

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, May 4, 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
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Drew Eszak	Dir. of Finance
	Russ Manguso	Parks Commissioner
	Ernie Masullo	Police Chief
	Peggy Manning	Supervisor's Dept
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Sandra Brant	Dir. of Planning
	Patrick Conrad	St. Pt. Marina Dept. Head
ABSENT:	Edward Michalski	Highway Superintendent
	Julie Roach	Seniors Dept. Head

RESOLUTION 2011-144 Approve Minutes

Supervisor Pordum moved and Councilman Dash seconded that the reading of the minutes of the meeting of April 13, 2011 be dispensed with and approved as submitted by the Town Clerk.

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

RESOLUTION 2011-145 Authorization for Presentation of Town of Evans Annual Storm Water and Drainage Report

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED, that Robert Klavoon be permitted to give the Town's Annual Storm Water and Drainage Report to the Public at 6:45pm on May 25, 2011, prior to the regular Town Board Meeting at 7:00pm.

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

Proclamations:

The Town Board presented a proclamation to the present owners of Shultz Hardware (Phil & Roseanne VanKoughnet w/sons, Kevin & Phil), commemorating 150 years in business in the Town of Evans/Village of Angola.

The Town Board also presented a proclamation to the U. S. Coast Guard Auxillary commemorating May 21st - May 27th as "Safe Boating Week".

RESOLUTION 2011-146 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 2011-147 Approve Town Clerk Reports

Councilman Dash moved and Supervisor Pordum seconded,

Town Clerk Monthly Reports

April 2011

Water Receipts	\$99,926.04
Interest Earned	\$22.74

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

RESOLUTION 2011-148 Appt of Laborers

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED; that the following individuals be appointed to the position of laborer; to work at the Sturgeon Point Marina; to be called as needed; to be paid the designated hourly rate of pay:

Frederick Bartlett	1069 Brookwood, Derby	\$8.25
Phyllis Jost	1711 Sturgeon Point Rd, Derby	\$8.25

William Ludwig	53 Sunset Blvd., Angola	\$8.00
Candice Wielgusz	1711 Sturgeon Point Rd., Derby	\$8.00
James Feldmann	343 Roat Dr., Angola	\$8.00
Daniel Haidon	6647 Gates Dr., Derby	\$8.00
Arthur Buczkowski	775 Sturgeon Point Rd., Derby	\$8.00
Steven Siracuse	9038 Joyce Lane, Angola	\$7.50
Allison Ludwig	53 Sunset Blvd., Angola	\$7.25
Gregory Conley	6786 Belle Heights, Derby	\$7.25

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

RESOLUTION 2011-149 Appt of Laborers & Appt of Part Time Seasonal Van Driver

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED; that the following be appointed to the position of laborer; to be called as needed; to be paid the designated hourly rate of pay:

Matthew O'Brien	689 Lake St., Angola	\$7.25
David Ryerse	7360 Delamater Rd., Derby	\$7.25
Jeremy Courneya	865 Bennett Rd. Angola	\$7.25
Patricia Conrad	364 Wilson Rd., Angola	\$7.25
Bartholomew Loos	1137 Backus Rd., Derby	\$7.50
Scott Dillon	9028 Joyce Ln., Angola	\$7.50
Bryant Morrison	1255 Cain Rd., Angola	\$7.50
Richard Walker	46 Mill St., Angola	\$7.50
Mathew Mungovan	1353 Sturgeon Point Rd., Derby	\$8.00
Dan Carriero	9946 Erie Rd., Angola	\$8.50
Janice Struebel	54 Railroad Ave., Angola	\$9.00
Mark Mungovan	1353 Sturgeon Point Rd., Derby	\$8.00
Patrick Griffin	94 South Ln., Angola	\$8.00
Donald Schiedel	976 Meier Rd., Derby	\$8.00

Further Be It Resolved; that John Paul Zajas, 9524 Waterfront , Angola be appointed to the part time, seasonal position of van driver; to be paid \$7.50 per hour.

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

RESOLUTION 2011-150 Award bid for the renovation/resurfacing of the Town Hall Parking Lot

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS, The Town of Evans must maintain the Town Hall and its premises in functioning and safe condition and,

WHEREAS, the public parking lot serving the Town Hall is in need of repair and upgrading and,

WHEREAS, the Town Board authorized the advertisement for bids for such repair,

NOW THEREFORE BE IT RESOLVED, the Supervisor of the Town of Evans is authorized to enter into an agreement with New Frontier Excavating of Eden, NY, for repairs, upgrading and striping of the public parking lot in the front of Town Hall in an amount not to exceed \$30,681.00

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

RESOLUTION 2011-151 Advertise for PH regarding proposed borrowing by Evans Center Vol. Fire Dept.

Supervisor Pordum moved and Councilman Cooper seconded,

BE IT RESOLVED, that the Town Clerk of the Town of Evans is hereby authorized and directed to advertise a notice for a public hearing to be held on May 31, 2011 at 7:00pm, at 8298 Erie Road in the Town of Evans, Angola, New York, 14006 in relation to, and to consider, the proposed borrowing by the Evans Center Volunteer Fire Company, Inc., hereinafter referred to as the Volunteer Fire Department, to refinance the prior construction, reconstruction and improvement of a firehouse by such Volunteer Fire Department of a certain fire station located at 8298 Erie road, Angola, New York and financing the purchase of a certain piece of firefighting Apparatus, said proposed financing not to exceed, in the aggregate face amount, \$600,000.00,

And BE IT FURTHER RESOLVED, that the Supervisor of the Town of Evans is hereby authorized to appoint a Hearing Officer for the purposes of such public hearing and pursuant to said notice of Public Hearing.

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

RESOLUTION 2011-152 Authorize Supervisor to sign the Cooperating MS4 letter of commitment with Erie County Dept of Environment & Planning

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS, the Town of Evans is a member of the Western New York Stormwater Coalition (WNYSC), and

WHEREAS, the Erie County Department of Environment and Planning has received a grant to map the Town of Evans storm water system including catchbasin and manhole locations, number and size of connections and delineation of stormsewer sheds, and

WHEREAS, the Town of Evans will provide in-kind services with a cost not to exceed \$1,000.00,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans Supervisor is hereby authorized to enter to sign the Cooperating MS4 letter of commitment with the Erie County Department of Environment and Planning

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

RESOLUTION 2011-153 Suspend the rules

Supervisor Pordum moved and Councilman Cooper seconded,

to suspend the rules for a resolution in regarding the improvement of the Town Water Facilities.

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

RESOLUTION 2011-154 RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, NEW YORK CALLING FOR A PUBLIC HEARING IN ACCORDANCE TO SECTION 202-b OF THE TOWN LAW TO CONSIDER AN INCREASE IN THE MAXIMUM AUTHORIZED COST OF THE JOINT INCREASE AND IMPROVEMENT OF THE WATER FACILITIES OF THE TOWN FOR CONSOLIDATION WITH THE ERIE COUNTY WATER AUTHORITY

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, pursuant to a resolution adopted on August 15, 2007, this Town Board approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority at a maximum estimated cost of \$12,600,000, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets,

replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank, and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers (the "Project"); and

WHEREAS, by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, "SEQRA") that the proposed increase and improvement of the facilities included in the Project would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, as set forth in a letter from Wendell Duchscherer Architects and Engineers, dated May 4, 2011, supplementing its Map Plan and Report, the Town has learned that the maximum estimated cost of undertaking the facilities and improvements included in the Project has increased to \$13,235,000; and

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town law with respect to such proposed increase in the estimated maximum cost of the Project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at the public meeting of the Town Board to be held on May 18th at 6:30 p.m. at the Town of Evans Town Hall, to consider such increase in the maximum estimated cost of the Project from \$12,600,000 to \$13,235,000 and to hear all persons interested in the subject thereof; and it is

FURTHER RESOLVED, that the Town Clerk is hereby directed to cause notice of such public hearing to be published and posted in the manner prescribed by law.

This resolution shall take effect immediately.

The following vote was taken and recorded in public or open session.

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

RESOLUTION 2011-155 Suspend the rules

Supervisor Pordum moved and Councilman Dash seconded,
to suspend the rules for an additional resolution.

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

RESOLUTION 2011-156 Opposition to County Legislature Redistricting that would divide the Town of Evans

Councilman Cooper moved and Supervisor Pordum seconded,

Whereas, the Erie County has recently elected to downsize the number of members of The Erie County Legislature from 15 members to 11, and

Whereas, such downsizing measure will result in the redistricting of Erie County from 15 Legislative Districts to 11, and

Whereas, the Erie County Legislature's Advisory Committee on Reapportionment is currently considering proposals that may divide certain municipalities, such as The Town of Evans into two separate Legislative Districts, and

Whereas, it has already been recommended under a section of the New York State's Municipal Home Rule Law that County legislative Districts around the State NOT split towns and cities that contain fewer people than the average size district, plus a buffer of 10%.

It is the opinion of this board that such a split would result in creating an undue burden on the people of Evans by establishing a boundary that could at some point become a focal point for Political partisanship, thus pitting neighbor against neighbor and causing a disruptive force within our community.

It is also felt that such a split may result in the overall weakening of the authority of Evans and her residents in matters concerning Countywide issues.

Therefore,

Be it resolved that The Town Board of the Town of Evans would like to go on the record as being vehemently OPPOSED to any redistricting measure that would divide the Town of Evans and her residents into two or more separate Legislative districts.

Furthermore, the Town Clerk of the Town of Evans is hereby requested and authorized to send a copy of this resolution to the following parties: Mr. Dennis Ward; Erie County Democratic Elections Commissioner, Mr. Ralph Mohr; Erie County Republican Elections Commissioner, Erie County Republican Minority Leader; John Mills (Orchard Park), Erie County Legislature Chairwoman; Barbara Miller-Williams, and Advisory Commission

members: Emilio Colancovo (Bouvier Partnership, LLP), Jorge S. de Rosas (Wolfgang and Weinmann, LLP), Jonathan S. Hickey (Burden, Gulisano and Hickey, LLC), Bryan Wittmeyer (Greater Buffalo Physical Therapy), Brian R. Biggie (Goldberg and Segalla, LLP), Martha Lamparelli (Buffalo), Diane M. Terranova, Jonathan D Rivera (HSBC Bank), Jesse W. Martin, Jr. (SVB Wealth Management), Rev. Jeff E. Carter (Ephesus Ministries, Buffalo), Daniel M. Boody (International Union of Painters and Allied Trades of America and Canada), Jeremy C. Toth (Adjunct Professor at the University at Buffalo) and Adam W. Perry (Hodgson Russ, LLP)

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

RESOLUTION 2011-157 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 May 4, 2011

Date: 04/06/2011
 Abstract No. 07
 Voucher No. 556-652
 Prepaid: 17, 18, 19, 20, 21

GENERAL	126,024.56
PART TOWN	46,526.84
HIGHWAY DA	0.00
HIGHWAY	26,776.33
WATER	92,118.51
CAPITAL PROJECTS	3,344.89
SPECIAL DISTRICTS	90,469.24
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
 TOTAL	 385,260.37

Date: 04/20/2011
 Abstract No. 08
 Voucher No. 653-775
 Prepaid: 22, 23

GENERAL	59,813.97
PART TOWN	16,007.07
HIGHWAY DA	0.00
HIGHWAY	26,035.08
WATER	6,705.25

CAPITAL PROJECTS	156,990.03
SPECIAL DISTRICTS	78,824.17
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
 TOTAL	 344,375.57

Date: 05/04/2011
 Abstract No. 09
 Voucher No. 776-837
 Prepaid:

GENERAL	29,818.23
PART TOWN	11,987.32
HIGHWAY DA	3,045.00
HIGHWAY	0.00
WATER	2,421.98
CAPITAL PROJECTS	124,034.65
SPECIAL DISTRICTS	30,741.13
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
 TOTAL	 202,048.31

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

RESOLUTION 2011-158 Adjournment

Supervisor Pordum moved and Councilman Dash seconded to adjourn to a Special Meeting at 6:30 pm on Wednesday, May 18, 2011 with a work session to follow then to an Agenda Meeting on Wednesday, May 25, 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**