 2011 at 7:15pm to gather public comment on the Consistency Review Law; 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 2011-088 Appt of Van Driver**

Councilman Cooper moved and Supervisor Pordum seconded,

**RESOLVED:** that Daniel Wright of 6837 Wellington Drive, Derby, be appointed to the position of van driver, RPT; to be paid the rate of \$10.00 per hour; effective 1-25-2011.

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

**RESOLUTION 2011-089 Sign agreement with Meals on Wheels of Buffalo & Erie County, Inc.**

Councilman Dash moved and Supervisor Pordum seconded,

**RESOLVED:** the Supervisor of the Town of Evans is hereby authorized to sign the agreement with MEALS ON WHEELS OF BUFFALO AND ERIE COUNTY INC. for the contract year January 1, 2011 through December 31, 2011 for payment of \$7,200.00 to help defray the cost of providing year round service of meal delivery.

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

**RESOLUTION 2011-090 Enter into contracts for 2011 Fire Protection and/or Emergency Ambulance with Angola Fire Company, Lake Erie Beach Fire Company, Evans Center Fire Company & Highland Hose Fire Company**

Councilman Cooper moved and Councilman Dash seconded,

**WHEREAS:** There has been established in the Town of Evans a fire protection district known as the Angola Fire Protective District; and

**WHEREAS:** Pursuant to notice duly published according to law, the Town Board of the Town of Evans did conduct a public hearing on November 3, 2010 at the Evans Town Hall to consider proposed contracts for the fiscal year 2011 for the furnishing of fire protection and/or emergency ambulance service and heard all persons interested in the same; and

**NOW THEREFORE BE IT RESOLVED:** that the Town Board of the Town of Evans enter into a contract for fire protection and/or emergency ambulance with the Angola Fire Company, Evans Center Fire Company Lake Erie Fire Company and the Highland Hose Fire Company and said fire companies shall receive the following amounts:

Angola Fire Company  
 \$22,000 Emergency Ambulance Service  
 \$104,159 Fire Protection  
 \$10,506 Capital Improvement

Lake Erie Beach Fire Company  
 \$22,000 Emergency Ambulance Service  
 \$138,020 Fire Protection  
 \$94,554 Capital Improvement

Evans Center Fire Company  
 \$22,000 Emergency Ambulance Service  
 \$138,020 Fire Protection  
 \$94,554 Capital Improvement

Highland Hose Fire Company  
 \$22,000 Emergency Ambulance Service

**BE IT FURTHER RESOLVED:** that the Supervisor of the Town of Evans is hereby authorized to sign the 2011 contracts with said fire companies upon approval by 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 2011-091 Sign Erie County Nutrition Contract for 2011**

Councilman Dash moved and Councilman Cooper seconded,

**BE IT RESOLVED,** that the Evans Town Board authorizes the Town Supervisor to sign the Erie County Nutrition Contract 2011 between Erie County and the Town of Evans.

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

**RESOLUTION 2011-092 Execute Contract with Community Concern of WNY, Inc.**

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS: Community Concern of WNY, Inc. referred to herein as Community Concern, has offered to provide certain services to the residents of the Town of Evans, set forth in a proposed agreement for the period commencing January 1, 2011 and terminating on December 31, 2011, the compensation for which services pursuant to said agreement shall be \$41,400; and

WHEREAS: the services contemplated by said agreement, and to be provided by Community Concern, benefit the residents of the Town of Evans;

NOW THEREFORE BE IT RESOLVED: that Francis J. Pordum, the Supervisor of the Town of Evans, is hereby directed to execute on behalf of the Town of Evans, said proposed agreement, in as many counterparts as deemed appropriate in his discretion, and to deliver the same to Community Concern and that the aforesaid payment be made to Community Concern; and

BE IT FURTHER RESOLVED: that a copy of this resolution be delivered to Community Concern, when and if required or requested by Community Concern

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

**RESOLUTION 2011-093 Sign Erie County Van Contract for 2011**

Councilman Dash moved and Councilman Cooper seconded,

**BE IT RESOLVED**, that the Evans Town Board authorizes the Town Supervisor to sign the Erie County Van Contract 2011 between Erie County and the Town of Evans.

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

**RESOLUTION 2011-094 Execute Contract with Southtowns Haz-Mat Team**

Councilman Cooper moved and Councilman Dash seconded,

WHEREAS: Southtowns HAZ-MAT Team has, in the past, agreed with the Town of Evans to provide emergency response to hazardous materials and incidents in the Town of Evans (excluding the Village of Angola) and to provide containments, entry reference decontamination and resource information and other services in consideration of the sum of \$5,000 per year, the period of such agreements to run from January 1, 2011 to December 31, 2011; and

WHEREAS: the services contemplated by said Agreements, and to be provided by Southtowns HAZ-MAT, benefit the residents of the Town of Evans;

NOW THEREFORE BE IT RESOLVED: that Francis J. Pordum, Supervisor of the Town of Evans, is hereby directed to execute on behalf of the Town of Evans, such Agreements, as many counterparts as deemed appropriate in his discretion, and to deliver the same and the aforesaid payment to Southtowns HAZ-MAT Team.

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

**RESOLUTION 2011-095 Amend Res #2011-015 (Holidays) & Res #2011-022 (Rate of Pay)**

Supervisor Pordum moved and Councilman Dash seconded,

RESOLVED: to amend Resolution 2011-015 of the Organizational Meeting held on January 5, 2011, that the following holidays will be observed as paid holidays by the full time employees of the Town of Evans not covered by the collective bargaining agreement:

Thanksgiving Day - November 24, 2011  
 Day after Thanksgiving- November 25, 2011

BE IT FURTHER RESOLVED: that Resolution 2011-022 be amended for the following employees to correct rate of pay as follows:

Melissa Kapuszak - \$9.25  
 Sharon Majewski - \$10.00

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

**RESOLUTION 2011-096 Water Bill Adjustment**

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED: that an adjustment be made to the following account because water bill was never received:

1. Esther Sacilowski Account #02090250  
 833 Beach Road Adjustment \$15.00 (penalty only)

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

**RESOLUTION 2011-097 Opposition to Spay/Neuter Surcharges for Altered Dogs**

WHEREAS, The State of New York, Department of Agriculture, has always imposed a



three dollar surcharge to be added to the license fee for un-spayed and un-neutered dogs,

**WHEREAS**, this three dollar surcharge, paid by owners of intact dogs was then used to control dog populations by funding spay/neuter programs, thereby putting the cost of such programs on those who choose to keep their dogs intact,

**WHEREAS**, Responsible dog owners who have sterilized their dogs through spaying or neutering, were therefore able to enjoy a reduced licensing fee, exempt from spay/neuter fees of any kind,

**WHEREAS**, The State of New York, Department of Agriculture, as of January 1, 2011 has transferred dog licensing to the local Government level, while maintaining the original three dollar spay and neuter fee, now called a spay/neuter surcharge, **AND ARE NOW IMPOSING A NEW SPAY AND NEUTER SURCHARGE OF ONE DOLLAR TO BE ADDED TO THE LICENSING FEE OF EACH ALTERED DOG**,

**BE IT RESOLVED THEREFORE**, The Town of Evans opposes the imposition of a new spay/neuter surcharge meant for owners who have responsibly sterilized their dogs, thereby contributing to the control of the State of New York's dog population.

**FURTHER RESOLVED**, The Town of Evans will make its opposition known with the adoption of this Resolution which will be forwarded to the Governor of the State of New York, the Western New York Delegation, the County of Erie, and the Commissioner of NYS Department of Agriculture, Patrick Hooker.

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

**RESOLUTION 2011-098 Establish Town Board Liaison to Technology Committee**

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans was awarded a LGRMIF grant through NYS Archives in 2009-2010 grant cycle to conduct a Records Management Needs Assessment, and

WHEREAS, this needs assessment was prepared and presented to the Town Clerk, as the Records Management Officer, in February 2010, and

WHEREAS, the Town Clerk, as Records Management Officer, has been continually reviewing this assessment and has begun the process of recommended implementations, and

WHEREAS, one of those recommendations was the formation of a Technology Advisory Committee within the structure of the Town Records Management, for the purpose of coordination and advancement of a Town wide electronics records management

technology plan and the formation of a technology procedure manual, and

WHEREAS, the Technology Advisory Committee, selected by the Town Clerk as Records Management Officer, has reached a point , where it has been recommended by NYS Archives, to have a Town Board member act as a liaison for the committee recommendations, as presented for consideration by the Town Board,

NOW THEREFORE BE IT RESOLVED, that Councilman Dash has been appointed as liaison to the Records Management Technology Committee for the duration of the calendar year ending December 31, 2011.

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

**RESOLUTION 2011-099 Approve Town Licenses**

Supervisor Pordum moved and Councilman Cooper seconded,

**Licenses:**

1. Marguerite Hogg D/B/A Melody Meadows Home Construction, Inc.- MHD
2. William R. Pfeil D/B/A Triton Valley Derby- MHD
3. William R. Pfeil D/B/A Triton Valley Angola- MHD
4. Thomas J. Eoannou D/B/A Point Breeze R.V. Resort , LLC- Amusement & Live Band
5. Michelle E. Matthews D/B/A Mickey's Rise & Dine- Refreshment

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 2011-100 Audit of Bills**

Councilman Dash moved and Supervisor Pordum seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstract brought forth on February 9, 2011

Date 1/26/2011  
 Abstract No. 02  
 Voucher No. 44-149  
 Prepaid: 5

GENERAL	225,349.89
PART TOWN	20,596.37
HIGHWAY DA	0.00
HIGHWAY	57,948.53
WATER	11,282.03
CAPITAL PROJECTS	
SPECIAL DISTRICTS	1,219.38
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	316,396.20

Date 2/2/2011  
 Abstract No. 03  
 Voucher No. 150-184  
 Prepaid:

GENERAL	9,426.17
PART TOWN	440.95
HIGHWAY DA	0.00
HIGHWAY	31,290.09
WATER	0.00
CAPITAL PROJECTS	0.00
SPECIAL DISTRICTS	24,890.03
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	66,047.24

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

**Proclamation Presentation**

Supervisor Pordum read and presented a proclamation on behalf of the Town Board, to the family of Bob Corsi, in his memory, honoring his dedication and service to the community

**RESOLUTION 2011-101 Adjournment**

Supervisor Pordum moved and Councilman Dash seconded to adjourn to a Work Session on Wednesday, February 16, 2011 at 6:30pm then to an Agenda Meeting on Wednesday, March 2, 2011 at 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**