Evans Town Board

At a meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, November 18, 2015 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	J. Grant Zajas	Town Attorney
	Charles LaBarbera	Building Inspector
	Lori Szewczyk	Community Development
	Sandra Brant	Planning Department
	Ernie Masullo	Chief of Police

RESOLUTION 2015 #327 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of November 4, 2015 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

Supervisor Dash has submitted the Supervisor's Monthly report for the month of August to the Town Board and filed a copy with the Town Clerk in accordance with Town Law.

Supervisor Dash read a communication from Sandra L. Brant , Director of Planning recommending miscellaneous revisions to Town Zoning Code Sections.

RESOLUTION 2015 #328 Set Public Hearing for Consideration of Proposed Local Law #5 of the year 2015 Regarding Miscellaneous Revisions to Town Zoning Code

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated November 12, 2015 the Town's Director of Planning has requested that the Evans Town Board set a public hearing for consideration of adoption of Proposed Local Law No. 5 of 2015 regarding proposed miscellaneous revisions to the Town Zoning Code Chapter 200: Section 7 - Definitions, Section 8.1 - Agricultural and Open Space District (A-OS), Section 8.2 - Rural Agriculture District (R-A), Section 9 - Rural Residential District (R-R), Section 17 - Provisions applicable to all residential districts, Section 21 - General Business District (GB), Section 22 - Motor Service District

(MS), Section 27 - Off-street parking, Section 29 - Sign Regulations and Section 42 - Site Plan Waiver, and

WHEREAS, these code revisions will correct redundancy and typographical errors, clarify interpretations and streamline processes.

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 be held on December 16, 2015 at 7:10pm for the consideration of Proposed Local Law No.5 of the year 2015,

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning and Code Enforcement Offices.

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

Privilege of the Floor on Meeting Agenda Items & Other Items

Bill Henry, 1456 Pontiac Road, Angola New York spoke about the proposed tax increase.

7:10pm Public Hearing for Proposed Local Law #4 of the Year 2015 Tax Levy Limit Override

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

NOTICE OF PUBLIC HEARING PROPOSED LOCAL LAW NUMBER 4 OF 2015
TAX LEVY LIMIT OVERRIDE

Notice is hereby given that a public hearing will be held before the Town Board of the Town of Evans New York, on the 18thth day of November at 7:10 PM, at the Town Hall, 8787 Erie Road, Town of Evans, New York to hear all interested parties and citizens for or against the adoption of Proposed Local Law Number 4 for the year 2015. The proposed Local Law seeks to override the tax levy limit established in General Municipal Law Sec 3-c.

Any resident of the Town of Evans is entitled to be heard upon said proposed adoption of Local Law No. 4 for the year 2015. Copies of the law will be available at the office of the Town Clerk for inspection by any person during regular business hours and are posted on the town's website.

Lynn Krajacic Town Clerk
Dated: November 10, 2015

RESOLUTION 2015 #329 Open Public Hearing

Councilman Cooper moved and Councilman Feldmann seconded to open the public hearing for the consideration of Proposed Local Law #4 of the year 2015

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

Thomas Malecki of Drescher & Malecki LLP, Certified Public Accountants, gave an in-depth explanation of the breakdown of Town tax charges and the budget process.

After a lengthy question and answer session with Mr. Malecki and the audience, and there being nobody speaking for or against the Proposed Local Law, the Public Hearing was closed.

RESOLUTION 2015 #330 Close Public Hearing

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

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

RESOLUTION 2015 #331 Adopt Local Law #3 of the Year 2015 to Override the Tax Levy Limit Established in General Municipal Law Section 3-c

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

BE IT RESOLVED that Proposed Local Law #4 of the year 2015 be and the same is adopted as Local Law #3 of the year 2015.

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

Privilege of the Floor on Meeting Agenda Items & Other Items (Con't)

John Ball 8202 Hillside Drive, Angola New York asked what the actual tax increase is, asked what the policy is if a department exceeds their budget, why the large increase this year as opposed to others and if recommendations made in the audits have been addressed.

RESOLUTION 2015 #332 Town Clerks Reports

Supervisor Cooper moved and Councilman Feldmann seconded to accept the reports of the Town Clerk as presented for the month of October 2015:

Town Clerk & Water receipts October	$23,236.43
Interest October	$ 3.04

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

RESOLUTION 2015 #333 Authorize Supervisor to Enter Sign Agreement with Business Automation Systems, Inc. (BAS) for Tax Collection Software

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS a need exists for the update of the Tax Collection System employed by the Town of Evans; and

WHEREAS the Town Clerk has investigated available programs and software for such purposes; and

WHEREAS said Clerk has received a proposal for a Tax Collection System offered by Business Automation Services Inc. (BAS) which appears to well suit the needs of the Town; as more fully set forth in an Agreement Letter provided to the Town in November 2015.

NOW THEREFORE BE IT RESOLVED that the Supervisor of the Tow of Evans, or his designee, is hereby authorized and directed to enter into an agreement with said Business Automation Systems, Inc. (BAS); and

BE IT FURTHER RESOLVED that any required agreement evidencing the same be executed by said Supervisor or his designee in as many copies as may be deemed appropriate; and

BE IT FURTHER RESOLVED that copies or executed originals of any such agreement be forwarded to said BAS and to the Town Clerk; and

BE IT FURTHER RESOLVED that payment required for such Tax Collection System be made to said BAS at the time and in the manner required by such agreement

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

RESOLUTION 2015 #334 Authorize Public Improvement Permit for Woods at Grey Cliff Subdivision

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the Final Plat map for the Woods at Grey Cliff 55-Lot Subdivision was filed on January 12, 2015, and

WHEREAS, the developer for the project, Anthony Colucci, wishes to proceed with the clearing of the property, and

WHEREAS, in accordance with Chapter 151 of the Town code, the developer is required to file a Public Improvement Permit,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans approves the Public Improvement Permit for the site clearing of the approximately 30.5 acre site with the following conditions:

1. All clearing work must be completed between November 1, 2015 and March 31, 2016.
2. Public Improvement Fees, in accordance with the established fee schedule must be paid to the Planning Office prior to commencing work.
3. A performance bond for the full value of the work to be completed must be provided to the Planning Office by the Contractor prior to commencing work.
4. An Insurance Certificate must be provided to the Planning Office by the Contractor prior to commencing work.
5. Five (5) signed and sealed copies of the design plans must be provided to the Planning Office by the Contractor prior to commencing work.

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

RESOLUTION 2015 #335 Audit of Bills

Councilman Cooper moved and Councilman Feldmann seconded,

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

DATE: 11/12/2015
ABSTRACT NO. 22
VOUCHER NO. 1914-2027
For Nov. 18, 2015 Board Meeting

GENERAL	44,889.21
PART TOWN	8,354.73
HIGHWAY DA	
HIGHWAY	182,016.21
WATER	21,297.86
CAPITAL PROJECTS	
SPECIAL DISTRICTS	48,150.08
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	**$ 304,708.09**

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

RESOLUTION 2015 #336 Adjournment

Councilman Cooper moved and Councilman Feldmann seconded to adjourn to Executive Session following the Board meeting for a contractual item with no action to be taken and then to Wednesday, November 25, 2015 at 6:15pm for a Work Session and then to Wednesday, December 2, 2015 at 6:30pm for an Agenda Meeting and 7:00pm for the Town Board Meeting. This meeting adjourned in Memory of all the terrorist victims of the Paris attacks and all citizens in Europe and the United States.

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

Executive Session

RESOLUTION 2015 #337 Adjournment of Executive Session

Councilman Cooper moved and Councilman Feldmann seconded to adjourn Executive Session

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

RESOLUTION 2015 #338 Return to Regular Meeting

Supervisor Dash moved and Councilman Cooper seconded to return to the regular meeting to consider an additional resolution

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

RESOLUTION 2015 #339 Radify and Adopt 2016 Budget

Supervisor Dash moved and Councilman Cooper seconded

WHEREAS, in consequence of the adoption of a local law to override the Tax Levy Limit established in General Municipal Law Section 3-c, it is the intention of the Town Board to adopt and ratify the Town Budget as adopted heretofore; and

WHEREAS, it is or may be essential to evidence the adoption of, and to adopt, the 2016 Budget as previously adopted by the Town Board in consequence of, and after the adoption of such local law no. 3 of the year 2016

NOW THEREFORE BE IT RESOLVED, the budget for the year 2106 previously adopted be and the same is hereby adopted and ratified as the 2016 budget for the Town of Evans and is to be filed as required by law.

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

RESOLUTION 2015 #340 Adjourn Regular Meeting

Councilman Cooper moved and Councilman Feldmann seconded to adjourn the regular 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

November 18, 2015

Certificate of Necessity

Whereas it is necessary, and incumbent upon the Town of Evans, to consider for adoption a Local Law to override the tax levy limit established in General Municipal Law Section 3-c; and

Whereas it is also necessary that consideration of such local law be promptly accomplished to meet the requirements of relevant statutes

Now therefore the undersigned, Supervisor of the Town of Evans, certifies the necessity of such action and that such requires immediate consideration of such law and action by the Town Board in a period shorter than customarily required for presentation of such local law to the Town Board members.

Keith E. Dash
Supervisor
November 13, 2015