

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 16, 2014 there were:

- |               |                    |                                   |
|---------------|--------------------|-----------------------------------|
| PRESENT:      | Dennis M. Feldmann | Councilman                        |
|               | Paul T. Cooper     | Councilman                        |
|               | Keith E. Dash      | Supervisor                        |
| ALSO PRESENT: | Lynn Krajacic      | Town Clerk                        |
|               | Kim Milks          | Deputy Town Clerk                 |
|               | J. Grant Zajac     | Town Attorney                     |
|               | Charles LaBarbera  | Building Dept. Head               |
|               | Scott Dill         | Director of Finance               |
|               | Lori Szewczyk      | Director of Community Development |
|               | Sandra Brant       | Director of Planning              |
|               | Ernie Masullo      | Chief of Police                   |
|               | Julie Roach        | Senior's Department               |
|               | Diana Cafferty     | Supervisor's Department           |
|               | Rob Klavoon        | Wendell                           |

**RESOLUTION 2014-215 Approve Minutes**

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the Town Board Meeting of June 18, 2014 and the Work Session of July 8, 2014 be dispensed with and approved as submitted by the Town Clerk.

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

**Communications**

Supervisor Dash reported that the Supervisor's Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office. Supervisor Dash read a letter of recognition from Ernest P. Masullo, Chief of Police to all the employees of the Police Department that worked the fourth of July weekend. Supervisor Dash read a letter from Sandra L. Brant requesting the Town Board set a Public Hearing to consider a request for rezoning for SBL#221.00-3-9.12.

**RESOLUTION 2014-216 Set a Public Hearing for the Rezoning of Property for SBL#221.00-3-9.12, 8418 Marshalling, LLC**

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, 8418 Marshalling, LLC has requested that the Town Board of the Town of Evans rezone a 24.93± acre portion of vacant land located at the northwest corner of Southwestern Boulevard (a.k.a. U.S. Route 20) and Versailles Plank Road, part of SBL# 221.00-3-9.12, from Rural Agriculture (RA) to Light Industrial (LI) for the purpose of expanding Buffalo Auto Auction/Southtowns Auto Auction which includes automobile auctions and vehicle marshalling.

WHEREAS, in a letter dated July 10, 2014, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of 8418 Marshalling, LLC.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law # 5 of the year 2014, to be held on August 13, 2014 at 7:10pm for the consideration of said Rezoning,

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

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

Ben Little, President of Grandview Bay Association, 378 Lakeside Road, Angola NY thanked the Town Board and Highway Department for repainting crosswalks, patching holes, repairing signs and for installing posts for dog waste bags. He thanked the Police Department for their service to the residents on the fourth of July holiday. He also announced that Robin Gibbons is raising money to replace the stairs leading to the beach at the end of Central Avenue and is requesting the Town repair the pipe leading to beach so the stairs could be completed. He also asked for consideration to repair the receivers in that area.

Karl Simmith from New York State Assemblyman David DiPietro's office announced that he is working on a few projects with the Town Clerk and reminded residents to call him if they have any questions or concerns.

**7:10pm Public Hearing for the purpose of considering Proposed Local Law #1 of the year 2014 Correct Various Zoning Sections**

**RESOLUTION 2014-217 Open the Public Hearing**

Councilman Feldmann moved and Councilman Cooper seconded to open the public

hearing for the consideration of the adoption of Proposed Local Law #1 of the year 2014.

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

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 July 16, 2014 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #1 of the year 2014 which will amend Local Law #8 of the year 1987 commonly known as the Zoning Law and any amendments thereto for proposed revisions to:

Section 200-8.2 C. (8) (a) [2]  
Section 200-9 C. (3) (a) [2]  
Section 200-8.2 C. (8) (b) [2]  
Section 200-9 C. (3) (b) [2]  
Section 200-17 (A)  
Section 200-29 I. (1) (d) [3] [c] and  
Section 200-45 F

A draft copy of the proposed amendments will be available, at the Town Clerk's Office, to review or pick up during normal business hours, Monday, Tuesday, Thursday, and Friday from 8am-4pm and Wednesday from 9am-5pm or it can be viewed or printed out at [www.townofevans.org](http://www.townofevans.org) .

All parties in interest and citizens shall have an opportunity to be heard at the public hearing to be held aforesaid.

By Order of the Town Board  
Of the Town of Evans  
Lynn M. Krajacic  
Town Clerk

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

**RESOLUTION 2014-218 Close the Public Hearing**

Councilman Cooper moved and Councilman Feldmann seconded to close the public hearing.

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

**RESOLUTION 2014-219 Declare Negative SEQR Declaration of Significance**

Supervisor Dash moved and Councilman Feldmann seconded,

**WHEREAS**, the Evans Town Board wishes to adopt proposed Local Law No. 1 of the Year 2014 regarding code revisions to Zoning Chapter 200: Section 8.2 R-A District, Section 9 R-R District, Section 17 Provisions applicable to all residential districts, Section 29 Sign regulations and Section 45 Special use permit, and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Quality Review), the Evans Town Board as SEQR Lead Agency, determined that the action was an Unlisted Action and completed a Short Environmental Assessment Form, and

**WHEREAS**, the Evans Town Board held a Public Hearing on July 16, 2014 to receive input from the public and has taken a look at the potential social, economic and environmental impacts of this proposed action.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Evans has determined that the adoption of proposed Local Law No. 1 of the year 2014, regarding revisions to above said sections of the Zoning Chapter 200 of the Town Code will not have a significant impact on the environment and, therefore, issues a Negative Declaration. Based on this determination of non-significance, no further SEQR review is required (Addendum B Short Environmental Assessment Form).

**AND BE IT FURTHER**

**RESOLVED**, that the Evans Town Board authorizes the Town Planning Director to conduct all necessary filings pursuant to the SEQR requirements for Unlisted Actions and that a copy of this resolution be provided to the Planning Office.

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

**RESOLUTION 2014-220 Adopt Proposed Local Law #1 of the year 2014**

**WHEREAS**, the Town wishes to adopt revisions to Zoning Chapter 200: Section 8.2 R-A District, Section 9 R-R District, Section 17 Provisions applicable to all residential districts, Section 29 Sign regulations and Section 45 Special use permit, and

**WHEREAS**, in a letter dated May 29, 2014, the Evans Planning Director and the Code Enforcement Officer have recommended adoption of these proposed code revisions, and

**WHEREAS**, the Evans Town Board held a public hearing on the proposed code revisions on July 16, 2014, and

**WHEREAS**, in accordance with Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Review), the Evans Town Board declared itself SEQR Lead Agency, and issued a Negative Declaration of Significance.

**NOW THEREFORE BE IT**

**RESOLVED**, that proposed Local Law No. 1, of the year 2014, be and hereby is adopted as Local Law No.3 of the year 2014.

**AND BE IT FURTHER**

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

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

**7:10pm Public Hearing for the purpose of considering Proposed Local Law #2 of the year 2014 Amend Zoning Law to Allow Chickens**

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 July 16, 2014 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #2 of the year 2014 which will amend Local Law #8 of the year 1987 commonly known as the Zoning Law and any amendments thereto so as to provide for and allowing of the raising of chickens on certain residential zoned parcels. A draft copy of the proposed amendment will be available, at the Town Clerk's Office, to review or pick up during normal business hours, Monday, Tuesday, Thursday, and Friday from 8am-4pm and Wednesday from 9am-5pm or it can be viewed or printed out at [www.townofevans.org](http://www.townofevans.org).

All parties in interest and citizens shall have an opportunity to be heard at the public hearing to be held aforesaid.

By Order of the Town Board  
Of the Town of Evans  
Lynn M. Krajacic  
Town Clerk

The following residents spoke regarding this public hearing:

Sherry Nugent, 84 North Lane, Angola NY spoke *in favor* of the proposed amendment  
Jamie Rozborski, 478 Sterling Ave, Angola NY spoke *in favor* of proposed amendment  
Annette Garrassi, 80 North Lane, Angola NY spoke *in favor* of the proposed amendment  
Annette Lee, 88 North Lane, Angola NY spoke *in favor* of the proposed amendment  
Lori Szewczyk, Lake Erie Beach Neighborhood Revitalization Task Force submitted a letter *against* the proposed amendment  
Sandra Brant, Director of Planning submitted a letter *against* the proposed amendment

**RESOLUTION 2014-221 Close the Public Hearing**

Councilman Cooper moved and Councilman Feldmann seconded to close the public hearing.

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

**RESOLUTION 2014-222 Table Approval of Proposed Local Law #2**

Supervisor Dash moved and Councilman Feldmann seconded to Table the approval of Proposed Local Law #4.

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

**Committee and Department Head Reports**

Councilman Cooper announced the New Electronics Waste Recycling shed is up and running at the Evans Highway Department and encouraged all residents to use this service.

Supervisor Dash thanked Legislator John Mills, Senator Mark Grisanti, Councilman Feldmann and the representative from Congressman Chris Collins office for attending the ribbon cutting ceremony for the Sturgeon Point Nature Trail and expressed gratitude to the people who worked to put on the Experience Evans event. He thanked Diana Cafferty for the great job she did on the Chinese Auction for Evans Experience. He announced the first Movie in the Park is scheduled for tomorrow night at 7pm at the Town Park. He also announced on July 25, 2014 from 10am to 2pm Seniors 60 years of age and older will receive a \$20 coupon to be used at local farmer's markets. Coupons will be handed out at the Senior Center.

**RESOLUTION 2014-223 Town Clerks Report**

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

Water Monthly June 2014	\$486.85
Water Interest June 2014	.08
Town Clerk Receipts June 2014	\$15,205.59
Town Clerk Interest June 2014	\$1.28

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

**RESOLUTION 2014-224 Grant a Waiver of the Signage Fee to Community Development Department for Movie in the Park**

Councilman Cooper moved and Supervisor Dash seconded,

RESOLVED, that per Town of Evans code 200.29, Sign Regulations, Fee Schedule, that the Town Board does hereby grant a waiver of the signage fee to the Community Development office to have the portable sign at the Evans Town Park to advertise for Movie Night at the Town Park on July 17<sup>th</sup> and August 14<sup>th</sup> , 2014 and July 23 , 2014 for the Rockin Reunion event which will also be held at the Town Park. The sign will be in place from July 16, 2014 to August 15, 2014.

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

**RESOLUTION 2014-225 Authorize Final Close Out for the Replacement and New Waterlines, Contract 13-2**

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans entered into a contract with New Frontier Excavating and Paving, Inc. for the installation and replacement of waterline along various roads in the Town,

WHEREAS, Wendel, the Town Engineer, has determined that New Frontier Excavating and Paving, Inc. has completed the project in general conformance with the Contract Plans and Specifications,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans accepts the final pay

request and Release of Liens provided by New Frontier Excavating and Paving, Inc.

**BE IT FURTHER RESOLVED**, that the Town of Evans authorizes full contract payment and release of all retained monies.

**BE IT FINALLY RESOLVED**, that the Maintenance Bond will remain in effect for a two (2) year period from July 16, 2014.

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

**RESOLUTION 2014-226 Revoke/Deny Permits Granted or Under Consideration to Quasar Energy Group**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the New York State Department of Environmental Conservation has granted at least ten (ten) permits to allow Quasar Energy Group to spread "Equate", a material derived from sewage, to be spread on agricultural land within Niagara County, and

WHEREAS, the New York State Department of Environmental Conservation is considering granting permits in Erie and Wyoming Counties, and

WHEREAS, various town governments have expressed concerns about "Equate" being used within their jurisdictions, and

WHEREAS, many members of the agricultural community, including the Evans Agricultural Advisory Committee, have expressed concerns about "Equate" and their ability to bring produce to market, and

WHEREAS, many residents have expressed concerns about the impact of this product on the health of children, pets and themselves, and

NOW TYHERFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby adds its endorsement to the April 7, 2014 letter from Senator Maziarz and member of the Assembly to Commissioner Joseph Martens of the DEC, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Evans urges the New York State Department of Environmental Conservation Revoke/Deny any permit granted or under consideration to Quasar Energy Group allowing "Equate", a material derived from sewage, to be spread on farmland within Erie, Wyoming and Niagara Counties, and



BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to our New York State Assemblyman and New York State Senator.

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

**RESOLUTION 2014-227 Suspend the Rule to Consider Resolutions**

Supervisor Dash moved and Councilman Feldmann seconded to suspend the Rules of Order to consider additional resolutions.

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

**RESOLUTION 2014-228 Authorize Supervisor to Sign 2014-2016 STOP DWI Contract**

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, it is the Town of Evans intention to participate in the Erie County Stop-DWI grant program which returns DWI fines to communities through grants; therefore be it

RESOLVED, that Supervisor Dash is hereby authorized to sign the 2014-2016 STOP-DWI contract on behalf of the Town of Evans and that the Town Clerk is hereby directed to prepare a verified copy of this resolution to be attached to the STOP-DWI contract package.

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

**RESOLUTION 2014-229 Authorize Douglas Czora to attend New York State Police Colonel Henry F. Williams International Homicide Seminar**

Supervisor Dash moved and Councilman Feldmann seconded,

RESOLVED, that the Town board of the Town of Evans approves the request of Chief Masullo for Douglas Czora to attend New York State Police Colonel Henry F. Williams International Homicide Seminar on September 13-18, 2014 in Albany, NY, with a fee of \$850 which includes registration, supplies, lodging, and meals and all the other necessary and reasonable expenses incurred to be a town charge in accordance with the rules and regulations governing travel and education.

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

**RESOLUTION 2014-230 Appoint Part-Time Laborer**

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED: that the following be appointed as part-time laborer at the following rate effective 7/1/14:

Peter DelPrince                                 \$12.50

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

**RESOLUTION 2014-231 Approve Town Licenses**

Supervisor Dash moved and Councilman Feldmann seconded,  
Licenses:

Wayland Whittinghill - Live Band

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 2014-232 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: 06/25/2014  
ABSTRACT NO. 12  
VOUCHER NO. 1066-1146**

**PREPAID:**

GENERAL	38,336.27
PART TOWN	28,265.81
HIGHWAY DA	
HIGHWAY	654.00
WATER	654.00
CAPITAL PROJECTS	
SPECIAL DISTRICTS	780.87
DEBT SERVICE	
COMM DEVELOPMENT	
<b>TOTAL</b>	<b>\$ 68,690.87</b>

**DATE: 0709/2014  
ABSTRACT NO. 13  
VOUCHER NO. 1147-1253**

**PREPAID:**

GENERAL	53,146.56
PART TOWN	6,274.47
HIGHWAY DA	
HIGHWAY	153,032.49
WATER	2,315.74
CAPITAL PROJECTS	10,580.00
SPECIAL DISTRICTS	30,085.43
DEBT SERVICE	
COMM DEVELOPMENT	
<b>TOTAL</b>	<b>\$255,434.69</b>

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

**RESOLUTION 2014-233 Adjournment**

Supervisor Dash moved and Councilman Feldmann seconded, to adjourn this meeting to Monday, July 28, 2014 at 6:15pm for a Special Meeting, Wednesday, August 6, 2014 at 6:15pm for a Work Session and then to Wednesday August 13, 2014 at 6:30pm for an Agenda meeting and 7:00pm for the regular 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 M. Krajacic  
Town Clerk**