

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, August 13, 2014 there were:

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|---------------|--------------------|-----------------------------------|
| 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 Zajas | 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 |
| | Diana Cafferty | Supervisor's Department |

RESOLUTION 2014-241 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the Town Board Meeting of July 16, 2014, the Work Session of July 28, 2014 and the work session of August 6, 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 from the North Evans Fire District requesting the removal of an obsolete fire hydrant on the Northeast corner of the truck bay pad located at the Highland Hose Fire Hall.

RESOLUTION 2014-242 Suspend the Rules to Consider Resolution

Councilman Cooper moved and Councilman Feldmann seconded to suspend the Rules of Order to consider a resolution.

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

RESOLUTION 2014-243 Authorize Removal of Fire Hydrant at Highland Hose Fire Department

Supervisor Dash moved and Councilman Cooper seconded,

BE IT RESOLVED, that pursuant to the request of the North Evans Fire District Board of Fire Commissioners made by letter dated August 5, 2014, the Town hereby consents to and authorizes the removal of a certain fire hydrant at or near the Highland Hose Hall at George Nablo Parkway and authorizes delivery of a copy of this resolution to the North Evans Fire District and the Erie County Water Authority.

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

Privilege of the Floor on Meeting Agenda Items and Other Issues

Jessica Pinto, Peppertree Drive, Derby NY requested the fluoride be removed from our drinking water.

Committee and Department Head Reports

Councilman Feldmann reported on several Grants that have been submitted by Lori Szewczyk, Director of Community Development totaling \$605,035.

Councilman Cooper reported on the Electronics Recycling Program and thanked the Highway Department and the Police Department for their assistance with the program.

7:10pm Public Hearing for the purpose of considering Proposed Local Law #5 of the year Rezoning for 8418 Marshalling a.k.a Buffalo Auto Auction/Southwestern Auto Auction

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 August 13, 2014 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #5 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 a Rezoning of a 24.93± acre portion of a parcel of vacant land located at the northwest corner of Southwestern Boulevard (a.k.a. U.S. Route 20) and Versailles Plank Road, SBL#

221.00-3-9.12, from Rural Agriculture (RA) to Light Industrial (LI) for the purpose of expanding Buffalo Auto Auction which includes automobile auctions and vehicle marshalling. Petitioner: 8418 Marshalling, LLC, (a.k.a. Buffalo Auto Auction/ Southtowns Auto Auction), 8418 Southwestern Boulevard, Angola, NY 14006.

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

RESOLUTION 2014-244 Open the Public Hearing

Councilman Cooper moved and Councilman Feldmann seconded to open the public hearing for the consideration of the adoption of Proposed Local Law #5 of the year 2014.

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

Supervisor Dash read a letter from Sandra L. Brant Director of Planning recommending a SEQR negative declaration.

Michael Metzger - Metzger Civil Engineering, 8560 Main Street, Williamsville NY represented the applicant explained the project.

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

RESOLUTION 2014-245 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 2014-246 Declare Negative SEQR Declaration of Significance

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, and

WHEREAS, this action is an unlisted SEQR action and a short Environmental Assessment Form has been completed by the applicant, and

WHEREAS, the Town of Evans Planning Board has reviewed the Environmental Assessment Form for this rezoning and has determined that the rezoning of this property will not result in any significant impacts to the environment, and has recommended the issuance of a SEQR negative declaration.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans adopts these findings and issues a negative declaration in accordance with the SEQR requirements for the 8418 Marshalling, LLC rezoning of 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) (Addendum B SEQR Short Environmental Assessment Form).

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 2014-247 Adopt Proposed Local Law #5 of the year 2014

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, 8418 Marshalling, LLC has requested rezoning of 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, and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on August 13, 2014 regarding the above-said action, and

WHEREAS, the Town of Evans Planning Board has recommended the rezoning of said property based on the following reasons.

- The action is consistent with the Town of Evans Comprehensive Plan.
- The action is not expected to result in any significant adverse impacts.

- The action will allow for the expansion and continued operation of a viable business that generates economic activity in the Town.

WHEREAS, the Town Board has issued a SEQR negative declaration for this action.

NOW THEREFORE BE IT

RESOLVED, that Proposed Local Law #5 of the year 2014 regarding the above rezoning of a 24.93± acre portion of property known as SBL# 221.00-3-9.12 be adopted as Local Law #5 of the year 2014, and

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 BY ROLL CALL
 Councilman Feldmann-aye
 Councilman Cooper- aye
 Supervisor Dash- aye

Committee and Department Head Reports (con't)

Supervisor Dash attended the South Western Fireman's Convention on August 1, 2014 held in Bolivar New York where Terry Cooke of Highland Hose Fire Department was elected President of the association. The 2015 Fireman's Convention will be hosted by Highland Hose Fire Department. He also reported on the ground breaking at the Evans Dog Park. He thanked Lori Szewczyk and Ron Smith of Lads for his generous donation toward the park. He also thanked Ace Hardware for the concrete they donated and the \$100 gift certificate from Sam's Lumber. He announced a verbal agreement has been reached between the Town of Evans and the Lake Shore Central School District to extend Global Connect to call residents when there is an emergency that affects the safety or service to the residents. He congratulated the Lake Shore Central Finance Academy interns, Calvin Butlak who worked under the direction of Lynn Krajacic in the Town Clerk's office and Elise Jost who worked under the direction of Lori Szewczyk in the Community Development office.

Lori Szewczyk announced the final Movie in the Park will be held tomorrow night at 7pm.

RESOLUTION 2014-248 Town Clerks Report

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

2014 County & Town Tax	\$42,556.74
\$2.00 Delinquent Notice Fees	304.00

Lock Box overage	1.86
Water Monthly July 2014	\$2403.67
Water Interest July 2014	.08
Town Clerk Receipts July 2014	\$13,565.61
Town Clerk Interest July 2014	\$1.22

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

Old Business

RESOLUTION 2014-249 Table Approval of Proposed Local Law #2

Supervisor Dash moved and Councilman Cooper seconded to Table the approval of Proposed Local Law #2.

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

RESOLUTION 2014-250 Appointment of Part-time Gate Guard/Laborer

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED, that the following be appointed as a part - time gate guard/laborer at the following rate effective immediately:

Amanda Staelmier	\$8.50 p/h
Ronald Hahn	\$8.00 p/h

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

RESOLUTION 2014-251 Appointment of Part-time Police Officer

Councilman Cooper moved and Supervisor Dash seconded,

RESOLVED, that James Bouchard is hereby appointed part-time police officer with the Evans Police Department to be called as needed at the rate of \$15.10/hour days and afternoons, \$16.25/hour midnights, subject to pre-employment testing and background investigation.

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

RESOLUTION 2014-252 Appointment of Part-time Laborer/Maintenance

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that John R. Dutchess be appointed as a Part time Laborer/Maintenance effective September 1, 2014 at the hourly rate of \$9.50 p/h.

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

RESOLUTION 2014-253 Declare Surplus Equipment

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED, that the following vehicles are hereby declared surplus equipment and will be sold at auction with proceeds to be deposited in the Police Department's Expendable Trust Account - TA996:

2003 Crown Vic VIN # 2FAFP71W13X1127786

2005 Crown Vic VIN # 2FAHP71W65X160621

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

RESOLUTION 2014-254 Approve Town Licenses

Supervisor Dash moved and Councilman Councilman seconded,
Licenses:

Anne Munzert - Live Band, Special Event
Paulette M. Combs D/B/A Paulette's Blue Collar Inn-Refreshment and Amusement

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 2014-255 Audit of Bills

Councilman Cooper moved and Councilman Fedlmann seconded,

BE IT RESOLVED, that all properly audited bills be paid out of their respective accounts per abstract brought forth:

DATE: 08/06/2014
ABSTRACT NO. 15
VOUCHER NO. 1344-1446
PREPAID:

GENERAL	67,960.37
PART TOWN	25,083.68
HIGHWAY DA	
HIGHWAY	
WATER	2,583.92
CAPITAL PROJECTS	11,636.59
SPECIAL DISTRICTS	35,811.42
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	\$143,075.98

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

RESOLUTION 2014-256 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn this meeting to Wednesday, August 27, 2014 at 6:15pm for a Work Session and then to Wednesday September 3, 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