

## Evans Town Board

At a 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, February 17, 2010 at 7:00pm there were:

PRESENT:	Keith E. Dash	Councilman
	Paul T. Cooper	Councilman
	Francis J. Pordum	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	J. Grant Zajas	Town Attorney
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Edward Michalski	Highway Superintendent
	Charles Katra	Dir. of Finance/Town Comptroller
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Julie Roach	Seniors Dept. Head
	Patrick Conrad	St. Pt. Marina Dept. Head
	Peggy Manning	Supervisor's Dept.
	Gary Noel	Water Dept.
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Jeanne Ebersole	Assessor

**RESOLUTION 2010-70 Approve Minutes**

Supervisor Pordum moved and Councilman Cooper seconded that the reading of the minutes of the meeting of January 27, 2010 be dispensed with and approved as submitted by the Town Clerk.

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

**RESOLUTION 2010-71 Approve Town Clerk Reports**

Councilman Cooper moved and Supervisor Pordum seconded to approve the Town Clerk Financial Reports as follows:

January 2010

Petty Cash	\$0.00
NYS Racing & Wagering	\$0.00
Town Clerk Monthly	\$8,658.40

Interest earned checking	\$1.98
Water District Receipts	\$90,548.47
Duplicate Bills & Receipts	\$114.00
Interest earned checking	\$22.87

ACH transfer to Town Combined Savings to satisfy Town portion of Tax Warrant

Highway monies	\$480,535.00
Town Expenditures	\$6,246,063.20
Special District Expenditures	\$3,317,248.51

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

**RESOLUTION 2010-72 Declare Surplus Equipment & Lease New Tractor & 6-way Plow**

Supervisor Pordum moved and Councilman Dash seconded,

WHEREAS: The Parks Department is in need of replacing one (1) 1983 Ford Model 3910 Tractor for general use in and around Town Properties; and

WHEREAS: The Parks Commissioner has done due diligence in researching replacement vehicles as well as determining fair value of said 1983 Ford 3910 Tractor; now therefore be it

RESOLVED: that one (1) 1983 Ford Model 3910 Tractor is hereby declared as surplus in the Parks Department; and be it further

RESOLVED: that the Town Supervisor is hereby authorized to sign any necessary agreements for the procurement and/or municipal lease of one (1) John Deere 3520 Tractor and 6-way V Plow, state contract #PC62728 from Zahm and Matson, 10838 Main Street, North Collins, NY for an amount not to exceed \$30,187 less trade-in of said 1983 Ford 3910 in the amount of \$4,500 for a total price of \$25,687.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Dash	aye
Councilman Cooper	aye
Supervisor Pordum	aye

**RESOLUTION 2010-73 Appointment of Auditors for the Town of Evans & Justice Court**

Councilman Cooper moved and Supervisor Pordum seconded,

RESOLVED: Drescher & Malecki, LLP is hereby approved to prepare and audit the General Purpose Financial Statements of the Town of Evans and the Justice Court in accordance with generally accepted accounting standards for fiscal year 2009 for an amount of \$23,700 and fiscal year 2010 for an amount of \$24,175.

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

**RESOLUTION 2010-74 Authorize payment to Brant-Farnham Economic Development Corporation for the Town of Evans' participation in a Grant Application**

Supervisor Pordum moved and Councilman Cooper seconded,

To authorize a payment of \$371.43 to the Brant-Farnham Economic Development Corporation. This payment would be for the Town of Evans' participation in the grant application for the South Towns Intra Community Transportation System.

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

**RESOLUTION 2010-75 Advertise for bids for Waterline Replacements (Contract 09-2)**

Councilman Dash moved and Councilman Cooper seconded,

WHEREAS: the Town of Evans has authorized Wendel Duchscherer, Architects & Engineers P.C. to complete the plans and specifications for the replacement of waterlines on various roads within the Town of Evans (Contract 09-2),

WHEREAS: Wendel Duchscherer has completed the plans and specifications and is in the process of receiving the approvals from the necessary reviewing agencies, now therefore be it

RESOLVED: that the Evans Town Board authorizes the Town Clerk to advertise for said bids to be opened on April 6, 2010 at 10 AM

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

**RESOLUTION 2010-76 Water Rates**

Councilman Dash moved and Supervisor Pordum seconded,

WHEREAS: The Town of Evans has not raised water rates in the Town since 2006,  
and

WHEREAS: The Erie County Water Authority has increased the bulk purchase price of water to the Town of Evans by: \$0.11 per 1,000 gallons in 2007, \$0.05 per 1,000 gallons in 2008, and \$0.10 per 1,000 gallons in 2010, and

WHEREAS: The Town of Evans water fund has absorbed past water rate increases through improved efficiencies, and

WHEREAS: The January 1, 2010 increase by the Erie County Water Authority cannot be absorbed without creating a deficit in the water fund, now therefore be it

RESOLVED: That pursuant to Section 106-1, the price of water be \$5.05 per 1,000 gallons for Town water customers and \$5.80 per 1,000 gallons for out of district customers, and be it further

RESOLVED: That these rates will go into effect as follows for the established billing districts:

District #2, effective March 1, 2010

District #3, effective April 1, 2010

District #1, effective May 1, 2010

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

**RESOLUTION 2010-77 Execute Contract for conducting a Comprehensive Neighborhood Revitalization Strategy**

Supervisor Pordum moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans received funding assistance from the Erie County Community Development Block Grant program for the upcoming year (2010-2011) to conduct a comprehensive neighborhood revitalization strategy for restoring the Lake Erie Beach community into an attractive and vibrant neighborhood within the Town of Evans;

WHEREAS, the proposed strategy will identify issues and concerns; define neighborhood boundaries; land use; neighborhood demographics; assessment of economic need; housing characteristics; create strategies and performance measures

and identify key resources (existing programs, funding opportunities & strategic partners);

WHEREAS, the Town published a Request for Proposal requesting proposals from professional consulting firms to conduct a Neighborhood Revitalization & Comprehensive Housing Strategy for the Lake Erie Beach Neighborhood;

WHEREAS, the Town received four (4) proposals for consideration;

WHEREAS, the project selection team, made up of County and Town stakeholders, selected the proposal submitted by Peter J. Smith & Company, Inc. based on the firm's reputation, credentials; experience and project fee;

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes Supervisor Francis J. Pordum and/or appropriate Town Officials to sign, submit and execute a contract with Peter J. Smith & Company, Inc. for conducting a comprehensive neighborhood revitalization strategy pursuant to the approval of the Town Attorney and Director of Finance.

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

**RESOLUTION 2010-78 Water Bill Adjustment**

Councilman Dash moved and Councilman Cooper seconded,

RESOLVED: that an adjustment be made to the following account because of a water leak.

1) Archibee, Adam              Account # 01010310  
     6799 Revere Drive        Adjustment - \$137.36 + penalty

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

**RESOLUTION 2010-79 Sign Erie County Nutrition Program Contract**

Councilman Cooper moved and Councilman Dash seconded,

RESOLVED: the Supervisor of the Town of Evans is hereby authorized to sign the agreement with the County of Erie for the County Nutrition Program Contract 2010.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

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

**RESOLUTION 2010-80 Supporting the NYSDEC Household Hazardous Waste State Assistance Program**

Councilman Cooper moved and Supervisor Pordum seconded,

WHEREAS, the Town of Evans, acknowledges its responsibility to keep our communities safe, clean and healthy, and

WHEREAS, household generated hazardous waste is a dangerous and problematic waste stream which increases the risk from fire and poisonings if improperly stored, and

WHEREAS, improper disposal of household hazardous waste can pollute our environment, pose a risk to sanitation workers, and impact wildlife, and

WHEREAS, the safe recycling and/or disposal of household generated hazardous waste is a priority for County residents and their elected officials, and

WHEREAS, the New York State Department of Environmental Conservation is authorized by section 54-0705 of the Environmental Conservation Law, and the 6NYCRR subpart 373-4 Regulations, to enter into contracts on behalf of the State to provide grants to reimburse 50% of expenses to municipalities for Household Hazardous Waste Programs, and

WHEREAS, the Town of Evans has, through the Northeast Southtowns Solid Waste Management Board (NEST), worked with the Erie County Department of Environment and Planning to host an annual collection event to reduce risks, protect the environment and insure proper disposal of household hazardous waste materials, and

WHEREAS, THE Town of Evans, NEST, has not a received commitment from New York State to reimburse expenses for the application submitted for 2010 program expenses, and

WHEREAS, the Town of Evans, NEST has not received a grant from New York State to reimburse the Town of Evans, NEST for 50% of the costs generated by a collection event which would be held in 2010, and

WHEREAS, and there is great concern about the sustainability of the Household Hazardous Waste Collection Program and its ability to continue to offer this important service to residents of Erie County without the fiscal assistance from New York State.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans does hereby urge New York State Governor David Paterson to release funds necessary to fulfill reimbursement expectations of municipalities which, in good faith, plan to provide Household Hazardous Waste Collection opportunities to residents in 2010, and

BE IT RESOLVED, that New York State Governor Patterson, is encouraged to continue support and fund this important reimbursement program in 2010 and beyond to protect our residents and our environment, and,

FURTHER RESOLVED, that the Town Clerk of the Town of Evans shall forward copies of this resolution to Governor David Patterson, New York State Comptroller's Office, Senate Majority Leader Pedro Espada, Jr., Senate Minority Leader Dean G. Skelos, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Senator Dale Volker, and Assemblyman Jack Quinn

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

**RESOLUTION 2010-81 Audit of Bills**

Councilman Dash moved and Councilman Cooper seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstracts brought forth on February 17, 2010

Date 2/3/10  
 Abstract No. 2  
 Voucher No. 123-218  
 Prepaid:

GENERAL	45,405.72
PART TOWN	2,534.67
HIGHWAY DA	
HIGHWAY	33,834.32
WATER	7,630.31
CAPITAL PROJECTS	52,486.11
SPECIAL DISTRICTS	29,740.22
DEBT SERVICE	

COMMUNITY DEVELOPMENT

TOTAL 171,631.55

Date 2/17/10  
 Abstract No. 3  
 Voucher No. 219-324  
 Prepaid: 6

GENERAL	200,770.02
PART TOWN	31,304.73
HIGHWAY DA	
HIGHWAY	53,439.42
WATER	117,229.66
CAPITAL PROJECTS	6,826.00
SPECIAL DISTRICTS	75,525.01
DEBT SERVICE	
COMMUNITY DEVELOPMENT	
TOTAL	485,094.84

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

**RESOLUTION 2010-82 Adjournment**

Supervisor Pordum moved and Councilman Cooper seconded to adjourn to a Work Session on Wednesday, March 10, 2010 @ 6:15pm and an Agenda Meeting on Wednesday, March 17, 2010 @ 6:30pm then to Wednesday, March 17, 2010 @ 7:00pm for the regular Town Board meeting.

VOTE RESULT: ADOPTED  
 AYES- Dash, Cooper, Pordum  
 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,

Jonica B. DiMartino  
 Town Clerk  
 Town of Evans