

## 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, October 19, 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
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Patrick Conrad	St Pt Marina Dept Head
	Peggy Manning	Supervisor's Dept
EXCUSED:	Rob Klavoon	Wendel Duchscherer
ABSENT:	Edward Michalski	Highway Superintendent
	Julie Roach	Seniors Dept. Head
	Gary Noel	Water Dept.

**RESOLUTION 2011-270 Approve Minutes**

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of September 28, 2011, and work sessions of October 3, 2011 & October 12, 2011 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. Stan Radwan, 8816 Lake Shore Rd., had questions for resolution #7 on the agenda. He was advised by Supervisor Pordum to wait until the related Public Hearing to ask questions.

2. Dick Hammer, Derby, NY, announced that he would be speaking at the agenda item marked Public Discussion, occurring after the adjournment of the regular Town Board meeting.

**7:10pm Public Hearing PLL#8 to amend V&T for speed limit on section of Gowans 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 October 19, 2011 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #8 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 (mph)</u>	<u>Location</u>
Gowans Road	40	from Versailles Plank road to the western limits of the Village of Angola

All parties in interest and citizens shall have an opportunity to be heard by the Town Board 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 chose to speak for or against.

**RESOLUTION 2011-271 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 2011-272 Adopt PLL#8 of the year 2011 as LL#7 of the year 2011**

Supervisor Pordum moved and Councilman Cooper seconded to adopt PLL#8 of the year 2011 to amend the V&T for speed limit on section of Gowans Road as stated in the legal notice, as Local Law #7 of the year 2011.

VOTE RESULT:     ADOPTED  
                          AYES- Dash, Cooper, Pordum

NAYS- none

**RESOLUTION 2011-273 Committee & Department Head Reports**

Supervisor Pordum moved and Councilman Dash seconded to accept the Committee & Department Head Reports as presented.

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

**RESOLUTION 2011-274 Town Clerk Reports**

Supervisor Pordum moved and Councilman Cooper seconded,

**Town Clerk Reports**

Town Clerk Sept 2011 monthly	\$18,704.75
Interest Sept 2011	\$9.40
Petty Cash Sept 2011	\$0.00
Water District Receipts Sept 2011	\$128,972.89
Interest Earned Sept 2011	\$36.87

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

**RESOLUTION 2011-275 Remove PLL#1 from Old Business**

Supervisor Pordum moved and Councilman Dash seconded, to remove PLL#1 from Old Business to be considered for adoption in tonight's resolutions, but to keep PLL#3 on Old Business until further notice.

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

**RESOLUTION 2011-276 Declare surplus vehicle and equipment & donate surplus equipment to the Lakeshore Boys & Girls Club**

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS: The Town of Evans desires to eliminate surplus and obsolete equipment,

THEREFORE BE IT RESOLVED; that the 2002 Chevy Tahoe police vehicle, VIN# 1GNEK13Z02J334596, is no longer useable by the Police Department and hereby declared surplus to be auctioned, and

BE IT FURTHER RESOLVED; computer mice and 4 power cables stored in the basement of Town Hall are no longer useable with the present computer system be declared surplus and donated to the Lake Shore Boys and Girls Club.

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

**RESOLUTION 2011-277 Adopt the Amendment to the Local Waterfront Revitalization Program**

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 Draft Amendment to the Local Waterfront Revitalization Program for the Town of Evans was accepted by the Town Board as complete and ready for public agency review on February 9, 2011 and was 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

**WHEREAS**, the Town Board held a public hearing on March 29, 2011 to gather public input on the Draft Amendment to the LWRP.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Evans

adopts the Amendment to the Local Waterfront Revitalization Program for the Town of Evans in honor & memory of Joseph Mackenburg; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Planning Director to file the necessary documentation with the New York State Department of State; and

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

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

**RESOLUTION 2011-278 Adopt PLL #1 of the year 2011 (Consistency Review Law) as LL#8 of the year 2011**

Supervisor Pordum moved and Councilman Cooper 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 LWRP Consistency Review Law 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**, Chapter 98 of the Evans Town Code (Environmental Quality Review) was adopted by the Town Board to implement the State Environmental Quality Review Act and to ensure that actions within the Town's Waterfront Area are consistent with policies and purposes of the LWRP; and

**WHEREAS**, the Evans Town Board, as Lead Agency, prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the Consistency Review Law, 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 held a public hearing on March 29, 2011 to gather public

questions and comments on the Consistency Review Law and, in evaluation of this input, has determined that the Consistency Review Law is complete and ready for required review by all appropriate public agencies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Evans adopts proposed Local Law No. 1 of the year 2011, the Consistency Review Law, as Local Law No. 8 of the year 2011 to replace Chapter 98 of the Evans Town Code; and

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

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

**RESOLUTION 2011-279 Authorize Supervisor to sign 2012-2013 application for Community Development Block Grants**

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS: the Town of Evans is or may be eligible for Community Development Grants and;

WHEREAS: the Town had advertised for a public hearing to receive input for the grant for the 2012-2013 year as to community development needs and as to projects which would benefit the residents of the Town generally, and the low and moderate income residents of the Town and

Whereas:      said public hearing was conducted on September 28, 2011 and

WHEREAS: the Town Board has considered and reviewed the information received at such public hearing as well as suggestions otherwise received for 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 make application for Community Development Grants for the upcoming year (2012-2013), for the following projects in the following order:

1.      Town of Evans Senior Center
2.      The Village of Angola Public Library Expansion
3.      Rural Transit Service

VOTE RESULT:      ADOPTED BY ROLL CALL  
                          Councilman Dash              aye

Councilman Cooper        aye  
Supervisor Pordum        aye

**RESOLUTION 2011-280 Advertise for Public Hearing for Angola Fire Protection District**

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, The Angola Fire Protective 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 Fire Protective District shall be held on the 3<sup>rd</sup> day of November, 2011 at 6:30pm and that notice of such hearing shall be published in the official newspaper.

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

**RESOLUTION 2011-281 Enter into membership with New York State Municipal Workers' Compensation Alliance Plan Document**

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS there has been proposed a "NEW YORK STATE MUNICIPAL WORKERS' COMPENSATION ALLIANCE PLAN DOCUMENT" pursuant to Section 50 3-a of the Workers' Compensation Law (hereinafter "the Plan"); and

WHEREAS the Town of Evans is eligible for membership in the Plan; and

WHEREAS the Town of Evans has made an independent investigation of the Plan and reviewed the Plan document, and has concluded that it would be in the best interest of the Evans to participate therein; now, therefore, be it

RESOLVED that the Town of Evans enter into membership in the Plan pursuant to Section 50 Subdivision 3-a of the Workers' Compensation Law; and be it further

RESOLVED, that Supervisor is hereby authorized to execute the Plan's charter document on behalf of the Town of Evans; and be it further

RESOLVED, that the custody of all joint Plan monies by the Plan Administrator under the Plan be and the same hereby is approved.

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

**RESOLUTION 2011-282 Tentative Budget as revised/amended shall constitute the Preliminary Budget for 2012**

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS On September 28, 2011 the Supervisor of the Town of Evans duly filed the tentative budget for fiscal year beginning January 1, 2012 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, 2011

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, 2012, 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 31, 2011, 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 2011-283 Advertise for Public Hearing to discuss 2012 Preliminary Budget**

Councilman Dash moved and Supervisor Pordum 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, 2011 at 6pm 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 BY ROLL CALL  
Councilman Dash aye  
Councilman Cooper aye



Supervisor Pordum            aye

**RESOLUTION 2011-284 Authorize Supervisor to enter into an agreement for janitorial services & supplies**

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, The Town of Evans must maintain a safe and clean environment in Town Hall and,

WHEREAS, the Town Board has considered several options and observed several presentations to improve such conditions in the Town Hall,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Cintas Corporation to provide service to the Town for janitorial services and supplies.

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

**RESOLUTION 2011-285 Health Insurance Benefits**

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, it is in the best interest of the Town of Evans to attempt to hold down the cost associated health insurance coverage, and

WHEREAS, it is in the best interest of the Town of Evans to have members of the Town Board have an incentive to hold down such costs, and

WHEREAS, it is proper and a benefit to the taxpayers for the members of the Town Board to set an example to hold down the health insurance cost;

NOW THEREFORE BE IT RESOLVED, that members of the Town Board in the Town of Evans shall contribute 50% toward the cost of health insurance related to their position as a Board member, and

BE IT FURTHER RESOLVED, that Town Board members shall not be eligible for a buy out related to the refusal to take advantage of the health insurance offered by the Town of Evans to its employees, and

BE IT FURTHER RESOLVED, this shall take effect with the implementation of the 2012 Budget.

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

**RESOLUTION 2011-286 Approve the "Approval to Purchase" (Evans Center Vol. Fire Co. Financing Agreement)**

Councilman Cooper moved and Councilman Dash seconded,

RESOLVED, that the undersigned members of the Town Board of the Town of Evans, Erie County, New York upon reading the Appointment of Hearing Officer executed by Francis J. Pordum, Supervisor dated September 7, 2011; the Notice of Public Hearing published on September 25, 2011 in The Sun; and the Report of Hearing Officer dated October 5, 2011, hereby approve the "Approval to Purchase" attached hereto and further direct that the Evans Town Supervisor execute such "Approval to Purchase" on behalf of the Town Board.

Dated: October 19, 2011

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

**RESOLUTION 2011-287 Authorize Supervisor to enter into contract with the Chief of Police**

Supervisor Pordum moved and Councilman Dash seconded,

to table this resolution to old business for future consideration.

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

**RESOLUTION 2011-288 Approve Town License**

Supervisor Pordum moved and Councilman Cooper seconded,

License:

Gerald A. Horning II D/B/A Sturgeon Point Sportsman’s Club - Refreshment & Live Band

RESOLVED, that the aforesaid license be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

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

**RESOLUTION 2011-289 Audit of Bills**

Councilman Dash moved and Councilman Cooper seconded that all properly audited bills be paid forth out of their respective accounts as set forth in the abstract brought forth on

Date: 10/05/2011  
 Abstract No. 17  
 Voucher No. 1671-1737  
 Prepaid: 49-50

**\*Note: Total does not include prepaids 36-48**

GENERAL	167,998.89
PART TOWN	31,518.84
HIGHWAY D A	0
HIGHWAY	124,732.96
WATER	16,044.36
CAPITAL PROJECTS	244,119.54
SPECIAL DISTRICTS	234,283.85
DEBT SERVICE	0
COMMUNITY DEVELOPMENT	<u>0</u>
TOTAL	818,698.44

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

**RESOLUTION 2011-290 Adjournment**

Supervisor Pordum moved and Councilman Cooper seconded to adjourn to a

Work Session on Monday, October 3, 2011 at 6:30pm and on Wednesday, November 2, 2011 at 6:30pm then to Thursday, November 3, 2011 at 6:00pm & 6:30pm for advertised budget hearings and Wednesday, November 9, 2011 at 6:30pm for an Agenda Meeting with the regular Town Board meeting at 7:00pm

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

Respectfully submitted,

Jonica B. DiMartino  
Town Clerk

**REPORT OF HEARING OFFICER**

Geordie Sinclair, President of the Evans Center Volunteer Fire Company, Inc. having been appointed Hearing Officer on September 7, 2011, by Francis J. Pordum, Supervisor of the Town of Evans, pursuant to a certain Notice of Public Hearing published in The Sun on September 25, 2011, a copy of which is attached hereto, and such public hearing having been duly scheduled and held pursuant to such Notice on October 5, 2011 at 7:00 p.m. at the Evans Center Volunteer Fire Company, located at 8298 Erie Road, Angola, New York 14006, now reports as follows:

The hearing was opened at 7:00 p.m. by the Hearing Officer and the following people appeared and were heard:

PAUL T. COOPER  
64 LAKE ST. ANGOLA, N.Y. 14006

The hearing duly closed at 8 p.m. there being no further appearances.

DATED: October 5, 2011

  
\_\_\_\_\_  
Geordie Sinclair, Hearing Officer

Attachments: Notice of Public Hearing

**PUBLIC HEARING**  
**October 5, 2011**  
**7:00 p.m.**

**NOTE: YOU MUST PRINT YOUR NAME AND ADDRESS BELOW IN ORDER TO APPEAR; COMMENTS ARE LIMITED TO 5 MINUTES PER SPEAKER; ANY WRITTEN DOCUMENTS MUST BE SUBMITTED TO THE HEARING OFFICER BEFORE THE HEARING COMMENCES.**

	<u>Name</u>	<u>Address</u>
1.	PAUL T. COOPER	64 LAKE ST
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		


**APPROVAL OF PURCHASE BY  
ELECTED REPRESENTATIVE OF POLITICAL  
SUBDIVISION CONTRACTING FOR FIREFIGHTING SERVICES**

I, Francis J. Pordum, Supervisor of the Town of Evans in accordance with the requirements of section 147 and related sections of, and regulations under, of the Internal Revenue Code, and in reliance upon certain recommendations and other information submitted to me, and subsequent to a duly conducted public hearing concerning the matter, do hereby approve borrowing and the issuance of an obligation evidencing such indebtedness by the Evans Center Volunteer Fire Company, Inc. ("Volunteer Fire Department") from Evans Bank N.A. for the refinancing of the prior construction, reconstruction and improvement of a firehouse by such Volunteer Fire Department of a certain fire station facility located at 8298 Erie Road, Angola, New York.

The proposed refinance of the prior construction, reconstruction and improvement is of the fire station facility located at 8298 Erie Road, Angola, New York, which is used for housing and storage of firefighting apparatus, vehicles and related equipment as well as for training, administrative and related facilities in order to render fire protection service to the Town of Evans pursuant to the current contract between the Volunteer Fire Department and the Town of Evans. The proposed financing will be in the aggregate maximum face amount of \$470,000.00. The Evans Center Volunteer Fire Company, Inc. is the owner, operator and manager of the fire station facility described herein.

Execution of this document in no way creates liability on the part of the Town of Evans and the Town of Evans is not responsible for the repayment of any bonds issued pursuant thereto.

DATED: October 19, 2011

  
Francis J. Pordum, Supervisor  
Town of Evans