

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 Thursday, December 27, 2012 at 6:15pm 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
	Charles LaBarbera	Building Dept. Head
	Scott Dill	Finance Dept
	Ernie Masullo	Police Chief
	Diana Cafferty	Supervisor's Dept.
	Rob Klavoon	Wendel Duchscherer
	Rick Hanavan	Wendel Duchscherer
EXCUSED:	Jeanne C. Ebersole	Assessor
	Lori Szewczyk	Dir. of Community Development
	Sandra Brant	Dir. of Planning
ABSENT:	Patrick Conrad	St. Pt. Marina Dept. Head
	James Guarino	Water Dept
	Edward Michalski	Highway Superintendent
	Russ Manguso	Parks Commissioner
	Julie Roach	Seniors Dept. Head

6:15pm Public Hearing RE: Consider an Increase in the Maximum Estimated Cost of the Improvements for the Water Project

Supervisor Dash asked the Town Clerk to read the legal notice as follows:

**NOTICE OF PUBLIC HEARING
TOWN OF EVANS**

PLEASE TAKE NOTICE THAT, by resolution adopted on December 5, 2012, the Town Board of the Town of Evans, Erie County, New York, has scheduled a public hearing to occur on December 27, 2012 at 6:15 p.m. at the Town of Erie Town Hall, 8787 Erie Road, Angola, New York 14006 to consider an increase in the maximum estimated cost of the improvements described below.

By resolutions adopted on August 15, 2007 and May 18, 2011, said Town Board previously approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority, including (i) upgrades to meet

Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank, and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers (the "Project"), all at a maximum estimated cost of \$13,235,000.

Pursuant to an Amended Map, Plan and Report dated December, 2012, prepared by Wendell Duchscherer Architects and Engineers, the Town Board has learned that the maximum estimated cost of undertaking the facilities and improvements included in the Project has increased to \$16,235,000 and is now considering approving an increase in the maximum estimated cost of the above described improvements from \$13,235,000 to \$16,235,000.

All interested persons shall have an opportunity to be heard at such public hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EVANS
Jonica B. DiMartino, RMC
Town Clerk

Dated: December 5, 2012

RESOLUTION 2012-392 Open Public Hearing

Supervisor Dash moved and Councilman Cooper seconded to open the Public Hearing

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

Supervisor Dash acknowledged the letters and emails he received regarding the Water Project and also gave a detailed history of the project and the importance of the Public Hearing and actions that may be taken as a result.

1. Ed Conboy, 8168 Hillside St., questioned the project and is against it.

2. Tebra Howard, 1520 Eden Evans Center Rd, questioned the project and is against it.
(Rob Klavoon was called upon to give some clarification)
3. Dick Hammer, Derby, NY questioned the process and is against it.

RESOLUTION 2012-393 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 2012-294 Resolution of the Town Board of the Town of Evans, Erie County, New York (The "Town") Pursuant to Section 202-b of the Town Law Declaring It Is In the Public Interest to Authorize an Increase in the Maximum Cost of the Joint Increase and Improvement of the Water Facilities of the Town for Consolidation with the Erie County Water Authority

At a regular meeting of the Town Board of the Town of Evans, in the County of Erie, New York, held at the Town Hall, 8787 Erie Road, Angola, New York on December 27, 2012

PRESENT: Supervisor Dash
 Councilman Cooper
 Councilman Feldmann

ABSENT: none

The following resolution was offered by Supervisor Dash, who moved its adoption, seconded by Councilman Cooper, to-wit:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DECLARING IT IS IN THE PUBLIC INTEREST TO AUTHORIZE AN INCREASE IN THE MAXIMUM COST OF THE JOINT INCREASE AND IMPROVEMENT OF THE WATER FACILITIES OF THE TOWN FOR CONSOLIDATION WITH THE ERIE COUNTY WATER AUTHORITY

WHEREAS, pursuant to a resolution dated August 15, 2007 (the "2007 Bond Resolution"), this Town Board approved, in accordance with Section 202-b of the Town

Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority at a maximum estimated cost of \$12,600,000, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank (the improvements described in clauses (i) and (ii) being collectively referred to as the "Water Improvements"), and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith (the improvements described in clause (iii) being referred to as the "Road Improvements" and, collectively with the Water Improvements, the "Project"), all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers, at a maximum estimated cost of \$12,600,000; and

WHEREAS, by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, "SEQRA") that the Project would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, pursuant to a resolution dated May 18, 2011, the Town Board authorized an increase in the maximum cost of undertaking Project from \$12,600,000 to \$13,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, as set forth in an Amended Map, Plan and Report dated December, 2012, prepared by Wendell Duchscherer Architects and Engineers, the Town has learned that the maximum estimated cost of undertaking the facilities and improvements included in the Water Improvements and the Project has increased to \$16,235,000; and

WHEREAS, by resolution adopted on December 5, 2012, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing to be held on December 27, 2012 at 6:15 p.m. at the Evans Town Hall to consider whether the Town Board should approve an increase in the maximum estimated cost of the Project from \$13,325,000 to \$16,235,000 and to hear all persons interested in the subject thereof; and

WHEREAS, notice of said public hearing by the Town Clerk was duly published and posted by the Town Clerk as required by law, to wit: a copy thereof was published in *The Sun*, the official newspaper of the Town, on December 13, 2012 and a copy of such notice was posted on December 13, 2012 on the signboard maintained by the Town Clerk and the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that the maximum cost of the Project, as hereinabove described and as more particularly described in the Amended Map, Plan and Report, is hereby increased from \$13,235,000 to \$16,235,000, and that it is in the public interest to undertake the Project, at such increased maximum authorized cost of \$16,235,000.

SECTION 2. This order shall take effect immediately.

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

Supervisor Dash	VOTING	AYE
Councilman Cooper	VOTING	AYE
Councilman Feldmann	VOTING	AYE

This resolution shall take effect immediately.

Dated: December 27, 2012

RESOLUTION 2012-395 Bond Resolution of the Town Board of the Town of Evans, Erie County, New York (The "Town"), Authorizing the Issuance of \$3,000,000 in Serial Bonds Of the Town to Finance a Portion of the Cost of the Joint Increase and Improvements

At a Meeting of the Town Board of the Town of Evans, in the County of Erie, New York, held at the Town Hall, 8787 Erie Road, Angola, New York on December 27, 2012

PRESENT: Supervisor Dash
Councilman Cooper
Councilman Feldmann

ABSENT: none

The following resolution was offered by Councilman Cooper, who moved its adoption, seconded by Supervisor Dash, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF \$3,000,000 IN SERIAL BONDS OF THE TOWN TO FINANCE A PORTION OF THE COST OF THE JOINT INCREASE AND IMPROVEMENTS OF THE WATER FACILITIES OF THE TOWN FOR CONSOLIDATION WITH THE ERIE COUNTY WATER AUTHORITY

WHEREAS, pursuant to a resolution dated August 15, 2007 (the "2007 Bond Resolution"), the Town Board of the Town of Evans (the "Town Board") approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority at a maximum estimated cost of \$12,600,000, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank (the improvements described in clauses (i) and (ii) being collectively referred to as the "Water Improvements"), and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith (the improvements described in clause (iii) being referred to as the "Road Improvements" and, collectively with the Water Improvements, the "Project"), all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers, at a maximum estimated cost of \$12,600,000; and

WHEREAS, by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, "SEQRA") that the Project would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, pursuant to a resolution dated May 18, 2011, the Town Board authorized an increase in the maximum cost of undertaking Project from \$12,600,000 to \$13,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, as set forth in an Amended Map, Plan and Report dated December, 2012, prepared by Wendell Duchscherer Architects and Engineers, the Town has learned that the maximum estimated cost of undertaking the facilities and improvements included in the Project has increased to \$16,235,000; and

WHEREAS, by resolution, dated December 27, 2012 (the "Approval Resolution"), adopted immediately prior to the consideration of this resolution, the Town Board

approved, in accordance with Section 202-b of the Town Law, an increase in the maximum estimated cost of the Water Improvements and the Project from \$13,235,000 to \$16,235,000 and determined that it was in the public interest to undertake the Project at such increased cost; and

WHEREAS, the Town Board of the Town now wishes to appropriate funds for the \$3,000,000 increase in the cost of the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK, HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

The Town is hereby authorized to issue \$3,000,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance a portion of the cost of the Water Improvements and said amount is hereby appropriated therefore. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$16,235,000, and the plan for the financing thereof shall consist of (a) the issuance of \$12,600,000 in serial bonds of the Town as authorized by a Bond Resolution of the Town Board, dated August 15, 2007, as amended on May 8, 2011 (as so amended, the "2007 Bond Resolution"), (b) the expenditure of \$200,000 in a Federal Community Block Grant and \$435,000 in a New York Local Government Efficiency Grant received by the Town, (c) the issuance of \$3,000,000 in serial bonds or bond anticipation notes of the Town pursuant to this resolution, and (d) unless paid from other sources, the levy and collection of taxes on all the real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law, commencing from October 9, 2007, the date of issuance of the first obligations issued pursuant to the 2007 Bond Resolution.

Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subdivision d.3(a) of Section 107.00 of the Law.

The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purpose described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of serial bonds and/or bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds, herein authorized, including without limitation, the determination whether to issue bonds having substantially level or declining annual debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Town Supervisor"). Further, the power to issue and sell bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Town Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of the Local Finance Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in

the event of the sale of same to the New York State Environmental Facilities Corporation.

The Town 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 bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, and instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Town Board.

This resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

AYES:	Councilman Feldmann	NAYS:	none
	Councilman Cooper		
	Supervisor Dash		

This resolution shall take effect immediately.

Dated: December 27, 2012

RESOLUTION 2012- 396 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of December 5, 2012 and work session of December 19, 2012 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

1. Supervisor Dash read a letter of recognition from Chief Masullo RE: Patrolman Ralph Maslach and Patrolman John Geary regarding their excellent police work in the investigation and arrest in the burglary at the Head Start Pre-School at Chapel Park in Derby.
2. Supervisor Dash read a letter from Jonica B. DiMartino, Town Clerk regarding the transfer of School Tax Penalties Oct-Nov in the amount of \$22,759.22
3. Supervisor Dash read a letter from Jonica B. DiMartino, Town Clerk regarding the transfer of the "outside town" School Tax Collector's Fee of \$13,000.16.

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. Bill Henry, 1456 Pontiac Rd, congratulated the Town on its efforts with LED lighting, but had questions regarding National Grid and its bidding process on this project.
2. Guy Canonico, Jr., 9736 Lake Shore Rd, spoke on behalf of the Lake Erie Beach Fire Dept and their fiscal spending/bookkeeping practices and invited any resident to come to the hall and look at the books.
3. Dick Hammer, Derby, NY, spoke about saving money and reducing taxes.

Committee and Department Head Reports

Councilman Cooper announced that the Annual Disco to benefit the Lake Shore Boys & Girls Club is December 31st from 9:00pm - 2:00am at the Evans Center Fire Hall. He also commended the Fire Chiefs' Council and their ability to discuss their issues openly and frankly with him regarding their feelings on such issues.

Councilman Feldmann added that this Town Board has spent countless hours on the Water Project. He spoke highly of the Supervisor and Director of Finance's efforts with the Erie County Water Authority, the amount of the work involved and commented that the Town needs to keep moving forward with this project and the actions taken this evening are the way to get this project done.

Supervisor Dash announced on behalf of the entire Town Board, congratulations and good health to Maryann Baake who has served over 28 years in the Evans Town Court, Linda Forti who has served over 20 years in the Finance Dept., and Officer Tracey O'Donnell who served well over 20 years with the Evans Police Dept. All three ladies have opted to take the early retirement incentive offered by the Town in its continued efforts at saving money. He wished them well in their new endeavors.

RESOLUTION 2012-397 Town Clerk Reports

Councilman Feldmann moved and Councilman Cooper seconded to approve the Town Clerk Reports as follows:

School Tax Penalties Oct-Nov \$22,759.22
2012-2013 "outside town" School Tax Collector's Fee \$13,000.16 (see attachment A)

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

RESOLUTION 2012-398 Old Business- Appt of Assessment Board of Review Member

Councilman Cooper moved and Councilman Feldmann seconded, to remove this resolution from the agenda entirely.

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

RESOLUTION 2012-399 Declare Surplus Vehicles in the DPW

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED, that the following town vehicles of the DPW are hereby declared surplus:

Crown Vic. - Vin # 2FAHP71W83X150766
Crown Vic. - Vin # 2FAFP71W61X196374
Crown Vic. - Vin # 2FAP71W73X208339

VOTE RESULT: ADOPTED
AYES - Feldmann, Cooper, Dash

NAYS - none

RESOLUTION 2012-400 Sign Agreement with Lake Shore Employee Testing Services, Inc.

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the Town of Evans desires to have employees with a CDL license randomly tested for drug and alcohol use,

NOW THEREFORE BE IT RESOLVED, that the supervisor is authorized to enter into an agreement with Lake Shore Employee Testing Services Inc. of Fredonia, NY for the administration of the Drug and Alcohol Program for the Town of Evans and,

BE IT FURTHER RESOLVED, that the contract begins January 1, 2013 and ends on December 31, 2014 at a cost of \$52.00 per employee.

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

RESOLUTION 2012-401 Authorize Supervisor to sign IBEW Local #41 Union Contract

Supervisor Dash moved and Councilman Cooper seconded,

BE IT RESOLVED THAT the Town Board of the Town of Evans authorize the Supervisor to sign the IBEW Local 41 Contract for the period of January 1, 2013 to December 31, 2017.

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

RESOLUTION 2012-402 Support Erie County Legislature to urge New York State Legislature to enact "Phoenix's Law"

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, there are many pet and animal lovers throughout the Town of Evans, and

WHEREAS, there have been numerous cases of animal abuse through out Erie County and Western New York, and

WHEREAS, New York State has the authority to toughen penalties for people who abuse and torture animals, and

WHEREAS, Erie County Legislator Terrance McCracken has sponsored legislation in the Erie County Legislature encouraging the New York State Legislature to enact "Phoenix's Law" aimed at stiffing penalties for those who torture and abuse animals, and

WHEREAS, the Erie County Legislature unanimously approved Legislator McCracken's resolution asking the New York State Legislature to approve "Phoenix's Law".

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby supports Legislator McCracken and the Erie County Legislature in urging the New York State Legislature to enact "Phoenix's Law", and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Evans is hereby directed to send copies of this resolution to the Erie County Legislature, New York State Senator Patrick Gallivan, New York State Senator Mark Grisanti and New York State Assemblyman Kevin Smardz.

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

RESOLUTION 2012-403 Approve Town Licenses

Supervisor Dash moved and Councilman Cooper seconded,

Licenses:

Eugene Hackemer D/B/A American Legion Newcomb-Long Post #928 - Refreshment, Amusement & Live Band

Police Benevolent Ass. - Refreshment & Live Band Special Event

Fei Ni D/B/A M.B. China King - Refreshment

Deebe Ann Brown D/B/A Scallyways - Refreshment, Amusement & Live Band

Mobile Home Development

Marguerite Hogg D/B/A Melody Meadows Home

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 2012-404 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:

Date: 12/05/2012
 Abstract No. 23
 Voucher No. 2114-2159
 Prepaid:

GENERAL	\$31,858.43
PART TOWN	\$200.57
HIGHWAY DA	0
HIGHWAY	\$301.12
WATER	\$250.00
CAPITAL PROJECTS	
SPECIAL DISTRICTS	\$23,096.26
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	\$55,706.38

Date: 12/19/2012
 Abstract No. 24
 Voucher No. 2160-2280
 Prepaid:

GENERAL	\$165,379.96
PART TOWN	\$20,289.88
HIGHWAY DA	0
HIGHWAY	\$102,607.66
WATER	\$18,271.30
CAPITAL PROJECTS	
SPECIAL DISTRICTS	\$214,134.42
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	\$520,683.22

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

Supervisor Dash asked for a moment of silence and that a page be set aside in the minutes for Retired Police Lieutenant Tom Wilson who passed away today, December 27, 2012.

RESOLUTION 2012-405 Adjournment

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn to Wednesday, January 2, 2013 at 6:00pm for the Organizational Meeting with the Town Board meeting immediately following.

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 is dedicated to Retired Police Lieutenant Tom Wilson

Who passed away December 27, 2012

Lieutenant Wilson was hired as a patrolman on May 7, 1962.

*He was promoted to Patrol Lieutenant in 1971 where he remained until his
retirement in 1983.*



TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

Attachment A
12-27-2012
page 1 of 1

JONICA B. DiMARTINO, TOWN CLERK

Telephone (716) 549-8787

December 20, 2012

Evans Town Board
8787 Erie Rd
Angola, NY 14006

Dear Supervisor Dash and Town Board,

Attached is the "outside town" School Tax Collector's Fee transferred to the Town of Evans.

Please note, again, that the school tax collector's fee from the Lake Shore District School taxes collected from the Town of Brant residents, are being collected by the Evans Town Clerk's Office.

This fee will serve, again, as an additional source of revenue for the Town of Evans instead of being used, under the laws of New York State, as an additional salary to the official designated to receive these "outside town" school taxes for the Lake Shore Central School District.

The revenue, this year, totals \$13,000.16.

Sincerely,

Jonica B. DiMartino
Town Clerk

Cc w/encl: Finance/Linda
File
(attachment to 12/27/2012 TB special meeting minutes-letter only)