

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 17, 2013 there were:

- | | | |
|---------------|--------------------|--|
| PRESENT: | Dennis M. Feldmann | Councilman |
| | Paul T. Cooper | Councilman |
| | Keith E. Dash | Supervisor |
| ALSO PRESENT: | Lynn Stoessel | Deputy Town Clerk |
| | Lynn M. Krajacic | Deputy Town Clerk |
| | J. Grant Zajac | Town Attorney |
| | Jeanne C. Ebersole | Assessor |
| | Lori Szewczyk | Director of Community Develop. |
| | Michael Kelly | Director of Finance |
| | Edward Michalski | Highway Superintendent & Overseer of DPW |
| | Patrick Conrad | Parks & St. Pt. Marina |
| | Sandra Brant | Director of Planning |
| | Ernest Masullo | Police Chief |
| | Julie Roach | Seniors Dept. Head |
| | Diana Cafferty | Supervisor's Dept. |
| | Rob Klavoon | Wendel Duchscherer |
| EXCUSED: | Charles LaBarbera | Building Dept. Head |

RESOLUTION 2013-297 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded to approve the minutes of the June 19, 2013 Town Board meeting and July 9, 2013 work session.

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

Communications

Supervisor Dash read a letter from Legislator Mills inviting him, Councilmen Paul Cooper and Dennis Feldmann and any resident to stop by the Angola Library Fundraiser between 11 am & 2pm, on July 26, 2013.

- 1.) Supervisor Dash read the communication from Sandra L. Brant, Minor Subdivision Review Committee regarding a minor subdivision review; located at 7353 Versailles Road, Angola. Petitioner: Laura A. Ogus.

RESOLUTION 2013-298 SEQR declaration for the Laura A. Ogus minor subdivision

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated June 27, 2013, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQRA process for the Laura Ogus Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Laura Ogus Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 207.00-3-37.11, dividing a 85.20± acre parcel to create:

1. a 4.67± acre parcel with 330.00± feet of frontage on Versailles Road,
2. a 5.66± acre portion to be annexed to SBL# 207.00-3-60, and
3. a 74.87± acre parcel with 1400.41± feet of frontage on the north side of Versailles Road, and 1449.86± feet of frontage on the south side of Versailles Road.

Petitioner: Laura A. Ogus, 310 Nelson Court, River Vale, NJ 07675.

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

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

RESOLUTION 2013-299 Approve Ogus minor subdivision

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated June 27, 2013, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Laura Ogus Minor Subdivision, dividing a 85.20± acre parcel known as SBL# 207.00-3-37.11 to create:

1. a 4.67± acre parcel with 330.00± feet of frontage on Versailles Road,
2. a 5.66± acre portion to be annexed to SBL# 207.00-3-60, and
3. 74.87± acre parcel with 1400.41± feet of frontage on the north side of Versailles Road and 1449.86± feet of frontage on the south side of Versailles Road.

Petitioner: Laura A. Ogus, 310 Nelson Court, River Vale, NJ 07675

AND BE IT FURTHER

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

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

2) Councilman Cooper read a letter of recognition from Chief Masullo for outstanding work performed by Lieutenant Brad DiMartino, Lieutenant Douglas Czora, Patrolman Jeff Mayer, Patrolman Scott DeJohn and Patrolman Joe LaRosa for their outstanding performance in the arrest of an individual on multiple felony drug charges and weapon charges.

3) Supervisor Dash read a letter of recognition from Chief Masullo to Patrolman Thomas Castle for an excellent job for an arrest during a traffic stop.

4) Supervisor Dash read a letter of recognition from Chief Masullo for outstanding work performed by Lieutenant Bradly DiMartino, Detective Bruce Green Jr, Patrolman Brian Kauzala, Patrolman Joe LaRosa, Patrolman Jeffrey Devinney, Patrolman Nathan Miller, Patrolman Thomas Castle, Dispatcher Joseph Gian and Dispatcher Michael Conti for the excellent police work displayed in the capture of an armed and dangerous subject.

Privilege of the Floor on Meeting Agenda Items & Other Issues

RESOLUTION 2013-300 Suspend rules for privilege of the floor on meeting agenda items and other issues.

Supervisor Dash moved and Councilman Cooper seconded, to suspend the rules to move the public comment regarding the water lease management agreement with Erie County Water Authority to the end of the regular business meeting.

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

- 1) Regina Danahy, 216 Garfield Avenue, Angola has concerns regarding utility poles being placed at the entrance of Lake Erie Beach park (Garfield side) and requests they be removed and that portion of land be returned to the Town. She submitted a petition to Supervisor Dash.
- 2) Bill Henry, 1456 Pontiac Road, Angola commented on the quick response to his request to remove sales tax on commercial solar equipment. Stated the solar farm located at the town hall is supplying enough power for 30 to 40 homes.
- 3) Margaret Loretto, 286 Eastwood Avenue, Angola questioned if the Town owns the paper street portion of Point Breeze Drive.
- 4) Bob Catalano, 7339 Erie Road, Derby requested the metal detector and police presence be removed at the Town Board meetings.
- 5) Pam Jaroszewski, 1515 Gowans Road, Angola has concerns about the price of the pool and lack of advertising of fee increase. Pointed out concerns about the aesthetics of the pool, bathrooms and the slip plates on the stairs of the pool.
- 6) Ed Schneider, 9575 Redwing Street questioned if Point Breeze Drive was sold legally. Questioned how emergency vehicles can access the upper area of Lake Erie Beach Park with the new barriers.

Committee and Department Head Reports

Councilman Feldmann announced Movie in the Park at the Town Park on Thursday, July 18, 2013 at 7pm.

Councilman Cooper commended the Town's Emergency Services and Police Department on the Town-wide disaster drill, reported that cooling stations are available at all the fire departments in town and reported the Rural Metro strike is over and commended the Chief of Police and the Disaster Coordinator on their plan of action if the strike continued.

Keith Dash reported that the Budget process for 2014 is underway. Thanked the Chief of Police, Guy Cannonico, Disaster Coordinator and Billy Hamm, Assistant Disaster on establishing cooling stations and reported that bids for Sturgeon Point Nature trail were opened and construction has begun with a projected end date of November. Thanked all town employees who helped with the Taste of Evans and the Freddie Garrassi III 5k which was attended by over 200 runners and also the Brian Galfo basketball tournament was a success. Reminded everyone that the Movie in the Park is tomorrow and next week is the Rockin Reunion at 6pm at the Town Park and pointed out the Hall of Hometown Heroes located in the town hall introduced by the Auxiliary of the Veterans of Foreign Wars. Formal

dedication was July 2, 2013. Invited everyone to bring a picture and apply for anyone that has served their country.

Lori Szewczyk, Director of Community Development worked with the Village of Angola and the Angola Library Board on a state grant for the library expansion and secured \$118,000 in addition to the \$100,000 in CBBG funds that were received last year.

RESOLUTION 2013-301 Town Clerk monthly reports

Councilman Cooper moved and Councilman Feldmann seconded to accept the reports of the Town Clerk as presented for the month of April:

June Water District Receipts	\$42,480.06
June Interest Earned	\$7.75
Town Clerk - June	\$22,376.85
Interest - June	\$1.87
Petty Cash - June	\$-0-

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-301 Old Business

Supervisor Dash moved and Councilman Feldmann seconded that the Appointment of Assessor remain under Old Business on the agenda.

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

RESOLUTION 2013-302 Remove from Old Business

Supervisor Dash moved and Councilman Feldmann seconded to remove from Old Business the name change of Angola Fire Control.

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

RESOLUTION 2013-303 Name Change of Angola Fire Control

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Angola Control Fire Council met of February 21, 2013 and voted to change the name of the Fire Control from Angola Fire Control to the Evans Fire Control; and

WHEREAS, the purpose of this change is to accurately reflect the scope of operational control to include all five companies and department within the Town of Evans, i.e.;

- Angola Vol. Fire Dept
- Brant Vol. Fire Co. No. 1
- Evans Center Vol. Fire Co., Inc
- Farnham Vol. Fire Dept.
- Highland Hose Vol. Fire Co.
- Lake Erie Beach Vol. Fire Co., Inc
- North Evans Vol. Fire Co., No. 1

WHEREAS, the Angola Control Fire Council has requested the Chief of Police and the Evans Town Board to pass a resolution to accomplish the name change; therefore be it

RESOLVED, effective July 18, 2013 Angola Fire Control is hereinafter renamed to the Evans Fire Control

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Cooper	Aye
Supervisor Dash	Aye

RESOLUTION 2013-304 Suspend the rules to call on the Erie County Executive and the Erie County Legislature to help resolve issues regarding road maintenance

Supervisor Dash moved and Councilman Cooper seconded, to suspend the rules to call on the Erie County Executive and the Erie County Legislature to help resolve issues regarding road maintenance.

VOTE RESULT: ADOPTED

AYES -	Feldmann, Cooper, Dash
NAYS -	none

RESOLUTION 2013-305 Resolution to call on the Erie County Executive and the Erie County Legislature to help resolve issues regarding road maintenance

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, The Town of Evans recognizes that plowing and de-icing town, as well as county roads is in the best interest and safety of its residents; and

WHEREAS, Erie County and the twenty five (25) towns within the county have negotiated contracts which assure that the majority of the county roads within the towns

would be maintained according to the same snow and ice control methods used on all town roads; and

WHEREAS, such methods have been approved by the Erie County Department of Public Works; and

WHEREAS, in the past all costs of manpower, equipment and materials have been calculated to the satisfaction of all parties; and

WHEREAS, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved; and

WHEREAS, a new contract between the Towns and Erie County is currently being negotiated; and

WHEREAS, on March 20, 2013 there was a tentative agreement between the Towns and Erie County which included a three (3) year term with an annual increase of 5%, as was past practice; and

WHEREAS, this agreement was considered fair and within budgeting confines of Erie County; and

WHEREAS, on April 16, 2013 Erie County made a counter proposal to increase the contract from three (3) to five (5) years and reduce the monetary increase to .5%; and

WHEREAS, on July 16, 2013 the Towns made a counter proposal to extend the present contract for one (1) year at 4% to assist the county in its budgeting process; and

WHEREAS, the Erie County proposed rate is one the Towns cannot afford.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans calls on the Erie County Executive and the Erie County Legislature to help resolve the issue between the Erie County Department of Public works and the twenty (25) Towns within the County of Erie with regards to snow removal and de-icing of county roads within the towns that is fair and equitable to all parties; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Evans is to transmit copies of this resolution to Erie County Executive Mark Poloncarz, Erie County Legislator John Mills, Erie County Legislature Chairman Betty Jean Grant and Erie County Department of Public Works Commissioner John Loffredo.

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

RESOLUTION 2013-306 Approval of RFP for Actuarial Services

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans is required to make certain financial disclosures as a governmental entity; and

WHEREAS, the State of New York requires local governments to disclose certain liabilities to the public, bond holders and other stakeholders; and

WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, which the Town of Evans is required to comply with and make this financial disclosure; and

WHEREAS, the Town Board as the governing and legislative body of the Town understands the importance and priority of completing this actuarial assessment of the Town’s Other Post Employment Benefits (OPEB); and

WHEREAS, the Town Board as the governing and legislative body of the Town has asked the Town’s Finance Department to prepare a Request for Proposals (RFP) to solicit qualified firms to submit proposals for said actuarial services; and

WHEREAS, the Town’s Finance Department prepared an RFP for said actuarial services and the RFP is ready to be approved and made available to qualified firms in an effort to begin the process of bringing the Town into compliance with GASB No. 45 requirements; and

WHEREAS, Evan’s Finance Department has prepared and reviewed the RFP for actuarial services recommends its approval; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of Evans approves and authorizes the Town’s Finance Department to solicit firms for the purpose of completing the required GASB No. 45 evaluation and to enter into a contract with a highly qualified firm offering the most cost effective and responsible proposal for completing the evaluation of the *Town’s Postemployment Benefits Other Than Pensions*.

This Resolution shall take effect immediately.

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

RESOLUTION 2013-307 Approval of Budget Transfers

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans develops an annual operating budget to fund the necessary expenses of delivering governmental services to the Town and its residents; and

WHEREAS, from time to time, funds are transferred between budget lines to account for changes and the natural evolution of the annual operating budget throughout the fiscal year; and

WHEREAS, said budget transfers need to be properly accounted for through proper record keeping and accounting procedures as part of the Town’s fiduciary responsibility; and

WHEREAS, the Town Board as the governing and legislative body of the Town should regularly review such necessary budget transfers and approve the reallocation of funds between budget line accounts; and

WHEREAS, as part of the Town’s budget transfer process the Town’s Finance Director and Town Supervisor have previously authorized said budget transfers as part of the Town’s continuity of operations plan; and

WHEREAS, the following budget transfers have occurred year-to-date in the Town’s 2013 fiscal year; and

Date	Department	Amount	Transferred From	Transferred To
06/19/2013	Highway	\$ 1,512.79	DB 5110.433	DB 5110.436
06/25/2013	Highway	\$ 4,470.70	DA 5120.453	DB 5130.227
06/26/2013	Parks Code	\$ 2,350.00	A 7230.255	A 7230.200
06/26/2013	Enforcement	\$20,000.00	B 3620.111	B 3620.112
07/01/2013	Assessor	\$ 3,500.00	A 1355.411	A 1355.0409
07/02/2013	Finance	\$ 1,250.00	A 1990.000	A 1920.000

WHEREAS, the Town Board has reviewed and understands the year-to-date budget transfers; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of Evans approves and authorizes the year-to-date budget transfers in the 2013 fiscal year.

This Resolution shall take effect immediately.

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

RESOLUTION 2013-308 Authorization to accept funds from the New York State Office of Parks, Recreation and Historic Preservation for financial assistance for the South Creek Pool Facility

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED that Keith E. Dash, as Supervisor of the Town of Evans, or his successor, is hereby authorized to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of (Title 9 of the Environmental Protection Act of 1993 or the Recreational Trails Program), in an amount not to exceed \$150,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Evans for the South Creek Pool Facility Improvement Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

RESOLUTION 2013-309 Authorization to enter into contract with New York State Housing Trust Fund Corporation

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Town of Evans recently completed a comprehensive neighborhood revitalization strategy for the Lake Erie Beach residential area, and

WHEREAS, the Town engaged in a public input program to build support and understanding for the plan and to incorporate the visions of the community’s stakeholders in the strategy and its development process, and

WHEREAS, the strategy recommends revitalization efforts in the Lake Erie Beach Neighborhood commercial area as a way to enhance economic opportunities and stimulate small business development in the community; and

WHEREAS, the Town of Evans has the capacity to act as Local Program Administrator to implement the proposed Lake Erie Beach Revitalization project; and

NOW THEREFORE, BE IT

RESOLVED, that the Evans Town Board intends to prepare and submit an application to the New York State Housing Trust Fund Corporation 2013 New York Main Street Program for Building Renovations and Streetscape Enhancements in the Lake Erie Beach neighborhood commercial center, and

BE IT FINALLY RESOLVED That the Town Board authorizes Supervisor Dash and/or appropriate Town Officials to sign, submit and execute a contract with New York State Housing Trust Fund Corporation 2013 New York Main Street Program for an amount not to exceed \$200,000 upon approval of NYSHTFC.

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

RESOLUTION 2013-310 Recommendation for improving the safety and accessibility of Town recreational facilities

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, South Creek Pool, also known as the John K. Thompson Pool, was originally developed approximately 1965, and

WHEREAS, the pool facility and playground have seen deterioration to the extent that much of the playground equipment was removed because it poses a safety risk for children; and

WHEREAS, the existing pool facilities were constructed before the needs of the handicapped became widely known, thus modifications to the existing structures and sites are needed to make the facilities accessible to all persons, especially the handicapped and mobility-impaired elderly; and

WHEREAS, the South Creek Pool/Playground is used extensively by Town of Evans residents, as well as visitors and residents from bordering communities; and

WHEREAS, there is no other pool facility in the Town of Evans and the nearest playground is located approximately three miles from the South Creek Pool/Playground; and

WHEREAS, the Evans Parks Department inventoried all municipal facilities and made recommendations to the Town Board for repairs and improvements based on severity of need in an effort to effectively utilize Town funding; and,

WHEREAS, past Evans Parks Crew Chief, Russell Manguso and current Evans Parks Crew Chief Patrick Conrad and their staff identified the South Creek Pool/Playground area as the highest priority of need, based on the physical deterioration of the site, the frequency of use, and, most importantly, safety concerns for users of the facility; and,

WHEREAS, based upon these recommendations, Director of Community Development, Lori Szewczyk, a Derby resident, conducted an informal survey of neighbors and current pool facility users affirming residents support for proposed improvements to the South Creek Pool/Playground facility; and

WHEREAS, the Town of Evans Master Plan, which was adopted in 1999 specifically recommends: *bathroom and changing room updates; replacement of the outdated playground*

equipment; landscaping around building and signs; fence replacement and resurface existing basketball court, and

WHEREAS, the 1999 Town of Evans Master Plan also calls for making recreation programs more accessible to individuals with disabilities and replacement of all playground equipment as a Townwide objective; and

NOW THEREFORE, BE IT FURTHER,

RESOLVED, that the Town of Evans reaffirms its support in the Town of Evans Parks and Recreation Master Plan, specifically recommendations for improving the safety and accessibility of Town recreational facilities.

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

RESOLUTION 2013-311 Authorize Repeal of Safe Act

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the lawful ownership of firearms is and has been a valued tradition in the Town of Evans and the rights protected by the second amendment of the United States Constitution; and

WHEREAS, the adoption of this legislation requires all law abiding gun owners to verify ownership of firearms every five years and in addition renewing permits every five years does not increase the safety of the public but rather encumbers those who are already law abiding; and

WHEREAS, the current legislation issues a mandate on mental health professionals to report clients with guns which can produce a dangerous paradoxical effect in people with psychiatric problems.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans now hereby respectfully requests the Governor of the State of New York and the New York State Legislature to repeal the Safe Act of 2013 as it currently exists.

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

RESOLUTION 2013-312 Request Erie County to remove local sales tax and use tax on commercial solar energy systems

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Town of Evans commends the New York State Legislature for unanimously passing into law the removal of the 4% local sales tax and use tax on the purchase and installation of commercial solar equipment effective January 1, 2013. Thereby initiating environmental means to produce needed energy, encourage growth in population and create much needed jobs within our communities.

NOW THEREFORE BE IT

RESOLVED, that the Town of Evans hereby formally requests and petitions the County of Erie to remove their portion of the local sales and use tax on the purchase and installation of commercial solar energy systems and equipment, as they did in 2008 with the removal of sales and use tax on like residential systems.

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

RESOLUTION 2013-313 Execute project agreement for the Sturgeon Point Nature Trail Project

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED: that Keith E. Dash, as Supervisor of the Town of Evans, or his successor, is hereby authorized to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of (Title 9 of the Environmental Protection Act of 1993 or the Recreational Trails Program), in an amount not to exceed \$200,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Evans for the Sturgeon Point Nature Trail Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

RESOLUTION 2013-314 Water rate for Woodcliff Rd, McKinley Rd., portions of Independence Dr., and portions of Peppertree Dr.

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans entered into a Lease Management Agreement with the Erie County Water Authority effective April 1, 2013; and

WHEREAS, the Town of Evans is responsible for the billing and maintenance of approximately 115 customers on Town of Evans Waterlines, and

WHEREAS, these customers are primarily located on Woodcliff Road, McKinley Road, portions of Independence Drive and portions of Peppertree Drive,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That pursuant to Section 106-1 the price of water be \$5.85 per 1,000 gallons,
2. The minimum quarterly bill shall be based upon a minimum of 9,000 gallons of water consumed, and
3. A \$9.00 per quarter infrastructure charge is established and will be added to the quarterly bill for each metered account

AND BE IT FURTHER RESOLVED that these changes will start effective July 1, 2013

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

RESOLUTION 2013-314 Approval of Town Licenses

Supervisor Dash moved and Councilman Cooper seconded,

- 1) Live Band Special Event - 9151 Lakeside Road, Angola, Petitioner: Kathleen Shupe
- 2) Refreshment - 7065 Erie Road, Derby, Petitioner: Sheila A. Leavitt
- 3) Live Band Commercial - 188 Kennedy Avenue, Angola, Petitioner: J.J. Parks Pub/Castaways

BE IT RESOLVED, the aforesaid licenses be hereby granted pending the receipt of the report of the Chief of Police and the Department of Health when and where appropriate.

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

Privilege of the Floor on the Lease Management agreement with the Erie County Water Authority

Supervisor Dash explained the increase in the water rates, the surcharge, the increase in the minimum charge and gave a brief history of the project. He also handed out a sheet explaining the details. Rob Klavoon explained the difference in water meter size.

The following people spoke about concerns regarding the Lease Management agreement with the Erie County Water Authority:

Russ Knoll 9590 Lenox Street, Angola
 Robert Catalano, 7339 Erie Road, Derby
 Margaret Loretto, 286 Eastwood Avenue, Angola
 Mark Mollnar, 88 Chestnut Lane, Angola
 Don Mogavero, 629 Dawn Avenue, Angola
 Ed Schneider, 9575 Redwing Street, Angola
 Bill Henry, 1456 Pontiac Road, Angola
 Jon Rozman, 1897 South Creek Road, Derby
 Henry Chowanec, 9436 Elmwood Street, Angola
 Pam Jarozewski, 1515 Gowans Road, Angola

Ed Schneider, 9575 Redwing Street, Angola has concerns about the handicapped accessibility on the sidewalks of Kennedy Avenue.

Councilman Cooper read the following:

Date 07/17/2013
 Abstract No. 12
 Voucher No. 968-1137
 Prepaid:

General	\$216,052.54
Part Town	51,378.11
Highway DA	0
Highway	85,533.60
Water	15,822.60
Capital Projects	20,862.08
Special Districts	100,945.42
Debt Service	0
Community Development	0
	<hr/>
	\$490,594.35

Date 07/10/2013
 Abstract No. 13
 Voucher No. 1138-1219
 Prepaid:

General	\$83,072.07
Part Town	2,065.35
Highway DA	0
Highway	1,952.13
Water	41,731.96
Capital Projects	
Special Districts	19,770.34
Debt Service	0
Community Development	0
	<hr/>
	\$148,591.85

RESOLUTION 2013-315 Audit of Bills

Councilman Cooper moved Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract dated June 19, 2013:

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

RESOLUTION 2013-316 Adjournment

Supervisor Dash moved and Councilman Cooper seconded

We stand adjourned to a Special Work Session Thursday, July 18, 2013 at 6:30pm to 7:30pm, then to Thursday August 1, 2013 for an Agenda meeting at 6:30pm and 7:00pm for the Town Board meeting, and then to a Town Board Work Session on Wednesday, August 28, 2013 at 6:15pm.

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

Supervisor Dash announced with profound sorrow the passing of the former Receiver of Taxes and Town Supervisor, Gene Heil and hereby order the Town Clerk to set aside a page in the official record, a page in his memory and asked everyone to rise for a moment of silence.

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 Stoessel
Deputy Town Clerk

Jonica B. DiMartino, RMC
Town Clerk

*In Memory of former Receiver of Taxes
&
Town Supervisor, Gene Heit*

PROJECT I.D. NUMBER

617.20
Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT /SPONSOR <u>LAURA OGUS</u></p>	<p>2. PROJECT NAME <u>Laura Ogus Minor Subdivision</u></p>
<p>3. PROJECT LOCATION: Municipality <u>Town of Evans</u> County <u>Erie</u></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>7353 Versailles Rd, Derby, NY 14047</u></p>	
<p>5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY: <u>dividing an 85.20 +/- ac. parcel to create a 4.674-acre parcel, a 5.66 +/- acre parcel to be annexed to adjacent parcel, SBL # 207.00 - 3-60 and a 74.87 +/- acre parcel.</u></p>	
<p>7. AMOUNT OF LAND AFFECTED: Initially <u>85.20</u> acres Ultimately <u>85.20</u> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly</p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Barred Forest/Open space <input type="checkbox"/> Other Describe:</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals</p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval</p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p>	
<p>Applicant/sponsor name: <u>LAURA OGUS</u></p>	<p>Date: <u>6/21/13</u></p>
<p>Signature: <u>Laura Ogus</u></p>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species; significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town Board of Town of Evans
Name of Lead Agency

7/17/13
Date

Keith E. Dash
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Keith E. Dash
Signature of Responsible Officer in Lead Agency

Sandra L. Brant, Director of Planning
Signature of Preparer (If different from responsible officer)

**TOWN OF EVANS
 WATER BULLETPPOINTS**

Factors for switching to ECWA

- Town of Evans was faced with an aging water system. Water losses were estimated at over 30% prior to undertaking the project.
- The Town entered into a low interest long-term project financing agreement with the New York State Environmental Facilities Corporation to upgrade the system in 2005.

• Total Debt Outstanding at 12/31/12 \$ 12,374,605

2013 Principal Payments Due	\$	565,235
2013 Interest Payments Due	\$	333,056
	\$	<u>898,291</u>

- Due to the Town not properly raising rates over the years, in order to operate the water system and pay back the existing debt the Town would have to increase water rates \$1.60 to a rate of \$7.15 per thousand gallons.
 - ◆ The Town would have to raise \$2,576,000 in water billings to cover budgeted expenditures and debt payments.

Number of gallons billed in prior year	369,000,000
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Current year estimated gallons billed	360,360,360
Current water billing rate	\$ 5.55
	<u>\$ 2,000,000</u>

Current year estimated gallons billed	360,360,360
ADDITIONAL RATE INCREASE NEEDED	\$ 1.60
	<u>\$ 576,000</u>

Water rate needed to cover 2013 budget	<u>\$ 7.15</u>
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- Given these circumstances the Town signed a Lease Managed Agreement with the ECWA to supply and deliver water to the Town. The ECWA is also responsible for customer service, billing, meter reading and maintenance of the system. Thus, eliminating the cost of salary, benefits and overhead of operating the Town's system. The Town still owns the system and is responsible for all future capital improvements.

- ◆ Breakdown of ECWA water rate:

\$ 2.96	ECWA water rate per thousand gallons	
\$ 2.89	Surcharge - Covers existing debt payments and Town water infrastructure	
		<u>\$ 5.85</u>

- Average Evans homeowner uses 15,000 gallons per quarter

- ◆ If Town continues to operate and didn't go to ECWA:

15,000-gallons x \$7.15 / thousand	\$ 107.25
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- ◆ If Lease Managed Agreement o ECWA:

15,000 gallons x \$5.85 / thousand	<u>\$ 87.75</u>
Savings per quarter	<u>\$ 19.50</u>