

## 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, August 15, 2012 at 7:00pm there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Scott Dill	Finance Dept.
	Edward Michalski	Highway Superintendent
	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.
EXCUSED:	Lori Szewczyk	Dir. of Community Development
	Russ Manguso	Parks Commissioner
	Rob Klavoon	Wendel Duchscherer

**RESOLUTION 2012- 267 Approve Minutes**

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of the regular meeting of July 18, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

**Communications**

1. Joseph Gajdosz RE: Assessment Review Members- Supervisor Dash addressed the concern and stated it is under investigation and will be looked into and reported on at a later time.

2. Sandra Brant, Dir of Planning RE: Renewal of Special Use Permit for David Symington, First Place Finishes- Supervisor Dash read the letter and the Town Board acted as follows:

**RESOLUTION 2012-268 Set Public Hearing RE: David Symington, First Place Finishes**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated August 3, 2012, the Planning Office has requested that the Town Board set a public hearing regarding the petition of David Symington, First Place Finishes, for a special use permit renewal for the operation of an automotive painting facility located at 1303 Pontiac Road, Angola, NY 14006, SBL# 252.00-1-41

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Clerk to advertise for a public hearing to be held on September 5, 2012 at 7:10pm for the consideration of said special use permit renewal, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Office to determine the need for Planning Board review and recommendation prior to the public hearing, and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office and the Code Enforcement Office.

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

3. John Dowling RE: Shots Fired- Police Dept. Commendation- Supervisor Dash read a letter thanking Dispatcher Dalton, Officer Michael Kauzala, and the entire Evans Police Dept. on the actions they took when shots were fired outside Mr. Dowling's mother's residence.

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

David Sippel, 368 Lakeside Ave, had three questions for the Town Board.

1. What is the process for placing an item on the agenda?
2. Who is invited to the work session?
3. Is the public able to participate?

The Town Board chose to answer each question in detail:

1. By submitting a letter to the Town Board as a Communication Item or to ask a Town Board member to place a resolution on the agenda, since only the Town Board members can authorize resolutions.
2. Anyone can attend the work session.
3. Yes, the public is able to participate at the work session.

**7:10pm Public Hearing RE: PLL #2 of 2012- Stop Intersections**

**RESOLUTION 2012-269 Open Public Hearing**

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

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

The Town Clerk was asked to read the public hearing notice as follows:

**Notice of Public Hearing  
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 August 15, 2012 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006, for the consideration of Proposed Local Law #2 of the year 2012 which would amend and/or add to Local Law #1 of the year 1987 commonly known as the Vehicle and Traffic Law and any amendments thereto, Town Code, Chapter 193, Article II, 193.12 Stop Intersections and Article VIII 193-43 Schedule IX Stop Intersections. A draft copy of the proposed amendments will be available at the Town Clerk's Office, to review or pick up during normal business hours, Monday thru Friday from 8 am - 4 pm and Wednesday 10am - 6pm or it can be viewed or printed out at [www.townofevans.org](http://www.townofevans.org).

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, RMC  
Town Clerk

No one chose to speak so therefore the public hearing was closed.

**RESOLUTION 2012-270 Close Public Hearing**

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

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

**RESOLUTION 2012-271 Adopt Proposed Local Law #2 of the year 2012 as Local Law #3 of the year 2012**

Supervisor Dash moved and Councilman Cooper seconded,

Be it resolved that proposed local law number 2 of the year 2012 be and hereby is adopted as local law number 3 of the year 2012 to become effective immediately.

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

**Committee and Department Head reports**

Councilman Feldmann had no report.

Councilman Cooper mentioned to stop by the Erie County Fair Grange Bldg. The Evans Grange was awarded several blue ribbons.

-also reported that e-cycling, as of July 31, 2012, had processed 43,884 lbs. He thanked everyone who has been utilizing the drop off point.

Supervisor Dash mentioned that there would be a town employees' general meeting to be held on Friday, August 24, 2012. He will be adjourning to this date, so that the other Town Board members may attend, if they choose.

**RESOLUTION 2012- 272 Town Clerk Reports**

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

Monthly July 2012	\$8,897.78
Monthly Interest June 2012	\$1.64
Petty Cash	-0-
Chase POS Credit- Town Clerk	\$1.34
Chase POS Credit- Taxes	\$1.34
Chase POS Credit- Water	\$1.34
July 2012 Water Receipts	\$68,904.40
July 2012 Interest	\$9.87

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

**RESOLUTION 2012- 273 Authorize Wendel to determine the cost to complete the water project for turn over to Erie County**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans is eager to complete the Water Project with the Erie County Water Authority as soon as possible,

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes Wendel Engineering to determine what the cost would be to the Town of Evans to complete the balance of the Water Project so it can be turned over to the Erie County Water Authority.

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

**RESOLUTION 2012-274 Authorize Highway Superintendent to grade West Sterling Ave**

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, emergency vehicles and residents are having difficulty traveling West Sterling due to large holes and ruts in the road, and

WHEREAS, THE Town Board wants to make sure emergency vehicles are able to travel down West Sterling without incident,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants permission to the Evans Highway Superintendent to grade West Sterling Avenue.

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

**RESOLUTION 2012-275 Suspend the Rules**

Councilman Cooper moved and Supervisor Dash seconded to suspend the rules to add an additional water bill adjustment.

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

**RESOLUTION 2012-276 Water Bill adjustment**

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED:                   That an adjustment be made to the following water account because of a leak.

Matthews, William	Account # 01040570
6950 Hamilton Dr.	Adjustment- \$70.70

VOTE RESULT:                   ADOPTED BY ROLL CALL

Councilman Feldmann     Aye  
 Councilman Cooper        Aye  
 Supervisor Dash            Aye

**RESOLUTION 2012-277 Water Bill Adjustment**

Councilman Cooper moved and Supervisor Dash seconded,

RESOLVED:            That an adjustment be made to the following water account because of a leak.

McHugh, Mark	Account # 03061460
9584 Pearl St.	Adjustment- \$49.87 + PENALTY

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

**RESOLUTION 2012-278 Appt of Lifeguard Captains and salaries of Lifeguards**

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED; that the following changes be made to the salaries of the Lifeguard Captains, effective 6-23-12:

Joseph Violanti (LEB)	8571 N. Main St, Eden	\$10.25 hr
Marguerite O'Connor (TP)	8812 Lakeshore Rd, Angola	\$10.25 hr
Kathryn Bartha (Pool)	95 Railroad Ave, Angola	\$ 9.75 hr

AND BE IT FURTHER RESOLVED; that the following Lifeguard salaries be increased when in the position of "Acting Captain" when necessary:

Kyle Benzing	531 Ivy Rd, Angola	\$10.25
Robert Burke	9407 Jamestown St, Angola	\$ 9.25
James Murphy	664 Monroe Ave, Angola	\$ 9.25

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

**RESOLUTION 2012-279 Appt of Lifeguard & Appt of Marina Gate Guard**

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED; that Kara Schanbacher be appointed to the position of lifeguard; to be called as needed effective 7/28/12 at a pay rate of \$8.00 an hour.

AND BE IT FURTHER RESOLVED; that Tara Johnson be appointed to marina gate guard effective 8-15-12 to be called as needed, effective 8-15-12 at the rate of \$8.00 hourly.

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

**RESOLUTION 2012-280 Advertise for PH for PLL#3 of the year 2012- proposed partial property tax exemptions for certain capital improvements for residential projects**

Be it 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 n held on September 5, 2012 at 7:20 p.m., at 8787 Erie Road in the Town of Evans, Angola, New York, 14006 in relation to, and to consider, the proposed adoption of Proposed Local Law #3 authorizing a partial exemption from real property taxation for certain capital improvements to specified residential properties as more fully set forth in the proposed draft of such proposed local law which draft will be available for examination at the Evans town clerk’s Office on or after August 23, 2012.

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

**RESOLUTION 2012- 281 Audit of Bills**

Councilman Cooper moved and Councilman Feldmann seconded,

BE IT RESOLVED, that all properly audited bills be paid out of their respective accounts per abstract brought forth on August 15, 2012

Date: 7/25/2012  
 Abstract No. 13  
 Voucher No. 1220-1331  
 Prepaid: 34, 35, 36, 37, 38, 39

GENERAL	103,474.10
PART TOWN	6,403.66
HIGHWAY DA	0
HIGHWAY	26,087.37
WATER	3,269.71
CAPITAL PROJECTS	0.00
SPECIAL DISTRICTS	78,672.04

DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	217,906.88

Date: 8/8/2012  
 Abstract No. 14  
 Voucher No. 1332-1458  
 Prepaid: 40

GENERAL	77,712.13
PART TOWN	26,942.24
HIGHWAY DA	0
HIGHWAY	13,203.42
WATER	115,248.86
CAPITAL PROJECTS	
SPECIAL DISTRICTS	137,016.58
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	370,123.23

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

**RESOLUTION 2012-282 Adjournment**

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn to the general employees meeting at the Town Hall on Friday, August 24, 2012 at 8am and then to Wednesday, August 29, 2012 at 6:15pm for a Work Session, Wednesday, September 5, 2012 @ 6:30pm for an Agenda Meeting and 7pm for the Town Board Meeting. Also, that the Town Clerk set aside 2 pages (Addendums A & B) in the official record in memory of Rosetta LaRusso who passed away, who was a former longtime town employee and to community leader, volunteer, and business man, Mr. Ronald Spence, who passed away unexpectedly. He was also the father of former Councilman Michael Spence. Supervisor Dash asked all in attendance to rise in a moment of silence in memory of Ms. LaRusso and Mr. Spence.

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,**

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

Addendum A

*In Memoriam*  
*This page has been dedicated to:*

*Rosetta LaRusse*

Addendum B

*In Memoriam*

*This Page has been dedicated to:*

*Ronald P. Spence*