

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 M. Krajacic   | Deputy Town Clerk                        |
|               | J. Grant Zajas     | Town Attorney                            |
|               | Charles LaBarbera  | Building Dept. Head                      |
|               | Lori Szewczyk      | Director of Community Develop.           |
|               | Scott Dill         | Director of Finance                      |
|               | 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.                       |
| EXCUSED:      | Edward Michalski   | Highway Superintendent & Overseer of DPW |
| ABSENT:       | Jeanne C. Ebersole | Assessor                                 |
|               | Rob Klavoon        | Wendel Duchscherer                       |
|               | Rick Hanavan       | Wendel Duchscherer                       |

**RESOLUTION 2013-334 Approve Minutes**

Councilman Dash moved and Councilman Cooper seconded to approve the minutes of the August 1, 2013 Town Board meeting, August 8, 2013 Special Meeting and August 28, 2013 work session.

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

**Communications**

Supervisor Dash read the communication from Sandra L. Brant, Director of Planning requesting the Town Board set a Public Hearing for the renewal of a special use permit for the purposes of continuing the operation of a towing/recovery business located at 1526 Eden Evans Center Road, Angola NY 14006. Petitioner: Matthew J. Leverenz, Tick-Tock Towing/Recovery.

**RESOLUTION 2013-335 Request to Set Public Hearing, Tick Tock Towing/Recovery**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated August 26, 2013, the Planning Office has requested that the Town Board set a public hearing regarding the petition of Matthew J. Leverenz, Tick-Tock Towing/Recovery, for a special use permit renewal for continuing the operation of a towing/recovery business located at 1526 Eden Evans Center Road, Angola, NY 14006, SBL# 221.00-4-29.1

NOW THEREFORE BE IT

RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on October 2, 2013 at 7:10pm for the consideration of said special use permit renewal, and

BE IT FURTHER

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

BE IT FURTHER

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

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

Supervisor Dash mentioned a letter he received from Mark C. Polancarz, Erie County Executive regarding the 2014-2016 Town/County snow plowing contract.

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

- 1) Margaret Loretto, 286 Eastwood Avenue, Angola questioned if the signs in Point Breeze on Mauer’s property will be put up this year. Also questioned the status of the fence on Wodja’s property that is 2 feet in the right of way.
- 2) Bob Catalano, 7339 Erie Road, Derby questioned why New Business is not listed on the agenda and wanted to know the status of the recognition of Christian Laettner. He also questioned how to bring more festivals to the Town of Evans. He requested overtime figures from the Police Department. He also questioned if Department Heads are paid to attend Town Board meetings.

- 3) Jovita Wilson, 970 Gold Street, Angola seeked permission to do a peaceful walk on Wednesday, October 9, 2013 from 10am to 12pm or 12pm - 2pm.

**7:10pm Public Hearing for the purpose of considering the renewal of a Special Use Permit for M & D Auto Repair**

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

**LEGAL NOTICE  
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 4, 2013 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 continuing operation of an auto repair facility located at 9579 Southwestern Blvd., (a.k.a Route 20), Angola, NY 14006 SBL#252.00-1-36. Petitioner: Daryl S. Phillips (M & D Auto Repair).

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

**RESOLUTION 2013-336 Open the Public Hearing**

Supervisor Dash moved and Councilman Cooper seconded to open the public hearing for the consideration of the adoption of a renewal of a Special Use Permit for M & D Auto Repair.

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

There being nobody present wishing to speak, the Public Hearing was closed.

**RESOLUTION 2013-337 Close the Public Hearing**

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

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

**RESOLUTION 2013-338 M & D Automotive Special Use Permit**

WHEREAS, on June 10, 2013, Daryl S. Phillips (M & D Automotive) requested a Special Use Permit renewal for the purpose of continuing the operation of an auto repair facility, located at 9579 Southwestern Blvd (a.k.a. US Route 20), Angola, NY 14006, SBL# 252.00-1-36, and

WHEREAS, the current Special Use Permit was issued with the following conditions:

1. The site must be developed in accordance with the site plan as approved by the Evans Town Board on June 6, 2012.
2. Motor vehicle sales will only be permitted upon amendment to this Special Use Permit.
3. There shall be no storage of auto parts or accessories 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. No major auto body or collision repairs will be conducted on this site.
6. If a dumpster is to be located on the site in the future, it shall be enclosed per Town Code Section 200-23 B.

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 the Special Use Permit be renewed for a period of two (2) years, and

WHEREAS, the negative SEQRA declaration issued by the Town Board on June 6, 2012, for said facility is still sufficient and valid, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing on September 4, 2013 regarding said Special Use Permit renewal.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to Daryl S. Phillips (M & D Auto) for the purpose of continuing the operation of an auto repair facility, located at 9579 Southwestern Blvd (a.k.a. US Route 20), Angola, NY 14006, SBL# 252.00-1-36, for a two (2) year period,

BE IT FURTHER

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

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office, 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 announced that residents receiving the Basic Star Exemption you must register with the New York State Tax Department by December 31, 2013.

Councilman Cooper reminded residents the 4<sup>th</sup> Annual Wiener Run to benefit the Boys & Girls Club of Lake Shore will be held Saturday, September 14, 2013 at 10am.

**RESOLUTION 2013-339 Town Clerk monthly reports**

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

Town Clerk - July	\$31,294.58
Interest - July	\$2.46
Petty Cash - July	\$-0-
Water District Receipts, July	\$9,435.01
Interest Earned, July	\$1.07
Water District Receipts, August	\$7,147.13
Interest Earned, August	\$.76

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

**RESOLUTION 2013-340 Remove Old Business**

Supervisor Dash moved and Councilman Feldmann seconded that the Appointment of Assessor be removed from Old Business on the agenda.

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

**RESOLUTION 2013-341 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 2013-342 Authorize Superintendent of Highways to clean the swale located behind Friendly Senior Housing Inc.**

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, written permission has been granted to the Town of Evans to enter on property located at 8491 North Main Street, 8597 North Main Street, 8477 North Main Street, and 8554 North Main Street to access property behind 8541 North Main Street.

NOW THEREFORE BE IT RESOLVED,

that the Superintendent of Highways is authorized to clean the swale located behind Friendly Senior Housing Inc. located at 8541 North Main Street in the Town of Evans.

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

**RESOLUTION 2013-343 Authorize the creation of a Senior Clerk Typist**

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the position of Senior Account Clerk has been vacant since December 29, 2012; and

WHEREAS, it has been recommended to have additional segregation of duties in the Finance Office:

NOW THEREFORE BE IT RESOLVED,

that the Town Board authorizes the creation of a Senior Clerk Typist position which is more in line with the needs of the Finance Department as required by the Erie County Personnel Department.

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

**RESOLUTION 2013-344 Appointment of Crossing Guard**

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that Judith Fox is hereby appointed Crossing Guard with the Evans Police Department to be scheduled buy the Chief of Police at the rate of \$20.00 per diem, pending successful completion of background investigation.

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

**RESOLUTION 2013-345 Appointment of Police Matron**

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED, that Julie Boedo be appointed to the position of Police Matron at the current rate of \$15.00/hour to be called as needed.

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

**RESOLUTION 2013-346 Authorize the Supervisor to sign, submit and execute contract with the Erie County Community Development Block Grant Program and schedule a Public Hearing**

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, THE Town of Evans will be applying for the Community Development Block Grant for the year 2014-2015; and

WHEREAS, the Evans Town Board authorizes the Town Clerk to advertise a public hearing on October 2, 2013 at 7:20 p.m. for the purpose of eliciting citizen input regarding the Town’s Community Development Block Grant Funding,

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorize the Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant Program.

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be given to the Supervisor’s Office.

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

**RESOLUTION 2013-347 Authorization to attend school for Advanced Accounting**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Office of the State Comptroller is sponsoring a local training school for Advanced Accounting in the Village of Arcade, from October 22, 2013 to October 24, 2013, and

WHEREAS, Maureen Courneyea and Patricia Buergin attended the Introduction to Government Accounting class,

NOW THEREFORE BE IT

RESOLVED, that Maureen Courneyea and Tricia Buergin be authorized to attend the classes, registration cost of \$85.00 each be paid by the town and any other reasonable expenses be reimbursed.

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

**RESOLUTION 2013-348 Authorize Supervisor to sign agreement with Network Consulting Group of Western New York**

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the contract is expiring on September 30, 2013 for computer services to the Town of Evans,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to sign an agreement with Net Work Consulting Group of WNY, aka NCGWNY of Derby NY for computer services from October 1, 2013 to September 30, 2014 pending approval of the Town Attorney and the Director of Finance.

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

**RESOLUTION 2013-349 Appointment of DPW Maintenance Worker B**

Councilman Cooper moved and Councilman Feldmann seconded,



RESOLVED, that Donald M. Niles of 6782 Wayne Drive, Derby, NY 14047 currently in the position of Meter Reader, is appointed to the position of DPW Maintenance Worker B, which more accurately describes his job duties, and

BE IT FURTHER

RESOLVED, that his salary is established pursuant to the SEIU Local 200 United Collective Bargaining Agreement currently in effect.

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

**RESOLUTION 2013-350 Appointment of Senior Clerk Typist**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the position of Senior Clerk Typist has been created and approved by Erie County Personnel; and

WHEREAS, all candidates on the Civil Service list were properly canvassed according to Civil Service law,

NOW THEREFORE BE IT RESOLVED, that Patricia R. Buerger, 642 Albeeville Avenue, Angola, NY 14006 is hereby appointed to the position of Senior Clerk Typist effective September 9, 2013: and

BE IT FURTHER RESOLVED, that the salary and fringe benefits be set as stipulated for other clerical positions in the agreement between the Town of Evans and Local 41 of the International Brotherhood of Electrical Workers (IBEW) expiring December 31, 2017.

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

**RESOLUTION 2013-351 Authorization to Levy Delinquent Water Bills to 2014 Town & County Tax Bill**

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, that all delinquent water accounts not paid by October 1, 2013 will be re-levied to the 2014 County and Town tax bills. WITH NO EXCEPTIONS!!!!!!

At present time the outstanding amount per water billing districts are as follows:

District # 1	\$104,565.33
District #2	89,821.63
District #3	70,605.44
TOTAL	\$264,992.40

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

**RESOLUTION 2013-352 Schedule Public Hearing to consider Proposed Local Law #6 of the year 2013**

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED, that a public hearing be scheduled on October 2, 2013, at 7:30pm to consider Proposed Local Law #6 of the year 2013, which would amend the Code of the Town of Evans, Chapter 193 Vehicles and Traffic, Article VII Section 193-35 Schedule II: Speed Limits to add:

<u>Name of Street</u>	<u>Speed (MPH)</u>	<u>Location</u>
Delamater Rd.	40	From Eden Evans Center Road to the western limits of the Village of Angola

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

**RESOLUTION 2013-353 Approval of Budget Transfers**

Supervisor Dash moved and Councilman Feldmann 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 since the July 17<sup>th</sup>, 2013 Board Meeting in the Town’s 2013 fiscal year; and

Date	Department	Amount	Transferred From	Transferred To
07/19/2013	Parks	<b>\$8,000.00</b>	A7230.453	A7230.200
07/19/2013	Police	<b>\$1,000.00</b>	A3120.0256	A3120.442
07/23/2013	Finance	<b>\$4,000.00</b>	A1999.000	A1345.400
	Community			
08/02/2013	Development	<b>\$650.00</b>	A1990.000	A8662.111
08/06/2013	Police	<b>\$150.22</b>	A3120.245	A3120.403
08/02/2013	Parks	<b>\$5,713.00</b>	A1990.000	A7180.215
08/05/2013	Water/Highway	<b>\$4,376.25</b>	SR2770.000	F8310.421
08/21/2013	Parks	<b>\$2,500.00</b>	A7020.123	A7020.112
08/21/2013	Parks	<b>\$25,000.00</b>	A7230.111	A7230.112
08/28/2013	Parks	<b>\$25,000.00</b>	F8310.111	A7110.112
08/26/2013	Town Clerk	<b>\$800.00</b>	AA.01410.0407.00	AA.01410.0112.00
08/27/2013	Town Clerk	<b>\$1,000.00</b>	AA.01410.0420.00	AA.01410.0112.00

WHEREAS, the Town Board has reviewed and understands these budget transfers; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of Evans approves and authorizes these most recent 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 2013-354 Create Dog Park Committee & Appointment of members**

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, there has been interest in establishing a Dog Park in the Town of Evans, and

WHEREAS, the Town of Evans is pursuing the feasibility of establishing a Dog Park,

NOW THEREFORE BE IT

RESOLVED, THAT THE Town of Evans Dog Park Committee is hereby created and the following individuals are appointed effective immediately with the term of office ending on December 31, 2013:

1. Megan Scritchfield, 6586 Lake Shore Road, Derby NY 14047
2. Kristine DeMartino, 1448 Darlington Drive, Derby NY 14047
3. Gail Dannebrock, 451 Roat Drive, Angola NY 14006
4. Richard Gajewski, 2385 New Jerusalem Road, Angola NY 14006
5. Victoria Kurek, 1759 Sturgeon Point Road, Derby NY 14047
6. William Kurek, 1759 Sturgeon Point Road, Angola NY 14047
7. Kay Curtin, 1457 Eden Evans Road, Angola NY 14006
8. Michael Franey, 8787 Erie Road, Angola NY 14006
9. Emily Warren, 1437 Pontiac Road, Angola NY 14006
10. Susan Schmitt, 88061 Southwestern Boulevard, Angola NY 14006
11. Patricia Nagel, 1054 Church Road, Angola NY 14006
12. Ashley Zielinski, 9666 Northfield Street, Angola NY 14006

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

**RESOLUTION 2013-355 Approval of Town Licenses**

Supervisor Dash moved and Councilman Cooper seconded,

- 1) Live Band Special Event - 9476 Jamestown Street, Angola, Petitioner Cheryl L. Triviz

BE IT RESOLVED, the aforesaid license 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

**RESOLUTION 2013-356 Audit of Bills**

Councilman Cooper moved Supervisor Dash seconded that all properly audited bills be paid out of their respective accounts per abstract dated August 21, 2013:

DATE: 08/21/2013  
 ABSTRACT NO.16  
 VOUCHER NO. 1425-1530  
 For September 4 Board Meeting

GENERAL	44,239.91
PART TOWN	26,103.83
HIGHWAY DA	
HIGHWAY	1,333.70
WATER	6,147.56
CAPITAL PROJECTS	24,274.43
SPECIAL DISTRICTS	79,638.41
DEBT SERVICE	
COMMUNITY DEVELOPMENT	
TOTAL	181,737.84

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

**RESOLUTION 2013-357 Adjournment**

Supervisor Dash moved and Councilman Cooper seconded

We stand adjourned to a Work Session, Wednesday, September 11, 2013 at 6:15pm, then to Wednesday, September 18, 2013 for an Agenda meeting at 6:30pm and 7:00pm 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 Krajacic  
Deputy Town Clerk

Jonica B. DiMartino, RMC  
Town Clerk