

## 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, June 6, 2012 at 7:00pm there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn R. Stoessel	Deputy Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Scott Dill	Finance Dept.
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Patrick Conrad	St. Pt. Marina Dept. Head
	Diana Cafferty	Supervisor's Dept.
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
ABSENT:	Julie Roach	Seniors Dept. Head

**RESOLUTION 2012- 202 Approve Minutes**

Supervisor Dash moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of May 16, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

**Communications**

Supervisor Dash read a communication that he received from Michael Cieslik on 9176 Mohawk Rd., regarding thanking the Highway Department for their work with the chipper.

**Privilege of the Floor on Meeting Agenda Items & Other Issues**

1. Anne Sellers, 6996 Lake Shore Road, Derby spoke in regards to the sand that is being dredged at Sturgeon Point Marina that is being stockpiled and/or removed causing the properties north of the marina to be sand starved.

2.Kathy Balon, 7011 Hamilton Dr., spoke on behalf of the Ladies Auxiliary of the VFW Post 5798 in regards to the Veterans Collage located in the Town Hall.(Addendum A)

3.Bill Henry, 1456 Pontiac spoke in regards to the Kill The Watt Campaign and the Town Hall electrical usage.

**RESOLUTION 2012-203 Open the public hearing**

Supervisor Dash moved and Councilman Cooper seconded to open the public hearing scheduled for 7:10pm at 7:24pm for the purpose of considering the issuance of a special use permit for Daryl Phillips (M & D Auto Repair) to be located at 9579 Southwestern Blvd., Angola.

VOTE RESULT:     ADOPTED  
                           Ayes: Feldmann, Cooper, Dash  
                           Nays: None

**NOTICE OF PUBLIC HEARING  
 TOWN OF EVANS**

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on June 6, 2012 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the issuance of a Special Use Permit for the purpose of operating an auto repair facility, to be located at 9579 Southwestern Blvd., NY (SBL# 252.00-1-36). Petitioner: Daryl Phillips (M & D Auto Repair), 9523 Southwood Drive, Angola, NY 14006.

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

There being no one wishing to speak the following resolution was adopted.

**RESOLUTION 2012-204 Close the public hearing**

Councilman Cooper moved and Councilman Feldmann seconded to close the public hearing.

VOTE RESULT:     ADOPTED  
                           AYES: Feldmann, Cooper, Dash  
                           NAYS: None

**RESOLUTION 2012-205 SEQR declaration for the Phillips Special Use Permit**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, Daryl Phillips (M & D Auto Repair) has requested a Special Use Permit for the operation of an auto repair facility, to be located at 9579 Southwestern Blvd (a.k.a. US Route 20), Angola, NY 14006, SBL# 252.00-1-36, and

WHEREAS, the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this property, and has determined that there will be no significant effect on the environment, and has recommended the issuance of a SEQRA negative declaration.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans adopts these findings and issues a negative declaration in accordance with the SEQRA requirements for the Daryl Phillips (M & D Auto Repair) Special Use Permit. (Addendum B SEQRA Short Environmental Assessment Form).

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Division Office.

VOTE RESULT:     ADOPTED  
                  AYES: Feldman, Cooper, Dash  
                  NAYS: None

**RESOLUTION 2012-206 Grant Special Use Permit for Daryl Phillips (M & D Auto)**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, Daryl Phillips (M & D Auto Repair) has requested a Special Use Permit for the operation of an auto repair facility, to be located at 9579 Southwestern Blvd. (a.k.a. US Route 20), Angola, NY 14006, SBL# 252.00-1-36, and

WHEREAS, the Town Board of the Town of Evans conducted a public hearing on June 6, 2012 regarding said Special Use Permit, and

WHEREAS, the Town Board of the Town of Evans has issued a negative declaration as part of the SEQR review process, and

WHEREAS, the Evans Planning Board has conducted a thorough review of the application and has unanimously voted to recommend approval of said Special Use Permit, for the following reasons:

1. We have identified no significant environmental concerns.
2. The project meets all of the zoning requirements of the Town.
3. The project constitutes the reuse of an underutilized property with a viable business that will improve the value of the property, and

WHEREAS, the Planning Board also recommended the following conditions be placed on said Special Use Permit:

1. The site must be developed in accordance with the site plan as recommended by the Town of Evans Planning Board on May 23, 2012.
2. Motor vehicle sales will only be permitted upon amendment to this Special Use Permit.
3. There shall be no storage of auto parts or accessories outside of the building.
4. Any painting, sandblasting, machine grinding or sanding must occur inside of the building, with a ventilation system designed in accordance with State and Federal standards.
5. No major auto body or collision repairs will be conducted on this site.
6. Absolutely nothing may be located in front of the building or anywhere in the entire DOT right-of-way along Route 20 (a.k.a. Southwestern Blvd.) or in the Erie County right-of-way along Pontiac Road.
7. If a dumpster is to be located on the site in the future, it shall be enclosed per Town Code Section 200-23 B.
8. Any signage proposed for the site shall require a permit from the Code Enforcement Office. No banners, posters, pennants, ribbons, streamers, spinners, etc. shall be permitted per Town Code Section 200-29 D. (6).
9. This Special Use Permit shall be for a one (1) year period. Applicant may apply for renewal.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to M & D Auto Repair, 9579 Southwestern Blvd. (a.k.a. US Route 20), Angola, NY, 14006, SBL# 252.00-1-36, and

BE IT FURTHER

RESOLVED, that the nine (9) above-recommended conditions be placed upon said Special Use Permit,

AND BE IT FURTHER

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

VOTE RESULT:    ADOPTED  
                           AYES:            Feldmann, Cooper, Dash  
                           NAYS:            None

**Committee and Department Head reports**

Supervisor Dash thanked all of the organizations who compiled the well rounded Memorial Day weekend - Veterans of Foreign War, American Legion, Disabled American Veterans, Evans Police, Veterans Committee, Lions and the 2 honorees George Braun and Charles Kramer.

Supervisor Dash read the following proclamation declaring Saturday, May 19, 2012 as Reid Smith Day:

WHEREAS: Reid Smith has served the citizens of his as well as the neighboring community for the past 50 years in police service and

WHEREAS: Reid Smith continues to contribute to the Town of Evans and many volunteer and charitable endeavors and

WHEREAS; his leadership and dedication to his family and community are being honored by the Town and Village of North Collins

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans declares Saturday, May 19, 2012 Reid Smith day in the Town of Evans and congratulate him for his many years of service.

Supervisor Dash read the following Proclamation for the 95<sup>th</sup> Birthday of Nina McMahon:

WHEREAS: those distinguished citizens of the Town of Evans who've devoted themselves to faithfully serve the best interest of their community and the needs of its residents deserve to be recognized and honored and

WHEREAS: in recognition of Nina Hardwig Dusenberry McMahon her 95<sup>th</sup> birthday was celebrated on May 12<sup>th</sup>

WHEREAS: Nina McMahon has been a lifelong resident of the Town of Evans attending Lake Shore Central Schools, graduated from William Smith College married in 1943, raised three children, Thomas, Vera and Marsha and added three more along the way and has 14 grandchildren and 13 great grandchildren and

WHEREAS: Nina McMahon was a member of the Home Bureau, Choir Director at the 1<sup>st</sup> Church of Evans, Girl Scout Leader, retired teacher from Lake Shore Central and currently is a vivid bridge player, delivers for Meals on Wheels and volunteers at the Red Cross

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans Town Board recognizes Nina McMahon upon the occasion of her 95<sup>th</sup> birthday and thanks her for her valuable service to the residents of the Town of Evans.

Councilman Cooper reported that the Town Board is and has been actively working to reduce our carbon footprint to make our Town more energy efficient and also on the following:

- 7 member Climate Smart Task Force update
- no cost to the Town by having college interns to help with data collection for conducting a municipal greenhouse gas emission inventory as a starting point for an action plan (using small town carbon collector guidelines in the following areas: buildings & facilities, vehicle fleet, street light and traffic signals and water delivery)
- attempting to obtain the 2005 Clean Air Climate Protection CACP software model at no cost from the US Environmental Protection Agency to assess the data collected
- 2003 Energy Efficiency Study had many suggestions to improve energy efficiency and many of the suggestions have been implemented already.
- Household Hazardous Waste Drop-Off day will be Saturday, June 16<sup>th</sup> 9am - 2pm at ECC South

**RESOLUTION 2012- 207 Reports of Town Clerk**

Supervisor Dash moved and Councilman Feldmann seconded to approve the reports of the Town Clerk, Jonica B. DiMartino as follows:

Monthly May 2012	\$14,648.07
Interest May 2012	\$2.25
Petty Cash May 2012	\$-0-
Water Receipts May 2012	\$146,748.95
Interest May 2012	\$20.87

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

**RESOLUTION 2012- 208 Old Business**

Councilman Feldmann moved and Councilman Cooper seconded to keep the following three items on Old Business:

1. PLL#3 of 2011- RE: Live Band/Special Event Licenses
2. Appt of full-time Patrolman
3. PBA Contract

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

**RESOLUTION 2012 -209 Proposed water rate increase**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: a public hearing was properly advertised seeking input and comments from residents of the Town regarding a proposed water rate increase and

WHEREAS: such hearing was held and comments and concerns as such were considered NOW THEREFORE BE IT

RESOLVED: that said water rates be increased from \$5.05 per 1000 gallons to \$5.55 per 1000 gallons of water effective July 1, 2012.

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

**RESOLUTOIN 2012 - 210 Appt of Highway Department Clerk part time**

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED: that Mary E. Leppard, 9446 Elmwood St., Angola, New York 14006 be appointed to the position as Highway Department clerk on a part-time basis at \$8.50 per hour effective June 7, 2012.

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

**RESOLUTION 2012 - 211 Authorize Highway Superintendent attend NYS Association of Towns annual school for Highway Superintendents**

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS: the Town of Evans, in keeping up with professional development and training,

WHEREAS: the registration cost of \$100.00 is waived due to Mr. Michalski's attendance record

RESOVED: that Ed Michalski, Superintendent of Highways be authorized to attend the Association of Towns of the State of New York, 67<sup>th</sup> Annual School for Highway Superintendents, in Ithaca, New York on June 11-13, 2012

BE IT FURTHER

RESOLVED: that Superintendent Michalski will attend conference at his own expense excluding the cost for fuel which will be reimbursed by the Town.

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

**RESOLUTION 2012 - 212 Appt of Planning Board member**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS: there is a vacancy on the Planning Board due to the resignation of Matthew Rzepka,

THEREFORE BE IT

RESOLVED: that the Town of Evans Town Board hereby appoints Theodore X. Catalano, 229 Garfield Ave., Angola, NY, to the vacant position for a term which is to expire December 31, 2014.

VOTE RESULT:      ADOPTED  
                          AYES: Feldmann, Cooper, Dash  
                          NAYS: None

**RESOLUTION 2012 - 213 Authorize Penflex to update Length of Service Award Program**

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS; in accordance with Article 11-A of the New York State General Municipal Law, eligible voters residing in the Angola Fire Protection District of the Town of Evans approved a proposition to establish the Evans Center & Lake Erie Beach Volunteer Fire Companies' Length of Service Award Program effective January 1, 1993 for active volunteer firefighter members of the Evans Center Fire Company and Lake Erie Beach Fire Company; and,

WHEREAS; the provisions of the Program stated that certain eligible firefighters could be credited with up to five years of service credit for active volunteer firefighter service rendered prior to the effective date of the program; and,

WHEREAS; research into past records by both the Lake Erie Beach Volunteer Fire Company and Penflex, Inc., the firm retained by the Town to provide actuarial and administrative services for the Program, indicate that certain volunteers were not credited with all of their eligible prior service; and,



WHEREAS; based on the records provided by the Lake Erie Beach Volunteer Fire Company, the Town Board believes the prior service credit granted to these volunteers should be corrected;

THEREFORE NOW BE IT RESOLVED, that the Town Board hereby approves one additional year of prior service credit to be granted to volunteer participants Carol Hulse, James Hulse, Patricia Louks, Stanley Murawski and Richard Spoth, which will bring the total number of years of prior service credited to each participant to five (5) years. The total cost of crediting this additional prior service is estimated to be \$16,087.82 which the Town will amortize over a ten year period.

BE IT FURTHER RESOLVED, that the Town shall notify Penflex of this change in prior service credit and hereby authorizes Penflex to make the necessary adjustments to each affected participant's accrued monthly service award.

Whereupon the matter was put to a vote, the results being:

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

**RESOLUTION 2012- 214 Penflex Settlement & Release Agreements**

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS; in accordance with Article 11-A of the New York State General Municipal Law, eligible voters residing in the Angola Fire Protection District of the Town of Evans approved a proposition to establish the Evans Center & Lake Erie Beach Volunteer Fire Companies' Length of Service Award Program effective January 1, 1993 for active volunteer firefighter members of the Evans Center Fire Company and Lake Erie Beach Fire Company; and,

WHEREAS; persons who continued to serve as active volunteer firefighter members of the Evans Center Fire Company and Lake Erie Beach Fire Company in calendar years after having attained the Entitlement Age and having begun to be paid Service Awards, were incorrectly denied the opportunity to continue to earn Service Award Program credit under the Service Award Program Point System for active volunteer firefighter service rendered after the attainment of Entitlement Age: and,

WHEREAS; New York State volunteer firefighter Service Award Programs are governed by Article 11-A of the General Municipal Law; and,

WHEREAS; Article 11-A as originally enacted did not prohibit active volunteer firefighters, regardless of age or payment status, from earning Service Award Program credit up to the maximum credit allowed under a program; and,

WHEREAS the Town Board of the Town of Evans is aware of, and has followed the progress of, several lawsuits commenced by the Equal Employment Opportunity Commission (EEOC), which lawsuits were specifically based upon claims that Service Award Program Sponsors discriminated against persons who reached the Entitlement Age, but not the maximum years permitted by the Program, and were not awarded additional years of service credit under the Service Award Program; and

WHEREAS the Town of Evans has received actual notice that such claims could be brought by, or on behalf of, certain Service Award Program members who were not awarded service credit for years after having reaching the entitlement age; and

WHEREAS the Town of Evans has investigated such claims and, without admission of liability or fault, finds them to be generally non-frivolous and similar in all respects to those claims brought by the EEOC against other Service Award Program Sponsors; and

WHEREAS the Town Board of the Town of Evans has examined all relevant records and financial data and found that there exist six apparently bona fide claimants within the Town of Evans Service Award Program; and

WHEREAS the Town Board is aware of, and concerned with the expense of defending such claims in litigation and is also concerned with the potentially harmful effect that such litigation may have upon the morale of its Volunteer Fire Department; and

WHEREAS a careful analysis of the Service Award Program demonstrates that settlement of these claims at this time will not have a seriously deleterious effect upon the Service Award Program Trust Funds;

THEREFORE NOW BE IT RESOLVED, that the Town of Evans, effective this date, shall make good faith offers of settlement, and effect such settlement, to each of the affected individuals in a form and manner as further described in the Settlement and Release Agreements provided to each individual. The cost of this settlement for service credit earned up to and including calendar year 2011 is \$363,074.02, which will be amortized over a ten-year period. The increase in annual cost for post-entitlement age service earned during calendar years after 2011 may ultimately be \$30,000 per year for current firefighters for all future calendar years.

BE IT FURTHER RESOLVED, that upon the attainment of the entitlement age, a participant will commence receiving his/her accrued service award earned as of the immediately preceding December 31<sup>st</sup>. The service award payment increases for service credit earned during the calendar year a participant attains the entitlement age and years thereafter will be effective the January 1st following the year in which the additional service credit was earned.

BE IT FURTHER RESOLVED, that the monthly service award payments will continue to be guaranteed for ten years (120 months) from the participant's entitlement date. If a participant dies before receiving 120 monthly payments, the participant's designated beneficiary (or estate if no beneficiary is designated) will continue to receive the monthly payments until a total of 120 payments have been made between the participant and beneficiary. Such monthly payments to the beneficiary will be equal to the participant's accrued monthly service award earned as of the date of death, which includes increases for post-entitlement age service credit earned, if any. Rather than receiving the remaining monthly payments, the beneficiary may elect to instead be paid a single lump sum equal to the discounted present value of the monthly payments due. This lump sum will be calculated using the same interest rate used to calculate the annual required contribution due during the year of death. If a participant dies after having received 120 monthly payments, no additional payment will be due to the participant's designated beneficiary after death.

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

**RESOLUTION 2012 – 215 Authorize the Police Dept to purchase an all-terrain vehicle**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS: the U.S. Department of Homeland Security through U.S. Border Patrol in an effort to reduce the nation's vulnerability to terrorism established the Operation Stonegarden Grant to enhance law enforcement preparedness and operational readiness along the borders of the United States; and

WHEREAS: the NYS Dept. of Homeland Security and Emergency Services administers the 2009 Operation Stonegarden grant award included funding for various local units of government in Erie County to facilitate law enforcement partnerships and enhance border enforcement capability and has awarded the County of Erie funds for equipment, personnel and fringe benefits which will be utilized to increase the general protective capacity and preparedness of law enforcement and to support the U.S. Border Patrol's primary mission of apprehending terrorists and their weapons as they attempt to illegally enter the United States; and

WHEREAS: the Town of Evans Police Department entered into an agreement with Erie County and was awarded funding through the 2009 Operation Stonegarden Grant in the amount of \$16,000.00 for equipment (All Terrain Vehicle) and \$8,096.00 for personnel costs (overtime and fringe benefits); and

WHEREAS: the Town of Evans has received the grant funding in the amount of \$16,000.00 to purchase the All Terrain Vehicle; and

WHEREAS: the Town of Evans Police Department has secured 3 bids for the purchase of an All Terrain Vehicle; THEREFORE BE IT

RESOLVED: that the Town of Evans Police Department is hereby authorized to purchase an All Terrain Vehicle at the cost of \$16,343.19 from low bidder Bert's Motorsports, Orchard Park, NY; AND BE IT FURTHER

RESOLVED: the balance of \$343.19 will be charged to the Police Department account A3120.45 Public Safety Equipment.

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

**RESOLUTION 2012-216 Declare surplus Police Dept equipment**

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the following radios and equipment are no longer of use to the Police Department; therefore be it

RESOLVED, that the following equipment is declared surplus and will be sold at auction and proceeds to be deposited in the Portable Radio Account A3120.205:

Police Mobile Radios

- |  |  |
|--|--|
| 1) Kenwood TK730(G)<br>- VHF FM Transceiver<br>- S/N: 90400152 | 2) Kenwood TK-730<br>- VHF FM Transceiver<br>- S/N: 71100011 |
|--|--|

Motorola Portable Radios with Batteries

- 1) Motorola    Radius P200    61702107
- 2) Motorola    Radius P200    E13362
- 3) Motorola    Radius P200    792FNY0516  
    - Operating Frequency Band (MHZ) {146.0 - 162.0}  
    Handie Talkie FM Radio, Model #: H43RFU7160AN
- 4) Motorola    Radius P200    792FPG4934  
    - Operating Frequency Band (MHZ) {146.0 - 162.0}

- Handie Talkie FM Radio, Model #: H43RFU7160AN  
 5) Motorola Radius P10 710FQU1574  
 - Handie Talkie FM Radio, Model #: H24KNB6110AN

#### Motorola Portable Chargers

- 1) Motorola Standard Charger (HTN9046B) - used with Radius P10 portable
- 2) Motorola Portable Charger - Model: NTN5540A  
 - Used with Radius P200 Portable Radio (AC plug incl.)
- 3) Motorola Portable Charger - Model: NTN5540A  
 - Used with Radius P200 Portable Radio (AC plug incl.)
- 4) Motorola Portable Charger - Model: NTN5540A  
 - Used with Radius P200 Portable Radio (AC plug incl.)

#### Kenwood Portable Radios with Batteries

- 1) Kenwood TK240 S/N:30800463  
 - VHF FM Transceiver (K)
- 2) Kenwood TK250 S/N:60800105  
 - VHF FM Transceiver
- 3) Kenwood TK250 S/N:70800986  
 - VHF FM Transceiver
- 4) Kenwood TK250 S/N:70500839  
 - VHF FM Transceiver
- 5) Kenwood TK250 S/N:71201050  
 - VHF FM Transceiver
- 6) Kenwood TK250(G) S/N:90700997  
 - VHF FM Transceiver
- 7) Kenwood TK250(G) S/N:90301198  
 - VHF FM Transceiver
- 8) Kenwood TK260 S/N:00500746  
 - VHF FM Transceiver
- 9) Kenwood TK260 S/N:71000711  
 - VHF FM Transceiver
- 10) Kenwood TK260 S/N:90901071  
 - VHF FM Transceiver
- 11) Kenwood TK260 S/N:00500747  
 - VHF FM Transceiver
- 12) Kenwood TK260 S/N:00702523  
 - VHF FM Transceiver

#### Kenwood Portable Chargers

- 4 - Kenwood Compact Chargers, Model KSC-8  
 - Input AC120V ~ 60Hz 6W  
 - Output DC12V --- 120mA
- 5 - Kenwood Compact Chargers, Model KSC-8A

- Input AC120V ~ 60Hz 6W
- Output DC12V --- 120mA
- 3 - Kenwood Portable Chargers, Model KSC-15
  - Input DC12V ~ 300mA (DC IN)
  - Output - DC10V 100mA - DC 10V 170mA
- 1 - Kenwood Charger, Model KSC-3
  - AC120V ~ 60Hz 3W S/N:0050030
- 5 - Portable Antennas
  - Various sizes and brands
- 9 - Leather Portable Cases
  - Various sizes and brands
- 2 - Kenwood Portable Speaker Mics
  - (1)Model KMC-8
  - (1)Model KMC-3

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

**RESOLUTION 2012- 217 Appt of Laborers, Lifeguard Supervisor, Assistant Supervisor, Lifeguard Captains and Lifeguards**

Councilman Cooper moved and Supervisor Dash 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:

Nathan Braeges	113 Commercial St, Angola	\$7.25
Allisa Butlak	69 Chestnut Ln, Angola	\$7.25
Karen Dybowski	41 High St, Angola	\$7.25
Brett Klaczyk	9865 Hardpan Rd, Angola	\$7.25
Abbey Koerner	7098 Versailles Plank, Derby	\$7.25
Summer Weinheimer	6767 Black Rd, Derby	\$7.25
Mikelle Cala	1267 Backus Road, Derby	\$7.75
Gregory Conley	6786 Belle Heights, Derby	\$8.00
Kaitlin, Radder	60 South Lane, Angola	\$7.50

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

**Supervisor:**  
 Ian Widmer-Wick             Harper Rd, Angola             \$12.00

**Asst. Supervisor:**

Chad Connors	6962 Potter Road, Derby	\$10.50
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**Captains:**

Joe Violanti (LEB)	8571 No. Main, Eden	\$9.50
Marguerite O'Connor (TP)	8812 Lakeshore Rd, Angola	\$9.50
Kathryn Bartha (Pool)	95 Railroad Ave, Angola	\$9.50

**Lifeguards:**

Robert Burke	9407 Jamestown St, Angola	\$8.50
Kyle Benzing	531 Ivy Rd, Angola	\$9.50
Deonna Coleman	6704 Old Lakeshore, Derby	\$8.50
Lauren Jakiel	6983 Potter Rd, Derby	\$8.50
Joseph Juszkiwicz	1817 So Creek Rd, Derby	\$9.50
Dylan Kelly	901 Bennett Rd, Angola	\$8.50
James Murphy	664 Monroe Ave, Angola	\$8.50
Marguerite O'Connor	8812 Lakeshore Rd, Angola	\$9.50
Travis Wright	6971 Potter Rd, Derby	\$8.50
Alexa Zelak	7001 Sweetland, Derby	\$8.50
Jacob Zelak	7001 Sweetland Rd, Derby	\$8.50

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

**RESOLUTON 2012- 218 Renew Agreement with Erie County for DMV**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS: the Erie County Clerk's Office wishes to renew its' lease to continue to operate a Satellite Auto Bureau at the Town Hall to perform such functions as mandated by the New York State Department of Motor Vehicles; and

WHEREAS: the Erie County Clerk's Office will equip, staff and operate the Auto bureau, and provide electronic security devices within the designated premises; and

WHEREAS: the County of Erie, a self-insured municipal corporation, will provide the Town of Evans certified proof of self-insurance

NOW THEREFORE BE IT

RESOLVED: that the Town Supervisor be authorized to sign a new lease with the Erie County Clerk's Office in the amount of \$5,000 for the use of the premises for 12-month period, commencing on January 1, 2012, payable in one installment during the first quarter of the county's fiscal year.

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

**RESOLUTION 2012- 219 St. Pt. Marina maintenance building partial use**

Councilman Cooper moved and Councilman Feldmann seconded to place the St. Pt. Marina maintenance building partial use under Old Business on the agenda.

VOTE RESULT:      ADOPTED  
                          AYES:              Feldmann, Cooper, Dash  
                          NAYS:              none

**RESOLUTION 2012- 220 Approve Town Licenses**

Supervisor Dash moved and Councilman Cooper seconded,

**Licenses:**

1. Frank S. Needham - Live Band
2. Charles H. Danzi - Live Band

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 - Feldmann, Cooper, Dash  
                          NAYS - none

**RESOLUTION 2012- 221 Audit of Bills**

Councilman Cooper moved and Supervisor Dash seconded,

BE IT RESOLVED, that all properly audited bills be paid out of their respective accounts per abstract brought forth on June 6, 2012

Date: 5/16/2012  
 Abstract No. 9



Voucher No. 763 - 850  
Prepaid: 24, 25, 26

GENERAL	109,944.24
PART TOWN	14,683.31
HIGHWAY DA	0
HIGHWAY	22,925.25
WATER	78,209.87
CAPITAL PROJECTS	0
SPECIAL DISTRICTS	252,361.61
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	478,124.28

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

***RESOLUTION 2012-222 Adjournment***

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Wednesday, June 13, 2012 at 6:30pm for a Work Session, Wednesday, June 20, 2012 @ 6:30pm for an Agenda Meeting and 7pm for the Town Board Meeting.

VOTE RESULT: ADOPTED  
 AYES- Feldmann, Cooper, Dash  
 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,**

**Lynn R. Stoessel  
 Deputy Town Clerk  
 Town of Evans**

**Jonica B. DiMartino  
 Town Clerk  
 Town of Evans**

My name is \_\_\_\_\_ I represent the vfw <sup>VETERANS</sup>  
ladies aux. post 5798 angola We understand the collage  
in the hall was started by family members of service  
personal and is impressive, But we would like to improve  
on it, by creating a wall of 8x10 framed photos. We have  
pictures, that we encourage you to look at, of a wall in  
the Orchard Park town hall as a sample of what we  
would like to do. .Our aux will designate a contact person  
that will take on the responsibility for this and for  
future additions .Should the board ok this we would start  
by contacting the families that already have info posted  
and would encourage <sup>more families</sup> ~~others~~ <sup>donate</sup> ~~to do so~~ to. .Nothing would  
be taken down until a new one is created and we would  
need a designated contact employee that we would work  
with.

We also would like to ask permission to set up a table  
with cards for people to sign that will be sent to military.  
This would be manned by our aux members when they  
<sup>have</sup> had time which could be prearranged by a contact  
person at the town hall.

Our organization is meant to promote patriotism and we  
look forward to meeting this obligation. Thank you - We  
thank you for your consideration and look forward  
to hearing from you. Please contact Kathy Balon at  
481-6595 - 7011 Hamilton Dr. Derby.

**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**ART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR Daryl Phillips	2. PROJECT NAME M + D Auto
3. PROJECT LOCATION: Municipality 9579 S. Western Blvd County Erie	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Corner of 9579 S. Western Blvd. & Pontiac Rd	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/Alteration	
6. DESCRIBE PROJECT BRIEFLY: Auto Repair	
7. AMOUNT OF LAND AFFECTED: Initially 4.5 Acres acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? Describe: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input 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 checked="" type="checkbox"/> Yes <input 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: Daryl Phillips	Date: 3/20/12
Signature: Daryl J. Phillips	

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

OVER

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:

*EVANS TOWN BOARD*  
Name of Lead Agency

*KEITH E. DASH*  
Print or Type Name of Responsible Officer in Lead Agency

*Keith E. Dash*  
Signature of Responsible Officer in Lead Agency

*SUPERVISOR*  
Title of Responsible Officer

*Sandra L. Brant, Dir. of Planning*  
Signature of Preparer (if different from responsible officer)

*6/6/12*  
Date