

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, August 15, 2007 there were

PRESENT:	Karen C. Erickson	Councilman
	Kathleen A. Bartus	Councilman
	Michael M. Spence	Councilman
	Paul T. Cooper	Councilman
ABSENT:	Robert R. Catalino	Supervisor
ALSO PRESENT:	Carol A. Meissner	Town Clerk
	J. Grant Zajas	Town Attorney
	Charles LaBarbera	Bldg Dept Head
	Lori Szewczyk	Dir. Of Community Dev.
	Peter DelPrince	Parks Dept.
	Sandra Brant	Planning Division Chairman
	Steve Slowinski	Asst. Police Chief
	Julie Roach	Seniors Dept Head
	Patrick Conrad	St. Pt. Marina Dept Head
	Tom Kait	Water Commissioner
	Rob Klavoon	Wendel Duchscherer
EXCUSED:	Jeanne C. Ebersole	Assessor
ALSO ABSENT:	Charles Katra	Comptroller
	Edward Michalski	Highway Superintendent
	Diana A. Cafferty	Receiver of Taxes

RESOLUTION 260 Approve minutes

Councilman Erickson moved and Councilman Cooper seconded that the reading of the minutes of the meeting of July 18, 2007, Work Sessions of July 19, 2007 and August 2, 2007 be dispensed with and approved as submitted by the Town Clerk.

Carried.

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Councilman Erickson extended the privilege of the floor to any and all persons present.

Donna J. Kraft, 1369 Burns Road questioned the status of 1377 Burns Road and the related complaints as outlined at the July 18, 2007 Town Board meeting.

Sheri Hahn, 603 Fulton Avenue, the Lake Bay Community Association had a meeting on August 4, 2007 regarding garbage problems in the Lake Bay area. Councilman Cooper attended and Sheri thanked him for his assistance. She also requested an update regarding the Hike/Bike path.

RESOLUTION 261 John A. Latimore, Chairman of Pioneer Cemetery Committee RE: Funding assistance to initiate a title search of the cemetery property

Councilman Erickson moved and Councilman Bartus seconded to accept the request of John A. Latimore, Chairman of the Pioneer Cemetery Committee seeking assistance to initiate a title search of the cemetery property in the amount of \$1,000.00 on the approval of the Town Attorney and Director of Finance.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Bartus	aye
	Councilman Cooper	aye
	Councilman Spence	aye

RESOLUTION 262 Sandra L. Brant, Evans Minor Subdivision Review Committee RE: Approval to divide a 9.578+/- acre parcel located at 6914 Erie Rd.

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: in a letter dated July 23, 2007, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Benderson Development Co., LLC, and

WHEREAS: it has been determined that there will be no significant effect on the environment

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NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Benderson Development Co., LLC, minor subdivision (Addendum A SEQR short environmental assessment form) a division of SBL#206.07-2-32, dividing a 9.578+/- acre parcel to create:

1. An 8.895+/- acre parcel with 839.36+/- feet of frontage on Erie Rd., and

2. A .683+/- acre parcel with 210.99+/- feet of frontage on Erie Road

PETITIONER: Benderson Development Co., LLC, 570 Delaware Avenue,
Buffalo, NY 14202

AND BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Office.
Carried.

RESOLUTION 263 Approve Benderson Development minor subdivision

Councilman Erickson moved and Councilman Cooper seconded,

WHEREAS: the Town of Evans Minor Subdivision Review Committee has completed
a review and recommended approval, and

WHEREAS: the Evans Town Board, as Lead Agent, issued a negative declaration
regarding the SEQR process

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans hereby adopts the findings of
the Town of Evans Minor Subdivision Review Committee and approves
the Benderson Development Co., LLC minor subdivision, dividing a
9.578+/- acre parcel known as SBL#206.07-2-32 to create:

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1. An 8.895+/- acre parcel with 839.36+/- feet of frontage on Erie Rd., and
2. A .683+/- acre parcel with 210.99+/- feet of frontage on Erie Road

PETITIONER: Benderson Development Co., LLC, 570 Delaware Avenue,
Buffalo, NY 14202

AND BE IT FURTHER

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

RESOLUTION 264 Timothy J. Cooper, Town Justice RE: Request permission to
attend Annual Conference of Magistrates & Court Clerks from Sept. 30, 2007 - Oct. 3,
2007

Councilman Erickson moved and Councilman Bartus seconded to grant the request of Timothy J. Cooper, Town Justice for he and his clerk, Mrs. Baake to attend the Annual Conference of Magistrates and Court Clerks in Tarrytown, New York from September 30, 2007 to October 3, 2007 and that all expenses be a Town expenses as authorized by Town Law.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Bartus	aye
	Councilman Spence	aye
	Councilman Cooper	aye

Councilman Cooper reported the wood chipper is now repaired and the Highway personnel will be out chipping wood

-Quakertones will be performing at the Town Park on August 16, 2007 from 7pm to 9pm. The rain location will be the Most Precious Blood Social Hall.

Councilman Bartus presented the following reports:

-Rural Metro Medical Services

-Speed limit on Route 5 has been changed to 45 m.p.h. and extended to approximately Wisconsin/Delamater Roads.

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Councilman Cooper presented the following reports:

-North Evans Fire Company is holding their Mega Trip Raffle on August 25, 2007

-Pat Persinger thanked the Evans Senior Center for providing rides to seniors to attend the concerts in the park at the Angola Gazebo. A special thank you to Mark Postle who drives the van.

Councilman Erickson congratulated Lori Szewczyk on another successful Legislative Breakfast put on by the Evans Brant Chamber of Commerce.

RESOLUTION 265 Committee and Department Head reports

Councilman Erickson moved and Councilman Cooper seconded to accept the Committee and Department Head reports as follows:

Carol A. Meissner, Town Clerk:

Petty Cash	\$-0-
Games of Chance	\$-0-
Monthly Rpt.- July	\$19,704.61

Diana A. Cafferty, Rec. Of Taxes:

July Water	\$102,570.68
July Duplicate Bills	\$53.00
July Interest	\$ 19.63

VOTE RESULT:	Councilman Erickson	aye
	Councilman Cooper	aye
	Councilman Bartus	aye
	Councilman Spence	aye

At this time 7:50pm a public hearing is scheduled as duly advertised in the Town Crier, official newspaper of the Town of Evans to consider the joint increase and improvement of the Town of Evans water system facilities for proposed consolidation with the Erie County Water Authority.

There being no one wishing to speak the public hearing was closed at 7:55pm.

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RESOLUTION 266 In the best public interest to undertake the joint increase & improvement of the water facilities for the consolidation with Erie County Water Authority including upgrades and construction of an elevated water tank and roadway access improvements

Councilman Bartus moved and Councilman Spence seconded,

Resolution of the Town Board of the town of Evans, Erie County, New York (the "Town") pursuant to Section 202-B of the Town Law declaring it is in the public interest to undertake the joint increase and improvement of the water facilities of the Town of Evans for consolidation with the Erie County Water Authority (the "Authority"), consisting of upgrades to meet authority standards, construction of an elevated water tank and roadway access improvement

WHEREAS: the Town Board of the Town of Evans, Erie County, New York (the "Town"), has duly caused the firm of Wendel Duchscherer Architects & Engineers, engineers duly licensed in the State of New York, to prepare a map, plan and report dated August 2007 (the "Map, Plan and Report") including an estimate of the cost relating to the joint increase and improvement of the water facilities of the Town for consolidation with the Authority, consisting principally of (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank, and (iii) construction of

public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith; and

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WHEREAS: at a meeting of the Town Board duly called and held on July 18, 2007, a resolution was duly adopted by it and entered in the minutes specifying the Town Board would hold a public meeting on said joint increase and improvement of facilities and consolidation at a maximum estimated cost of \$12,600,000 and to hear all persons interested in the subject thereof concerning the same on August 15, 2007 at 7:50pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006; and

WHEREAS: notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit; a duly certified copy thereof was published in the official newspaper of the Town, on August 1, 2007 and a copy of such order was posted on August 1, 2007 on the signboard maintained by the Town Clerk, pursuant to Town Law Section 30(6); and

WHEREAS: a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS: by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environmental Conservation promulgated under the State Environmental Quality Review Act (collectively, "SEQRA") that the proposed increase and improvement of the facilities would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN") HEREBY RESOLVED, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the joint increase and improvement of the water facilities of the Town for consolidation with the Authority, consisting of the construction and installation of the waterline improvements, water meters, tilesets, replacement hydrants and roadway access improvements, and the construction of an elevated storage tank including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, all as hereinabove described and as more particularly described in the Map, Plan and Report.

Section 2. This order shall take effect immediately.

The following vote was taken and recorded in the public or open session of said meeting:

Dated: August 15, 2007

AYES
Councilman Bartus
Councilman Spence
Councilman Cooper
Councilman Erickson

NAYS:
None

RESOLUTION 267 Bond Resolution for Water Improvement Project for the joint increase and improvements for the consolidation with Erie County Water Authority

Councilman Erickson moved and Councilman Cooper seconded,

Bond resolution of the Town Board of the Town of Evans, Erie County, New York (The "Town") authorizing the issuance of \$12,600,000 in serial bonds of the Town to finance the cost of the joint increase and improvement of the water facilities of the Town of Evans for consolidation with the Erie County Water Authority (The "Authority"), consisting of upgrades to meet authority standards, construction of an elevated water tank and roadway access improvements.

WHEREAS: pursuant to a resolution adopted on August 15, 2007, immediately prior to consideration of this resolution, this Town Board approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Authority, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank, and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendel Duchscherer Architects and Engineers (the "Project"); and

WHEREAS: by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, "SEQRA") that the proposed increase and improvement of the facilities would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect.

WHEREAS: the Town Board of the Town now wishes to authorize the issuance of obligations of the Town to finance the joint increase and improvement of water facilities of the Town for consolidation with the Erie County Water Authority;

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NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue \$10,900,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the portion of the Project consisting the joint increase and improvement of the water facilities of the Town for consolidation with the Authority, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; and (ii) further improvements to include construction of an elevated water storage tank, including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$10,900,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$10,900,000 in serial bonds of the Town authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision a.4. of Section 11.00 of the Law.

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SECTION 2. The Town is hereby authorized to issue \$1,700,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the portion of the Project consisting of the construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading or related work required in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,700,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$1,700,000 in serial bonds of the Town authorized to be issued pursuant to this resolution or bond anticipation

notes issued in anticipation of such bonds. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision a.20.(c) of Section 11.00 of the Law.

SECTION 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subdivisions (d)(3)(a) and (d)(9) of Section 107.00 of the Law.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bond or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

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SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 2 of this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and bond anticipation notes shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and

bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Town Board relative to the prescription of the terms, form and contents as to the sale and issuance of bonds, herein authorized, including without limitation, the determination whether to issue bonds having substantially level or declining annual debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Town Supervisor"). Further, the power to issue and sell bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Town Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Town

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Supervisor consistent with the provisions of the Local Finance Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Sections 1 and 2 hereof, or a portion thereof, by a serial bond or statutory installment bond and/or a bond anticipation note issue

in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

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SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, and instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 11. This resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution.

The following vote was taken and recorded in the public or open session of said meeting:

This resolution shall take effect immediately.

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AYES:
Councilman Erickson
Councilman Cooper
Councilman Bartus
Councilman Spence

NAYS:

At this time 8:00pm a public hearing is scheduled as duly advertised in the Town Crier, official newspaper of the Town of Evans to consider rezoning and the issuance of a Special Use Permit at 1303 Pontiac Road by petitioner, David Symington, First Place Finishes being SBL#252.00-1-41.

There being no one wishing to speak the public hearing was closed at 8:18pm.

RESOLUTION 268 Negative Declaration for the rezoning and Special Use Permit for David Symington, First Place Finishes

Councilman Erickson moved and Councilman Spence seconded,

WHEREAS: David Symington, First Place Finishes, has requested the rezoning of .93+/- acres zoned General Business (GB) to Motor Service (MS) for the purpose of operating a facility for the restoration, minor repair and custom painting of motor vehicles, to be located at 1303 Pontiac Rd. At Southwestern Blvd. (a.k.a. US Route 20) Angola, NY SBL#252.00-1-41, and

WHEREAS: the Town of Evans Planning Board has recommended a SEQR negative declaration for the action

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 SEQRA requirements for the rezoning and Special Use Permit for David

Symington, First Place Finishes. (Addendum B SEQRA Long Environmental Assessment Form).

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AND BE IT FURTHER

RESOLVED: that a copy of this resolution be given to the Planning Office.

VOTE RESULT:	Councilman Erickson	aye
	Councilman Swyers	aye
	Councilman Cooper	aye
	Councilman Bartus	aye

RESOLUTION 269 Adopt PLL #5 as LL #5 of the year 2007 (rezone 1303 Pontiac Rd from GB to MS)

Councilman Erickson moved and Councilman Cooper seconded,

WHEREAS: David Symington, First Place Finishes, has requested that the Town Board of the Town of Evans rezone .93+/- acres located at 1303 Pontiac Rd. at Southwestern Boulevard, Angola, NY SBL#252.00-1-41, from General Business (GB) to Motor Service (MS) for the purpose of operating a facility for the restoration, minor repair and custom painting of motor vehicles, and

WHEREAS: the Town Board of the Town of Evans has held a public hearing for consideration of said rezoning, and

WHEREAS: in a letter dated July 27, 2007, the Town of Evans Planning Board has unanimously voted to recommend rezoning the above-referenced property based on the following reasons:

- *The project appears to be consistent with the Town of Evans Comprehensive Plan;
- *The project use will revitalize an unutilized property with a viable business use that will improve the value of the property;
- *The project is not expected to result in any undo traffic impacts or adverse changes to the character of the surrounding community; and

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- *The applicant has successfully operated a business in the Town of

Evans for close to 4 years. This action will enable the Town to retain this viable business in the community.

WHEREAS: the Town Board of the Town of Evans has issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT

RESOLVED: that Proposed Local Law #5 of the year 2007 regarding the above rezoning of be SBL#252.00-1-41 adopted as Local Law #5 of the year 2007

BE IT FURTHER

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

RESOLUTION 270 Grant Special Use Permit to David Symington, First Place Finishes, 1303 Pontiac Road

Councilman Erickson moved and Councilman Bartus seconded,

WHEREAS: David Symington, First Place Finishes, has requested a Special Use Permit for the purpose of operating a facility for the restoration, minor repair and custom painting of motor vehicles, to be located at 1303 Pontiac Rd. at Southwestern Blvd. (a.k.a. US Route 20) Angola, NY SBL#252.00-1-41, and

WHEREAS: the Town Board of the Town of Evans has held a public hearing regarding said Special Use Permit, and

WHEREAS: the Town of Evans Planning Board has conducted a proper review of the application and has voted unanimously to recommend the granting of said Special Use Permit, and

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WHEREAS: the Planning Board has recommended that the following conditions be placed on the approval of said Special Use Permit:

1. The site must be developed in accordance with the site development plan as presented to the Town Board on August 15, 2007.
2. For the purpose of preparation or staging, only two (2) vehicles may be stored outside the building, and shown on said site plan.
3. There shall be no storage of vehicle parts, accessories or scrap parts

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. All vegetation situated along the western property boundary behind the building shall remain intact to provide a buffer for the adjoining residential property.

6. If a future need for a dumpster arises it shall be screened in accordance with Town Code requirements.

7. This Special Use Permit shall be issued for a five (5) year period. Applicant may apply for renewal.

WHEREAS: the Town Board of the Town of Evans has issued a negative declaration regarding the SEQR process for the issuance of the Special Use Permit

NOW THEREFORE BE IT

RESOLVED: that the Town Board of the Town of Evans grants a Special Use Permit to, David Symington, First Place Finishes, has requested a Special Use Permit for the purpose of operating a facility for the restoration, minor repair and custom painting of motor vehicles, to be located at 1303 Pontiac Rd. at Southwestern Blvd. (a.k.a. US Route 20) Angola, NY SBL#252.00-1-41, and

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RESOLVED: that the seven (7) above-referenced conditions be placed upon said Special Use Permit

AND BE IT FURTHER

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

Carried.

RESOLUTION 271 Create and maintain a system of tracking NYS mandated training of Planning & ZBA members

Councilman Cooper moved and Councilman Bartus seconded,

WHEREAS: Town Law Sections 267 and 271, provide that effective January 1, 2007,

all Planning Board and Zoning Board of Appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS: the above sections of State Law provide that a Planning Board or Zoning Board of Appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS: the above sections of State Law provide that the legislative body of the Town specifies which activities qualify as training to satisfy the State requirements

NOW THEREFORE BE IT

RESOLVED: that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the State requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

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1. The NYS Department of State, Department of Agriculture and Markets, Office of the State Comptroller, Department of Health, Department of Transportation, Department of Environmental Conservation, Office of Parks, Recreation and Historic Preservation, and
2. The New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation and its subsections, the American Planning Association, the Upstate New York Chapter of the American Planning Association and the Western New York Section of the American Planning Association; and
3. The Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Erie County Department of Environment and Planning, and other WNY County Planning entities, the City of Buffalo Office of Strategic Planning, and Erie County Soil and Water Conservation Service; and
4. The Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension, State University of New York at Buffalo, Schools of Architecture, Planning, and Engineering; and
5. On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, the Lincoln Institute of Land Use Policy, and Urban Lane Institute.

AND BE IT FURTHER

RESOLVED: that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a Planning Board or Zoning Board of Appeals member; and be it further

RESOLVED: that any new member appointed to fill the last 6 months of a term shall not be required to have attended training to be reappointed to a first full term, but must, thereafter, comply with the municipal training policy as provided elsewhere herein; and

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BE IT FURTHER

RESOLVED: that training received by a Planning Board member or Zoning Board of Appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and

BE IT FURTHER

RESOLVED: that the Planning Office and the Code Enforcement Office shall create and maintain a system of tracking the training that individual members complete annually and such information shall be presented to the Town Board authority prior to consideration of a member for reappointment.
Carried.

RESOLUTION 272 Issue negative declaration on SEQRA regarding Multi-Use Pathway

Councilman Spence moved and Councilman Bartus seconded,

WHEREAS: the Town of Evans has a number of municipal parks and resources along the waterfront that provide enjoyment for local residents and visitors; and

WHEREAS: the Town of Evans has been working to design and construct a multi-use pathway along the entire length of Lake Shore/Old Lake Shore Roads to correct and provide safe public access to these recreational resources, as well as linkages to other communities; and

WHEREAS: in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act -SEQRA) of the

Environmental Conservation Law, the Evans Town Board, as Lead Agency, has reviewed the proposed pathway project and conducted a coordinated review in accordance with the law; and

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WHEREAS: the Town Board carefully considered all of the criteria for Determination of Significance listed in the SEQR regulations (6NYCRR617.11), and has found that the proposed action is not anticipated to result in any significant impacts to the environmental

NOW THEREFORE BE IT

RESOLVED: that the Town Board hereby issues a negative declaration, thereby concluding that the project will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations, and

BE IT FURTHER

RESOLVED: that the attached negative declaration be filed with the Town Clerk, and that the Supervisor be authorized to sign the EAF and have the Evans Planning Director prepare the appropriate notices and filings in accordance with the SEQR regulations, and

BE IT FURTHER

RESOLVED: that a copy of this resolution to the Town Planning Office.
Carried.

RESOLUTION 273 Authorize Supervisor to sign a Memorandum of Understanding with SEIU

Councilman Bartus moved and Councilman Cooper seconded,

RESOLVED: that the Supervisor is hereby authorized to enter into a memorandum of understanding with S.E.I.U.

VOTE RESULT:	Councilman Bartus	aye
	Councilman Cooper	aye
	Councilman Spence	aye
	Councilman Erickson	aye

Meeting #18

RESOLUTION 274 Town Licenses

Councilman Erickson moved and Councilman Spence seconded to approve the town licenses applied for as follows:

Russell T. Mogavero D/B/A Meadowbrook Rest. & Bar, Inc.- Special Live Band Permit at 6848 Erie Rd. Derby
Jean H. La Marche- Special Live Band Permit at 6456 Hamilton Dr. Derby

VOTE RESULT: Councilman Erickson aye
Councilman Spence aye
Councilman Cooper aye
Councilman Bartus aye

RESOLUTION 275 Audit of Bills

Councilman Spence moved and Councilman Cooper seconded that all properly audited bills be paid out of their respective

July 18, 2007
Abstract #13
Voucher #1239-1368
Prepaid Voucher #21-23

GENERAL	41,544.62
PART TOWN	26,119.49
HIGHWAY	124,088.65
WATER	115,058.78
SPECIAL DISTRICTS	123,298.20

August 1, 2007
Abstract #14
Voucher #1369-1446
Prepaid Voucher #24 & 25

Meeting #18
August 15, 2007
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GENERAL	164,927.46
PART TOWN	49,249.11

HIGHWAY	16,699.26
WATER	10,111.96
SPECIAL DISTRICTS	28,990.48

VOTE RESULT:	Councilman Spence	aye
	Councilman Cooper	aye
	Councilman Bartus	aye
	Councilman Erickson	aye

RESOLUTION 276 Adjournment

Councilman Erickson moved and Councilman Cooper seconded to adjourn in memory of Scott Berns and to the Work Sessions on Wednesday, August 22, 2007 and August 29, 2007 at 5:00pm and the next regular Town Board meeting to be held on Wednesday, September 5, 2007 at 7:30pm.

Carried.

Respectfully submitted,

Carol A. Meissner
Town Clerk