

Evans Town Board

At the regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, September 5, 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
	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

RESOLUTION 2012- 284 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of the regular meeting of August 15, 2012 and the Work Session of August 29, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

RESOLUTION 285 Timothy J. Cooper, Town Justice requests to attend NYS Magistrate's Conference in Syracuse, New York

Supervisor Dash moved and Councilman Feldmann seconded to approve the request of Timothy J. Cooper, Town Justice to attend the New York State Magistrate's Conference from September 9, 2012 - September 12, 2012 in Syracuse, New York.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

Privilege of the Floor on Meeting Agenda Items & Other Issues

Ernest Waddell, 600 Milsom Pkwy., Co-Chairman of the Evans Taxpayers United spoke in regards to a vehicle accident that occurred on July 21st on Lake Shore Road at 1am.

Supervisor Dash read the following:

WHEREAS, David Symington, First Place Finishes, has requested a Special Use Permit renewal for the operation of an automotive painting facility located at 1303 Pontiac Rd., Angola, NY 14006, SBL# 252.00-1-41, and

WHEREAS, the original Special Use Permit granted on August 15, 2007 was issued with the following conditions:

1. The site must be developed in accordance with the site development plan as approved by the Town Board on August 15, 2007.
2. For the purpose of preparation or staging, only two (2) vehicles may be stored outside the building, and as shown on said site plan.
3. There shall be no storage of vehicle parts, accessories or scrap parts 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. All vegetation situated along the western property boundary behind the building shall remain intact to provide a buffer for the adjoining residential property.
6. If a future need for a dumpster arises it shall be screened in accordance with Town code requirements, and

WHEREAS, the Town of Evans Planning Office and the Code Enforcement Office have conducted a proper review of the application and the facility and have recommended that the Special Use Permit be renewed for five (5) years, and

WHEREAS, the negative SEQR declaration issued by the Evans Town Board on August 15, 2007 for the original Special Use Permit for said facility is still sufficient and valid for this action, and

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

7:10pm Public Hearing RE: Special Use Permit Renewal for David Symington, First Place Finishes

RESOLUTION 2012-286 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 a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York on September 5, 2012 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the purpose of considering the renewal of a Special Use Permit for the purpose of operating an automotive painting facility, to be located at 1303 Pontiac Rd., Angola, NY (SBL# 252.00-1-41). Petitioner: David Symington, First Place Finishes.

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, RMC
 Town Clerk

Sandra Brant, Director of Planning mentioned that the record of Mr. Symington is golden and he has never been in violation of his permit and his property is always spotless.

RESOLUTION 2012-287 Close Public Hearing

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

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

RESOLUTION 2012-288 Approve renewal of Special Use Permit for David Symington, First Place Finishes

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to David Symington, First Place Finishes, for the operation of an automotive painting facility located at 1303 Pontiac Rd., Angola, NY 14006, SBL# 252.00-1-41, and

BE IT FURTHER

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

BE IT FURTHER

RESOLVED, that the above-said Special Use Permit renewal be granted for a five (5) year period, and

BE IT FURTHER

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

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

Committee and Department Head reports

Councilman Feldmann and Councilman Cooper did not have any reports to report on.

Supervisor Dash read the following proclamation:

TOWN OF EVANS
Proclamation
Office of the Town Supervisor

YELLOW RIBBON YOUTH SUICIDE AWARENESS WEEK

September 9, 2012 - September 15, 2012

WHEREAS: youth suicide is one of the most disruptive and tragic events a family and a community can experience, and

WHEREAS: suicide is one of the leading causes of death for young people between the ages of 15 and 24 in the United States, claiming over 5,000 lives a year, and

WHEREAS: public awareness of this terrible problem is the key to preventing further suffering and loss of life, and

WHEREAS: the Yellow Ribbon Suicide Prevention Program is recognized as the symbol of awareness and prevention of youth suicide by suicide prevention groups, crisis centers, schools, churches, youth centers, hospitals, counselors, teachers, parents and youth throughout the world,

NOW THEREFORE, I, Keith E. Dash, Supervisor of Town of Evans, do hereby proclaim September 9, 2012 - 15 of 2012 as

YELLOW RIBBON YOUTH SUICIDE
AWARENESS AND PREVENTION WEEK,

and urge all citizens to prevent suicide, wear a yellow ribbon and raise awareness and tolerance around all people affected by this tragedy.

Keith E. Dash
Supervisor, Town of Evans

7:20pm Public Hearing RE: Proposed Local Law #3 of the year 2012 amend and/or add to Chapter 182 Taxation

**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 September 5, 2012 at 7:20pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006, for the consideration of Proposed Local Law #3 of the year 2012 which would amend and/or add to Chapter 182 Taxation

A draft copy of the proposed amendments will be available on or after August 23, 2012 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.

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

RESOLUTION 2012-289 Open Public Hearing

Supervisor Dash moved and Councilman Feldmann seconded to open the public hearing.

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

Stan Radwan, 8816 Lake Shore Rd. questioned if the Assessor could briefly state what this entails.

RESOLUTION 2012-290 Close Public Hearing

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

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

REPORTS cont'd

Supervisor Dash reported that Gary Noel, Water Department has been diagnosed with a serious health issue and donations of platelets are being sought.

RESOLUTION 2012- 291 Schedule PH for Federal Community Block Development Grant Funds

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS: the Town of Evans will be applying for the Community Development Block Grant for the year 2013-2014, and

WHEREAS: the Evans Town Board authorize the Town Clerk to advertise a public hearing on October 3, 2012 at 7:20pm for the purpose of eliciting citizen input regarding the Town’s Community Block Development Grant,

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

AND FURTHER BE IT RESOLVED: that a certified copy of this resolution be given to the Supervisor’s Office.

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

RESOLUTION 2012- 292 Oppose Memorandum of Understanding establishing a “Top on Down Structure for Governing the Library System” which would strip our Local Library Board of Trustees of its Authority & Establish a Special Taxing District for Libraries

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the Buffalo and Erie County Public Library, through it’s Trustees and Senior Staff, continue to develop a Memorandum of Understanding, which would establish a top on down structure for governing the Library system; and

WHEREAS, the proposed top on down structure will strip local community boards of trustees of any authority over their local library; and

WHEREAS, this work is continuing without full discussion with either municipal government(s) affected by their actions, many of whom own the local libraries buildings and grounds; and

WHEREAS, this work is continuing also without-on-going discussions with either the County Executive or County Legislature; and

WHEREAS, this process is putting pressure on local library Boards of Trustees to support this effort always with the fear of retribution if they don't go along with the process; and

WHEREAS, the Memorandum of Understanding proposes the setting up of a special taxing district for libraries, thus introducing another taxing level to local governments;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans goes on record opposing this "Memorandum of Understanding", which sets up a new taxing district and strips our local Library Board of Trustees of its authority; and

BE IT FURTHER RESOLVED, that we urge our municipal Library Board of Trustees in Erie County not to sign this proposed Memorandum of Understanding.

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

RESOLUTION 2012- 293 Appt of part time clerk

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED: that Maureen Andrews be appointed to the position of clerk; to be called as needed effective 9/6/2-12 at a pay rate of \$10.00 and hour.

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

RESOLUTION 2012- 294 Town License

Supervisor Dash moved and Councilman Cooper seconded to approve the refreshment license application of Karen M. DeCecco D/B/A Skully'z pending the approval of the Chief of Police and Department of Health.

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

RESOLUTION 2012- 295 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 September 5, 2012

Date: 8/22/2012
 Abstract No. 15
 Voucher No. 1332-1458
 Prepaid: 41, 42, 43

GENERAL	105,759.49
PART TOWN	63,880.39
HIGHWAY DA	0
HIGHWAY	54,048.38
WATER	7,544.00
CAPITAL PROJECTS	153,247.61
SPECIAL DISTRICTS	77,952.60
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	462,432.47

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

RESOLUTION 2012-296 Adjournment

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn to Wednesday, September 12, 2012 at 6:15pm for a Work Session, Wednesday, September 19, 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, RMC
Town Clerk**