

Evans Town Board

At the regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, October 2, 2013 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Keith E. Dash	Supervisor
ABSENT:	Paul T. Cooper	Councilman
ALSO PRESENT:	Lynn Krajacic	Deputy Town Clerk
	J. Grant Zajac	Town Attorney
	Ernest Masullo	Police Chief
	Jeneen McSkimming	Assessor's Dept
	Lori Szewczyk	Community Development
	Scott Dill	Director of Finance
	Sandra Brant	Planning Dept
	Diana Cafferty	Supervisor's Dept.
	Rob Klavoon	Wendel Duchscherer

RESOLUTION 2013-366 Approve Minutes

Councilman Dash moved and Councilman Feldmann seconded to approve the minutes of the September 18, 2013 Town Board meeting and the September 25, 2013 Work Session.

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

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. Pam Jaroszewski, 1515 Gowans Road, Angola NY 14006 thanked Ed Michalski, Highway Superintendent for fixing the waterline at her house. Questioned if the Community Development Grant has been given.

Committee and Department Head Reports

Supervisor Dash introduced Jeneen Lomando-McSkimming as the new Assessor for the Town of Evans.

-He also reported that the 2014 Tentative Budget was completed and turned over to the rest of the Town Board. He thanked Scott Dill, Director of Finance and Diana Cafferty for assisting him with preparing the budget.

-He also reported that on September 21, 2013 the Harvest Dinner sponsored by the Southtowns Coalition Farm Trail was held and was a sell-out. He congratulated Lori Szewczyk and Sandra Brant for representing our town and doing a great job on the fundraising event.

7:10pm Public Hearing for the purpose of considering the renewal of a Special Use Permit for Tick Tock Towing/Recovery

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 October 2, 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 a towing/recovery business located at 1526 Eden Evans Center Road, Angola, NY 14006 SBL#221.00-4-20.11 (formerly known as SBL#221.00-4-29.1). Petitioner: Matthew J. Leverenz (Tick Tock Towing/Recovery).

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 2013-367 Open the Public Hearing

Supervisor Dash moved and Councilman Feldmann seconded to open the public hearing for the consideration of the adoption of a renewal of a Special Use Permit for Tick Tock Towing/Recovery

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

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

RESOLUTION 2013-368 Close the Public Hearing

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

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

RESOLUTION 2013-369 Tick Tock Towing/Recovery Special Use Permit

Supervisor Dash moved and Councilman Feldmann seconded

WHEREAS, Tick Tock Towing/Recovery requested a Special Use Permit renewal for the purpose of continuing the operation of a Towing/Recovery business located at 1526 Eden-Evans Center Rd., Angola, NY 14006, part of SBL# 221.00-4-20.11 (formerly known as SBL# 221.00-4-29.1), and

WHEREAS, the original Special Use Permit granted on August 18, 2010 was issued with the following conditions:

1. The site must be developed in accordance with the site plan reviewed and recommended by the Evans Planning Board on July 28, 2010 and approved by the Evans Town Board.
2. There shall be no storage of vehicles, vehicle parts, accessories or scrap parts outside of the building.
3. Only minor car and truck repairs will be conducted on site.
4. There shall be no use of the airport runway.
5. If a future need for a dumpster arises, it shall be screened in accordance with Town code.
6. All vegetation situated along the northwestern property boundary shall remain intact to provide a buffer for the adjoining residential property.

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

WHEREAS, the negative SEQR declaration issued by the Evans Town Board on August 18, 2010 for the original Special Use Permit for said facility is still sufficient and valid for this action, and

WHEREAS, the Town Board of the Town of Evans has conducted a public hearing on October 2, 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 Tick Tock Towing/Recovery for the operation of a towing/recovery service located at 1526 Eden-Evans Center Rd., Angola, NY 14006, part of SBL# 221.00-4-20.11 (formerly known as SBL# 221.00-4-29.1), and

BE IT FURTHER

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

BE IT FURTHER

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

BE IT FURTHER

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

VOTE RESULT: ADOPTED
AYES: Feldman, Dash
NAYS: none

RESOLUTION 2013-370 Schedule Public Hearing for PPL #7 (Parking Prohibited on portion of Lake Shore Road

Supervisor Dash moved and Councilman Feldmann seconded

WHEREAS, the Town of Evans has completed the Multi-Use Pathway along Lake Shore Road between Roat Drive and Bennett Beach Park; and

WHEREAS, the Town of Evans wishes to establish no parking in this vicinity for the safety of the public,

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be scheduled on November 6, 2013 at 7:10PM to consider Proposed Local Law #7 of the year 2013, which would amend the Code of the Town of Evans, Chapter 193-45, Schedule XI: Parking Prohibited at All Times to add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lake Shore Road	Both	From Roat Drive to Bennett Road

AND, BE IT FURTHER

RESOLVED, the placement of the No Parking signs will be per Section 2B.40 of the manual of uniform traffic control devices.

VOTE RESULT: ADOPTED
AYES: Feldman, Dash
NAYS: none

7:20pm Public Hearing for the Federal Block Grant Funding

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

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on October 2, 2013 at 7:20 pm at the Evans Town Hall, 8787 Erie Road, Angola, New York regarding the use of Federal Community Block Development Funds in the Town of Evans.

The Town of Evans is eligible for a Federal Community Block Development Grant under Title 1 of the Housing and Community Act, of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Evans.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Evans selection of potential projects to be submitted for possible funding under the Federal Community Block Development Grant Program.

The hearing will also present a review of prior Community Block Development projects and expenditures and discussion of eligible activities. The meeting room is wheelchair accessible.

By Order of the Town Board
of the Town of Evans
Jonica B. DiMartino, RMC
Town Clerk

RESOLUTION 2013-371 Open the Public Hearing

Supervisor Dash moved and Councilman Feldmann seconded to open the public hearing for the Federal Community Block Grant.

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

Pam Jaroszewski, 1515 Gowans Road, Angola spoke in favor of applying the Community Block Grant to the Town pool.

Ed Schneider, 9575 Redwing Street, Angola spoke in favor of applying the Community Block Grant to constructing a Basketball court in Lake Erie Beach Park, extending and repairing the sidewalks on Kennedy Avenue and making Lake Erie Beach handicapped accessible from Garfield Avenue to the playground and picnic area. He submitted his request in writing.

RESOLUTION 2013-372 Close the Public Hearing

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

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

RESOLUTION 2013-373 Audit of Bills

Supervisor Dash moved Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract dated September 18, 2013:

DATE: 09/18/2013
ABSTRACT NO.18
VOUCHER NO.1625-1744
PREPAID:
For October 2 Board Meeting

GENERAL	139,245.64
PART TOWN	24,566.38
HIGHWAY	128,266.95
WATER	17,779.13
CAPITAL PROJECTS	3,210.87
SPECIAL DISTRICTS	120,240.73
TOTAL	433,309.70

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

7:30pm Public Hearing for the purpose of amending Proposed Local Law #6 of the year 2013

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

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on October 2, 2013 at 7:30pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #6 of the year 2013 which will amend Local Law #1 of the year 1993 commonly known as the Vehicles and Traffic Law and any amendments thereto, Town Code, Chapter 193, Vehicles and Traffic, Article VII Section 193-35 Schedule II: Speed Limits to add:

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Location</u>
Delamater Road	40	from Eden Evans Center Road to the western limits of the Village of Angola

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 2013-374 Open the Public Hearing

Supervisor Dash moved and Councilman Feldmann seconded to open the public hearing for consideration of amending Proposed Local #6 of the year 2013.

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

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

RESOLUTION 2013-375 Close the Public Hearing

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

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

RESOLUTION 2013-376 PPL #6 of the year 2013

Supervisor Dash moved and Councilman Feldmann seconded

BE IT

RESOLVED, that Proposed Local Law #6 of the year 2013 is hereby adopted at Local Law #6 of the year 2013.

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

RESOLUTION 2013-377 Adjournment

Supervisor Dash moved and Councilman Feldmann seconded to adjourn to Wednesday, October 9 at 6:15pm for a Work Session then to Wednesday, October 16, 2013 for an Agenda meeting at 6:30pm and 7:00pm for the Town Board meeting.

VOTE RESULT:	ADOPTED
	AYES: Feldmann, 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**