

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, July 18, 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.
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Patrick Conrad	St. Pt. Marina Dept. Head
	Diana Cafferty	Supervisor's Dept.
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner

RESOLUTION 2012- 247 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of June 20, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

Supervisor received and read a letter from the Newell Faulkner Post #880, American Legion, Eden, New York regarding the American Veterans Traveling Vietnam Wall that arrived today and will be on display for 24 hours a day beginning Thursday, July 19th at 3pm through July 22nd. It is an 80% replica of the Wall in Washington D.C.

-He received a communication this evening from the Grandview Bay Association. Supervisor Dash stated that this would be laid aside for the next meeting and a copy would be given to the appropriate department heads to act on it at the next Town Board meeting in August.

Privilege of the Floor on Meeting Agenda Items & Other Issues

Ben Little, 378 Lakeside, President of the Grandview Bay Association spoke in regards to the following:

Assistance with the posting of Lakeside Rd, thanked the Town Board, Police and Lake Erie Beach Fire Hall for their assistance with their 4th of July Parade, parking on Lakeside & rental codes and restriping of crosswalks.

Committee and Department Head reports

Councilman Feldmann mentioned Movie Under the Stars at the Evans Town Park tomorrow night

Councilman Cooper mentioned that the Angola Library will be having a fundraiser on July 27th sponsored by Legislator Mills.

-Rural Metro June 2012 report

Supervisor Dash thanked everyone who assisted with the Town of Evans.

-Traveling Vietnam Wall arrived in Eden earlier today in celebration of the Bi-Centennial of the Town of Eden

-June 2012 Police report

-He attended the Erie County Water Authority meeting this afternoon

-read a prepared quarterly statement to update the residents (Attachment A)

RESOLUTION 2012- 248 Town Clerk reports

Councilman Cooper moved and Councilman Feldmann seconded to accept as presented the reports of Jonica B. DiMartino, Town Clerk

Monthly June 2012	\$13,778.91
Monthly Interest June 2012	\$2.13
County & Town penalties	\$42,184.81
Delinquent notice fees	\$224.00
Lock box overage	\$.32
Court ordered interest paid	\$13.05
June 2012 water receipts	\$92,215.42
Interest June 2012	\$13.27

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

RESOLUTION 2012- 249 Old Business

Councilman Feldmann moved and Councilman Cooper seconded to remove Sturgeon Point Marina building partial use from old business.

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

RESOLUTION 2012- 250 Appt of part time police officer

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, that John Geary, 551 Madison, Angola, NY 14006, is hereby appointed part-time police officer with the Evans Police Department to be called as needed at the rate of \$15.10/hr days and afternoons, \$16.25/hour midnights, subject to pre-employment testing.

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

RESOLUTION 2012-251 Sign contract with Meals on Wheels

WHEREAS, the contract with Meals on Wheels of Buffalo and Erie County, Inc. is expiring, and

WHEREAS, Meals on Wheels of Buffalo and Erie County, Inc. provides a valuable service to the residents of the Town of Evans,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign a contract with Meals on Wheels of Buffalo and Erie County, Inc. for the period of January 1, 2012 to December 31, 2012 at cost of \$7,200.00, upon approval of the Town Attorney and the Director of Finance.

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

RESOLUTION 2012-252 Sign agreement with Angola Public Library

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the contract with the Angola Public Library has expired, and

WHEREAS, the Angola Public Library provides a valuable service to the residents of the Town of Evans,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign an agreement with the Angola Public Library from January 1, 2012 to December 31, 2012 at a cost of \$2,250.00, upon approval of the Town Attorney and the Director of Finance.

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

RESOLUTION 2012-253 Appt of life guard

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED: that the following be appointed to the position of lifeguard; to be called as needed effective as of June 18, 2012 to be paid the designated hourly rate of pay:

Haeli Halloran \$8.50 hourly rate

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

RESOLUTION 2012-254 Appt of Consultant to the Water Dept

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, Tom Kait has worked for the Town of Evans Water Department in the past, and

WHEREAS, his expertise is needed to assist in the completion of the Town of Evans Water Project,

NOW THEREFORE BE IT RESOLVED, that Thomas Kait, 282 Herr Road, Angola NY 14006 be appointed as a consultant to the Town of Evans Water Department effective July 1, 2012 at a monthly rate of \$250.00 per month.

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

RESOLUTION 2012-255 Declare surplus equipment in Police Dept & sell at auction

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED: that Kenwood TK-730, VHF FM Transceiver (located in the basement) is no longer used and has been replaced by a new radio capable of narrow banding; therefore be it

RESOVLED: that Kenwood TK-730, SN#70700505 (Town of Evans property tag #2143) is hereby declared surplus and will be sold at auction and proceeds to be deposited in the Portable Radio Account A3120.205.

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

RESOLUTION 2012-256 Appt of RPT Laborer

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, that Brian J. Maurer, 1062 Old Eden Evans Center Road, Angola NY 14006 be appointed RPT Laborer in the Town of Evans Water Department effective 7/18/12 at a rate of \$12.50 p/h

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

RESOLUTION 2012-257 Authorize Wendel to submit pre-application to the NYS Drinking Water State Revolving Fund for review and scoring for the provision of water service for properties located on Inwood Ave located between Southwestern Blvd and NYS Thruway

TOWN OF EVANS WATER PROJECT
RESOLUTION
AUTHORIZATION TO SUBMIT PRE APPLICATION TO THE ENVIRONMENTAL FACILITIES CORPORATION

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the residents of Inwood Avenue living between Southwestern Boulevard and the NYS Thruway have requested to the Town of Evans that water service be provided to their homes for residential use, and

WHEREAS, the proposed project on Inwood Avenue is located within Town of Evans Water District No. 5, and

WHEREAS, the Town of Evans has an opportunity to apply for funding for this project through the NYS Drinking Water State Revolving Fund (DWSRF) to finance the project, and

WHEREAS, on behalf of the Town of Evans, Wendel Companies has prepared the DWSRF pre-application to be submitted,

NOW THEREFORE BE IT RESOLVED, the Town of Evans Town Board authorizes Wendel Companies to submit the pre-application to the NYS Drinking Water State Revolving Fund for review and project scoring.

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

RESOLUTION 2012-258 Schedule PH for PLL #4 of 2012 (stop signs on Monroe, Fairview and Nashville)

AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR A PUBLIC HEARING
 RE: PLL #2 (AMEND V&T LAW FOR STOP SIGN ADDITIONS ON
 MONROE AVENUE, FAIRVIEW STREET AND NASHVILLE STREET)

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that a Public Hearing be scheduled on August 15, 2012 at 7:10 PM to consider Proposed Local Law #2 of the year 2012, which would amend Town Code, Chapter 193, Article II, Section 193-12 and Chapter 193, Article VIII, Section 193-43, Schedule IX Stop Intersections therefore to read:

Stop Sign On	Entrance From	At Intersection of
Monroe Avenue	East	Granger Street
Fairview Street	North	Monroe Avenue
Nashville Street	East	Fairview Street

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

RESOLUTION 2012-259 Authorize Change Order #1 for Roadway Access & Waterline Improvements project

RESOLUTION

AUTHORIZATION OF CHANGE ORDER NO. 1
ROADWAY ACCESS & WATERLINE IMPROVEMENTS
CONTRACT 11-2

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, Mar-Wal Construction Co., Inc. was retained by the Town of Evans to complete Contract No. 11-2, Roadway Access and Waterline Improvements, and

WHEREAS, Wendel Companies, the Town Engineer, has determined that Mar-Wal Construction Co., Inc. has completed the project in general conformance with the Contract Plans and Specifications,

NOW, THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes Change Order No. 1 to revise the total original contract amount for project close-out as outlined in Attachment B.

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

RESOLUTION 2012-260 Authorize full contract payment and release of all retained monies to Mar-Wal Construction Co, Inc. for Roadway Access & Waterline Improvements project

RESOLUTION
FINAL CLOSE-OUT RESOLUTION
ROADWAY ACCESS & WATERLINE IMPROVEMENTS
CONTRACT 11-2

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, Mar-Wal Construction Co., Inc. was retained by the Town of Evans to complete Contract No. 11-2, Roadway Access and Waterline Improvements, and

WHEREAS, Wendel Companies, the Town Engineer, has determined that Mar-Wal Construction Co., Inc. has completed the project in general conformance with the Contract Plans and Specifications,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans accepts the final pay request and Release of Liens provided by Mar-Wal Construction Co., Inc.

BE IT FURTHER RESOLVED, that the Town of Evans authorizes full contract payment and release of all retained monies.

BE IT FINALLY RESOLVED, that the Maintenance Bond will remain in effect for a two (2) year period from July 18, 2012.

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

RESOLUTION 2012-261 Suspend the Rules

Councilman Feldmann moved and Councilman Cooper seconded to suspend the rules of order for the conduct of business of the Evans Town Board meetings for the consideration of three resolutions.

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

RESOLUTION 2012-262 Dedicate roads

RESOLUTION
DEDICATE PORTIONS OF MONROE AVENUE AND FAIRVIEW AVENUE

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, that the Town of Evans has completed roadway improvements on:

1. Monroe Avenue, between Granger Street and Fairview Street, and
2. Monroe Avenue, from Fairview Avenue approximately 610' east to the turn-around, and
3. Fairview Avenue between Nashville Street and Monroe Avenue, and

WHEREAS, these roads have been constructed to New York State Department of Transportation and Town of Evans design standards,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans Highway Superintendent is authorized to maintain these roads and add them to the Town of Evans roadway inventory, and

BE IT FURTHER RESOLVED, that the Town of Evans Supervisors office is authorized to inform the following agencies of these improvements, the Town of Evans Police Department, the Lake Erie Beach Fire Company, US Post Office, Erie County Emergency Services and the refuse and recycling companies currently under contract with the Town of Evans.

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

RESOLUTION 2012-263 Creation of Committee on Disabilities

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS: the Town of Evans has citizens who may have permanent or temporary disabilities, and

WHEREAS: the Town of Evans wants to make every effort to have their needs properly met,

NOW THEREFORE BE IT

RESOLVED: that the Town of Evans Committee on Disabilities is hereby created and that the following individuals are appointed with the term of office expiring on December 31, 2012:

- ExOfficio Charles LaBarbara
- Sharon Valites
- Susan Caffery
- Pamela Marx
- Patrick Kramer
- Patricia Gangloff

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

RESOLUTION 2012-264 Sign contract with Wendel for the monitoring the construction of the Kennedy Avenue Greenway Path contract 12-01

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: the Kennedy Avenue Greenway Path contract #12-01 has been approved and engineering services are needed to monitor the construction,

NOW THEREFORE BE IT

RESOLVED: that the Supervisor is authorized to sign the contract for such services with Wendel Duchscherer Architects & Engineers, P.C., 140 Audubon Parkway, Buffalo NY 14228 pending the approval of the Town Attorney and the Director of Finance.

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

RESOLUTION 2012- 265 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 July 18, 2012

Date: 6-20-2012
 Abstract No. 11
 Voucher No. 984-1089
 Prepaid: 31, 32

GENERAL	204,603.08
PART TOWN	32,116.07
HIGHWAY DA	0
HIGHWAY	30,934.20
WATER	6,850.58
CAPITAL PROJECTS	331,213.32
SPECIAL DISTRICTS	78,283.35
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	684,000.60

Date: 7-11-2012
 Abstract No. 12
 Voucher No. 1090-1219
 Prepaid: 33

GENERAL	136,461.76
PART TOWN	28,771.83
HIGHWAY DA	0
HIGHWAY	19,349.04
WATER	114,466.20
CAPITAL PROJECTS	127.31
SPECIAL DISTRICTS	18,904.33
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	318,080.47

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

RESOLUTION 2012-266 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Wednesday, August 8, 2012 at 6:30pm for a Work Session, Wednesday, August 15, 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**

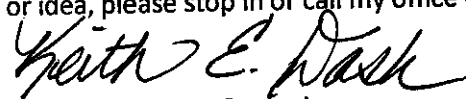
**Jonica B. DiMartino
Town Clerk
Town of Evans**

To the Residents of Evans –

Since the new Town Board took office six months ago, several issues and problems have been, or are in the process of being, resolved. Here is a summary of our efforts to put Evans first.

- **Underfunding in the current budget:** Since funding in the 2012 budget was severely under-estimated, it has been necessary to determine where to make cuts in spending. The contract with a cleaning service was re-negotiated, reducing the monthly charge from \$450 to approximately \$45. An old (2005-2011), late charge from a water bill totaling \$290,000 is currently being negotiated for a more reasonable settlement. The hazardous waste clean-up cost of \$5,000 was eliminated by having Erie County provide the same service at no charge.
- **Water Project:** The lease management agreement to turn our water over to the Erie County Water Authority is two years behind in its completion, but the town has been expending \$750,000 per year for long-term financing. I have met and am working closely with the water commissioners to speed up the process that will give the town much needed relief from this expenditure.
- **Hike-Bike Path:** The next phase of this project, which is from Bennett Beach to the Town Park, will be put out for bid this fall with a projected completion date of late 2013.
- **Department Contract Negotiations:** A final memorandum of agreement with the Evans Police Benevolent Association (PBA) has been received, yielding a savings of \$1,000,000 over the term of the contract. This has been achieved with the full support of the PBA without compromise or loss of service to residents.
- **Development:** Within six months the town will be the home of a new business and the development of 54 new homes will be moving forward. Also, Melody Meadows is in the final stages of its future development. I am currently reaching out to owners of vacant commercial properties with the idea of placing them on our town website to provide the public with prospective business opportunities.
- **Departmental Savings:** With finances in a shambles, the Supervisor's office has taken the lead to reduce operational costs. Salaries in this office have been reduced by \$21,000. Other cuts include \$20,000 in salaries and benefits in the Office of the Director of Finance.
- **Special Recognition:** During the past six months, several Evans citizens have been recognized with special honors. They include: **Joseph Pisarski**, Evans-Brant Chamber of Commerce Citizen of the Year; **Ernest Masullo**, Evans Grange Citizen of the Year; **George Braun** and **Charles Kramer**, Veterans of the Year; **Lucas Vail**, Eagle Scout; **Nina McMahon** and **Reed Smith**, Community Service; **Maureen Andrews**, Dedicated Service; and **Highland Hose**, for its 75th Anniversary. We extend our congratulations to all for jobs well done.

As we move forward cutting costs, securing services and keeping Evans first, the time spent is extremely rewarding. While our days are busy, good government is also achieved by citizen participation. If anyone has an issue, concern or idea, please stop in or call my office (549-5787) and participate. I look forward to hearing from you.


Keith Dash, Evans Supervisor

ATTACHMENT
B
7-18-12



140 John James Audubon Parkway, Suite 201, Amherst, New York 14228
P 716.688.0766 F 716.625.6825

Change Order

Change Order No.: 1 Date: July 18, 2012
 Contract No.: 11-2 Sheet 1 of 1
 Owner File No.: _____
 Wendel Duchscherer Project No.: 2589-37
 Project: Town of Evans Waterline Roadway Project
 Owner's Name: Town of Evans
 Contractor's Name: Mar-Wal Construction

DESCRIPTION OF CHANGE TO CONTRACT OR EXTRA WORK:

Change to contract to add additional funding.

REASON FOR MODIFICATION OR NEED FOR EXTRA WORK:

Due to unforeseen field conditions, additional materials and labor were needed in order to facilitate completion of project.

CHANGE IN CONTRACT PRICE:		CHANGE IN CONTRACT SCHEDULE:	
Original Contract Price		Original Contract Schedule	
\$ <u>394,274.50</u>		Substantial Completion: <u>February 1, 2012</u>	
		Ready for final payment: <u>May 15, 2012</u>	days or dates
Net changes from previous Change Orders <u>-</u>	<u>-</u>	Net change from previous Change Orders <u>-</u>	<u>-</u>
\$ <u>0</u>		<u>0</u>	
Net Increase of this Change Order		Net Increase of this Change Order	
\$ <u>21,675.51</u>		<u>0</u>	
Contract Price with all approved Change Orders		Contract Schedule with all approved Change Orders	
\$ <u>415,950.01</u>		Substantial Completion: _____	
		Ready for final payment: _____	days or dates

APPROVALS:

Contractor Name Dan Martin, Mar-Wal Construction Co., Inc.
 Contractor Signature _____ Date: _____
 Engineer Name Robert D Klavoon, P.E., Wendel Duchscherer
 Engineer Signature _____ Date: _____
 Owner Name Keith Dash, Town of Evans Supervisor
 Owner Signature _____ Date: _____