

## 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 17, 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
	Lori Szewczyk	Dir. of Community Development
	Scott Dill	Finance Dept.
	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.
	James Guarino	Water Dept.
EXCUSED:	Rob Klavoon	Wendel Duchscherer
ABSENT:	Edward Michalski	Highway Superintendent

**RESOLUTION 2012- 337 Approve Minutes**

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of October 3, 2012 and work session of October 10, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

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

1. Cheryl Grassia, 843 Thomas Lane, Angola, NY spoke, at length, in favor of keeping the Town of Evans Police Dept.
2. Frank Rademacher, 6732 Wayne, Derby, NY spoke, at length, in favor of keeping the Town of Evans Police Dept.
3. Guy Canonico, Jr. 9736 Lake Shore Rd, Angola, NY spoke, at length, in favor of keeping the Town of Evans Police Dept.

4. Geordie S. Sinclair, 6913 Schuyler Dr, Derby, NY spoke, at length, in favor of keeping the Town of Evans Police Dept.

Supervisor Dash stated that there are no present or future plans to dissolve the Town of Evans Police Dept, at this time.

**RESOLUTION 2012-338 Open 7:10 pm Public Hearing for Proposed Local Law #5 of the year 2012 (amend Speed Limit)**

Councilman Cooper moved and Councilman Feldmann seconded to open the 7:10pm Public Hearing.

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

Supervisor Dash asked the Town Clerk read the 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 17, 2012 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #5 of the year 2012 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, Vehicles and Traffic, Article VII Section 193-35 Schedule II: Speed Limits to add:

Name of Street	Speed Limit (mph)	Location
Lake Shore Road	15	Between a point 100 +/- feet east of the east entrance to the AJ Schmidt school to a point 1320 feet west on Lake Shore Road.

And further amend the Code of the Town of Evans, Chapter 193, Vehicle and Traffic, Article VII Section 193-6 School Speed Limits, 193-36 Schedule II Speed Limits and 193-37 Schedule III School Speed Limits, per the MUTCD (Manual of Uniform Traffic Control Devices), for establishing school speed limits Section NYCRR 17B. Fixed message school speed limit signs - Traditional 7AM to 6PM hours on school days.

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.





**FORM OF (i) WATER RATES AND CHARGES AND (ii) DISTRIBUTIONS OF THE COUNTY SALES AND COMPENSATING USE TAXES.**

BE IT RESOLVED, by the Town Board (the "Board") of the Town of Evans, Erie County, New York (the "Town") AS FOLLOWS:

Section 1. In anticipation of the collection of revenues other than real estate taxes and assessments, in the form of water rates and charges due and payable in the current fiscal year ending on December 31, 2012, and pursuant to the Local Finance Law of the State of New York (the "Law"), the Town is hereby authorized to issue and sell one or more revenue anticipation notes in an aggregate principal amount not to exceed \$700,000. The amount of the such revenues collected by the Town in the Fiscal Year ended December 31, 2011 was \$1,759,082, the amount of such revenues set forth in the Town's budget for the fiscal year ending December 31, 2012 is \$1,898,208, and the amount of such revenues which remain uncollected as the date of this resolution (as measured against the lesser of the amount of such revenues collected in the prior fiscal year and the amount of such revenues budgeted for the current fiscal year) is \$736,905.

Section 2. In anticipation of the collection or receipt of revenues other than real estate taxes and assessments in the form of distributions by Erie County (the "County") of County sales and compensating use taxes due and payable in the current fiscal year ending on December 31, 2012, and pursuant to the Law, the Town is hereby authorized to issue and sell one or more revenue anticipation notes in an aggregate principal amount not to exceed \$400,000. The amount of the such revenues collected by the Town in the Fiscal Year ended December 31, 2011 was \$1,749,558, the amount of such revenues set forth in the budget for the fiscal year ending December 31, 2012 is \$1,721,500, and the amount of such revenues which remain uncollected as the date of this resolution (as measured against the lesser of the amount of such revenues collected in the prior fiscal year and the amount of such revenues budgeted for the current fiscal year) is \$406,853.

Section 3. Subject to and in accordance with subdivision of Section 25.00 of the Law, the revenue anticipation notes authorized by Sections 1 and 2 of this Resolution may be issued as single issue of revenue anticipation notes (the "Notes"). The date of maturity of the Notes shall not extend beyond the applicable period approved by Section 25.00 of the Law for the maturity of the Notes, within one year from the date of issuance.

Section 4. Subject to the provisions of this Resolution and the Law, pursuant to the provisions of Sections 30.00, 50.00 and 56.00 of the Law, the powers and duties of the Board to issue and to sell the Notes, including any renewals thereof, and the authorization of the terms, form and content thereof, are hereby delegated to the Supervisor of the Town as the chief fiscal officer of the Town (the "Supervisor"). The Supervisor is authorized and directed to execute and deliver the Notes to the purchaser thereof and the Clerk of the Town is authorized and directed to attest the Notes.

Section 5. The full faith and credit of the Town are and shall be pledged to the punctual payment of principal of and interest on the revenue anticipation notes authorized herein.

Section 6. The Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Notes as excludable from gross income from federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the Notes, if applicable, as qualified tax-exempt obligations in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 7. This resolution shall take effect immediately.

The following vote was taken and recorded in the public or open session of said meeting:

AYES: Feldmann, Cooper, Dash

NAYS: none

**RESOLUTION 2012-343 Set Public Hearing for a BAN ( Bond Anticipation Note)**

Councilman Cooper moved and Supervisor Dash seconded,

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS (THE "TOWN")  
SETTING A PUBLIC HEARING WITH RESPECT TO PROPOSED IMPROVEMENTS  
TO THE FACILITIES OF THE TOWN OF EVANS WATER DISTRICTS NOS. 1X and 5  
CONSISTING OF THE INSTALLATION OF BACKFLOW PREVENTION FACILITIES  
AND EQUIPMENT**

**Dated: October 17, 2012**

**WHEREAS**, the Erie County Water Authority and Erie County Health Department are requiring the Town of Evans to be compliant with the NYSDOH backflow prevention regulations, and

**WHEREAS**, the Town of Evans currently has a backflow prevention ordinance as a local law and that there are approximately five (5) individual property owners who are non-compliant, and

**WHEREAS**, the Town of Evans has made provisions within its local law to complete the backflow prevention improvements and assess the cost of the improvements back on to the property owners, and

**WHEREAS**, the Town Board of the Town of Evans (the "Town Board") has caused Audubon Architecture, Engineering, Land Surveying & Landscape Architecture, P.C.,







**NOW THEREFORE BE IT RESOLVED** That the Town Board authorizes Supervisor Dash and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG

1. Kennedy Avenue Greenway Streetscape Project (Phase II)
2. South Creek/John K. Thompson Pool ADA Improvements
3. Rural Transit Services, Inc.

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

**RESOLUTION 2012-349 Declare Surplus Equipment**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, a 2006 Saturn Vue, VIN 5GZCZ5346S818316 was seized under section 1224(6)A of the NYS V&T law by the Evans Police Department; therefore be it

RESOLVED, that the 2006 Saturn Vue, VIN 5GZCZ5346S818316 is declared surplus equipment and will be sold at auction with proceeds to be deposited in the Police Department’s Asset Forfeiture account.

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

**RESOLUTION 2012-350 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:

Date: October 17, 2012  
 Abstract No. 19  
 Voucher No. 1834-1911  
 Prepaid:

GENERAL	\$10,638.89
PART TOWN	\$173.50
HIGHWAY DA	0
HIGHWAY	\$9,179.01

WATER	\$998.79
CAPITAL PROJECTS	\$300.00
SPECIAL DISTRICTS	\$80,335.21
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	0.00
TOTAL	\$101,625.40

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

Supervisor Dash asked the Town Clerk to set aside a page in the official record of tonight’s meeting in memory of Brett Farrell, 2010 Graduate of Lake Shore Central School, who simply was taken from us way too soon. A moment of silence was requested after adjournment of tonight’s meeting.

**RESOLUTION 2012-351 Adjournment**

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn to Wednesday, October 24, 2012 at 6:15pm for a Work Session and then to Wednesday, November 7, 2012 at 6:30pm for an Agenda Meeting and 7pm for the Town Board meeting. Moment of silence was done in honor of Brett Farrell.

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, RMC  
 Town Clerk**

*In Memoriam*

*This page has been dedicated to:*

*Brett Farrell*

*2010 Graduate of Lake School Central School*

*'Who simply was taken from us way too soon'*