

## 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, September 7, 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
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Patrick Conrad	St Pt Marina Dept Head
	Peggy Manning	Supervisor's Dept
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer

**RESOLUTION 2011-234 Approve Minutes**

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of August 17, 2011 be dispensed with and approved with amendment of change as submitted by the Town Clerk.

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

**Public Comment on Meeting Agenda Items**

There being no one signed in to speak the public comment on meeting agenda items was closed.

**7:10 pm Public Hearing for Consideration of the Adoption of PPL#6 of the year 2011 (Amend V & T Law for speed limit change on a section of Lake Shore Rd.)**

Supervisor Pordum opened the public hearing by directing 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 September 7, 2011 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #6 of the year 2011 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, Article VIII, Section 193-35, Schedule II Speed Limits therefore to read:

<u>Name of Street</u>	<u>Speed Limit (40mph)</u>	<u>Location</u>
Lake Shore Road	40	Between Dennis Road and Sturgeon Point Road

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

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

Chief Masullo gave an explanation of change in the speed limit and history of accidents.

No one spoke for or against on this item.

**RESOLUTION 2011-235 Close Public Hearing**

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

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

**RESOLUTION 2011-236 Adopt PLL #6 of the year 2011 as Local Law #5 of the year 2011**

Supervisor Pordum moved and Councilman Cooper seconded that Proposed Local #6 of the year 2011 be adopted as Local Law #5 of the year 2011.

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

**7:15 pm Public Hearing for Consideration of the adoption of PPL#7 of the year 2011**

**(amend V & T Law for speed limit change on a section of Lake Shore Rd.)**

Supervisor Pordum opened the public hearing by directing 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 September 7, 2011 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #7 of the year 2011 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, Article VIII, Section 193-35, Schedule II Speed Limits therefore to read:

<u>Name of Street</u>	<u>Speed Limit (40mph)</u>	<u>Location</u>
Lake Shore Road	40	from Sturgeon Point Road to a point 2,640 feet northeast on Lake Shore Road

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

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

Chief Masullo gave an explanation of the location of this proposed change.

No one spoke for or against this item.

**RESOLUTION 2011-237 Close Public Hearing**

Supervisor Pordum moved and Councilman Dash seconded to close the Public Hearing.

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

**RESOLUTION 2011-238 Adopt PLL #7 of the year 2011 as Local Law #6 of the year 2011**

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED, that PLL#7 of the year 2011 be and the same is hereby adopted as Local Law #6 of the year 2011.

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

Supervisor Pordum opened the public hearing by directing 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 September 7, 2011 at 7:20pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the renewal 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 at the public hearing to be held aforesaid.

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

No one spoke for or against this item.

**RESOLUTION 2011-239 Close Public Hearing**

Supervisor Pordum moved and Councilman Dash seconded to the close the Public Hearing.

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

**RESOLUTION 2011-240 Grant Special Use Permit Renewal for Tick Tock Towing/Recovery at 1526 Eden Evans Center Rd.**

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS: Tick tock Towing/Recovery has requested a Special Use Permit renewal for the operation of a towing/recovery service located at 1526 Eden-Evans Center Rd., Angola, NY 14006, part of SBL#221.00-4-20.11 (formerly known as SBL#221.00-4-29.1), and

WHEREAS: the original Special Use Permit granted on August 18, 2010 was issued with the following conditions:

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 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

WHEREAS: the Town of Evans Planning Office and the Code Enforcement Office have conducted a property review of the application and the facility and have recommended that the Special Use Permit be renewed for two years, and

WHEREAS: the negative SEQR declaration issued by the Evans Town Board on August 18, 2010 for the original Special Use Permit for said facility is still sufficient and valid for this action, and

WHEREAS: the Town Board of the Town of Evans has conducted a public hearing regarding said Special Use Permit renewal.

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grants a Special Use Permit renewal to Tick Tock Towing/Recovery for the operation of a towing/recovery service located at 1526 Eden-Evans Center Rd., Angola, NY 14006, part of SBL#221.00-4-20.11 (formerly known as SBL#221.00-4-29.1), and

BE IT FURTHER

RESOLVED: that the six (6) above-said conditions be placed upon the above-said Special Use Permit renewal, and

BE IT FURTHER

RESOLVED: that the above-said Special Use Permit renewal be granted for a two (2)

year period, and

BE IT FURTHER

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

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

**RESOLUTION 2011-241 Committee and Department Head Reports**

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

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

**RESOLUTION 2011-242 Approve Town Clerk Reports**

Supervisor Pordum moved and Councilman Cooper seconded,

Town Clerk Monthly Reports

August 2011	
Monthly	\$14,717.56
Interest Earned	\$12.05
Petty Cash	\$-0-
Water Receipts June 2011	\$161,687.82
Interest Earned	\$44.23

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

**RESOLUTION 2011-243 Old Business Agenda Items**

Supervisor Pordum moved and Councilman Cooper seconded, that the items below remain on old business:

1. PLL#1 of 2011- LWRP Consistency Review Law
2. Approve & Execute "Approval to Purchase"
3. PLL #3 of the year 2011 (Live Band/Special Evans Licenses)

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

**RESOLUTION 2011- 244 Authorize Town Clerk to advertise for a Public Hearing RE:  
Proposed borrowing by Evans Center Volunteer Fire Company, Inc. and authorize  
Supervisor to appoint a Hearing Officer**

Supervisor Pordum moved and Councilman Cooper seconded,

RESOLVED: that the Town Clerk of the Town of Evans by and is hereby authorized and directed to advertise a notice for a public hearing to be held on October 5, 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, said proposed financing not to exceed, in the aggregate face amount, \$470,000.00,

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.

I, Francis J. Pordum, Supervisor of the Town of Evans in accordance with the provisions of sections 147(f) and 150(c) of the Internal Revenue Code of 1986, as amended, hereby appoint Geordie Sinclair, President of the Evans Center Volunteer Fire Company, Inc., as Hearing Officer pursuant to a certain Notice of Public hearing attached hereto, such public hearing to be held at the Evans Center Volunteer Fire Company, 8298 Erie Road, Angola, NY 14006, on October 5, 2011 at 7:00pm.

I further direct that the Hearing Officer shall within 10 days after the execution of this appointment cause to be published, in full, in The Sun, a newspaper published in, or having a general circulation within, the Town of Evans and designated an official newspaper of the Town of Evans a notice of public hearing to be held not less than 14 days from the date of publication. The notice is to be published substantially in the form attached hereto.

DATED: September 7, 2011

\_\_\_\_\_  
Francis J. Pordum, Supervisor  
Town of Evans

VOTE RESULT: ADOPTED BY ROLL CALL  
Councilman Dash aye

Councilman Cooper	aye
Supervisor Pordum	aye

**RESOLUTION 2011- 245 Authorize Court Clerks to attend The Annual Conference of Judges & Clerks**

Councilman Cooper moved and Councilman Dash seconded the Annual Conference of Judges and Clerks in Niagara Falls, New York will be held September 26-28, 2011. Maryann Baake, Court Clerk will be attending September 26, 27, and 28, 2011 and will be teaching classes on those days. Rachel Miller, Court Clerk will be attending on September 26, 2011. Sharon Majewski, Court Clerk will be attending on September 27, 2011. Town Justice Anthony J. Barone, Jr. is requesting reimbursement for meals and mileage for the court clerks on their days of attendance.

VOTE RESULT:      ADOPTED BY ROLL CALL  
 Councilman Cooper      Aye  
 Councilman Dash      Aye\*  
 Supervisor Pordum      Aye

\*For the record Maryann Baake, Court Clerk is teach because of her status and her awards she has received throughout New York State which really is a feather for the Town of Evans.

**RESOLUTION 2011- 246 Authorize Supervisor to submit 2011-2012 Justice Court Assistance Grant Application**

Councilman Cooper moved and Councilman Dash 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 2011-2012 Justice Court Assistance Program Grant application in the amount not to exceed \$10,000 and to sign any related documents, as it may be required.

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

**RESOLUTION 2011-247 Authorize Town Clerk to advertise for a Public Hearing RE: Citizen Input for Town's Community Block Development Grant**

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS: the Town of Evans will be applying for the Community Development Block Grant for the year 2012-2013, and



WHEREAS: the Evans Town Board authorize the Town Clerk to advertise a public hearing on September 28, 2011 at 7:20pm for the purpose of eliciting citizen input regarding the Town's Community Block Development Grant,

AND BE IT FURTHER

RESOLVED: that the Evans Town Board authorize the Supervisor to sign, submit and execute a contract with Erie County Community Development Grant Program

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 Cooper         Aye  
                           Councilman Dash           Aye  
                           Supervisor Pordum         Aye

**RESOLUTION 2011- 248 TABLE: Authorize Contract 09-2 Waterline Project- Change Order No.1**

Supervisor Pordum moved and Councilman Dash seconded to table to Old Business resolution #5 on tonight's agenda regarding the Authorization of Contract 09-2 Waterline Project - Change Order No. 1.

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

**RESOLUTION 2011-249 Suspend the rules for the purpose of authorizing the Town Clerk to advertise the polling locations for the Primary Election**

Supervisor Pordum moved and Councilman Cooper seconded to suspend the rules of order for the conduct of business in order to authorize the Town Clerk to advertise the polling locations for the Primary Election.

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

**RESOLUTION 2011-250 Authorizing the Town Clerk to advertise the polling locations for the Primary Election**

Supervisor Pordum moved and Councilman Cooper seconded to authorize the Town Clerk to advertise in the Pennysaver the polling locations for the Primary Election

on Tuesday, September 13, 2011.

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

**RESOLUTION 2011-251 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

Date: 8-24-2011  
 Abstract No. 16  
 Voucher No. 1542-1670  
 Prepaid: 32, 33, 34, 35

GENERAL	120,577.54
PART TOWN	22,087.39
HIGHWAY D A	0
HIGHWAY	43,743.14
WATER	13,404.76
CAPITAL PROJECTS	311,199.03
SPECIAL DISTRICTS	76,404.21
DEBT SERVICE	0
COMMUNITY DEVELOPMENT	0
TOTAL	<u>587,416.07</u>

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

**RESOLUTION 2011-252 Adjournment**

Supervisor Pordum moved and Councilman Dash seconded to adjourn to a Work Session on Wednesday, September 21, 2011 at 6:30pm then to an Agenda Meeting on Wednesday, September 28, 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**

PROJECT I.D. NUMBER

617.20

Appendix C

State Environmental Quality Review

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

*This SEQR determination from 2010 is still sufficient & valid for this 2011 renewal.*

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

1. APPLICANT / SPONSOR <i>Matthew J. Leverniz</i>		2. PROJECT NAME <i>Tick Tack Towing/Recovery Special</i>	
3. PROJECT LOCATION: Municipality <i>EVANS</i> County <i>ERIE</i> <i>Use Permit</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>1526 Eden Evans Ct Rd</i>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>Operate a Towing/Recovery Business including minor vehicle repairs</i>			
7. AMOUNT OF LAND AFFECTED: Initially <i>5 1/2</i> acres Ultimately <i>5 1/2</i> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>was asked to go before REVENUE BOARD</i>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Describe: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture ( <i>haying</i> ) <input checked="" type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>Matthew J. Leverniz</i>		Date: <i>6/7/10</i>	
Signature: <i>X Matthew J. Leverniz</i>			

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

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?  Yes  No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?  Yes  No If No, a negative declaration may be superseded by another involved agency.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)  
 C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?  Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  Yes  No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Town of Evans  
 Name of Lead Agency

Francis J. Pordum  
 Print or Type Name of Responsible Officer in Lead Agency

Supervisor  
 Title of Responsible Officer

Francis J. Pordum  
 Signature of Responsible Officer in Lead Agency

Sandra L. Braet, Plann  
 Signature of Preparer (If different from responsible officer) Direct

8/13/10  
 Date