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 February 17, 2016 there were:

PRESENT:	Jeanne M. Macko	Councilman
	Mary K. Hosler	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Jeneen McSkimming	Assessor's Department
	Paul Ryerse	Building Department
	Lori Szewczyk	Dir. of Community Development
	Ernie Masullo	Police Chief
	Mary Holl	Supervisor's Department
ABSENT:	Dennis M. Feldmann	Councilman

RESOLUTION 2016- 144 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded to approve the February 3, 2016 regular town board minutes and the February 10, 2016 work session minutes.

VOTE RESULT: ADOPTED
AYES-Macko, Hosler
NAYS-none

Privilege of the Floor

Tom Tyler, 1436 Wisconsin Road, Derby New York requested Assessment records be accessible on the Town's website.

Committee and Department Head Reports

Supervisor Hosler reported on the Association of Town training she attended and also reported on the first meeting of the Parks and Recreation Advisory Board.

RESOLUTION 2016-145 Town Park Fees for 2016

Councilman Macko moved and Supervisor Hosler seconded,

RESOLVED, that the following Town Park fees will apply for the 2016 season at the Evans Town Park:

Resident Sticker	$5.00 (64 years and under)
Resident Sticker	Free (65 years and over)
Non-Resident	$5.00 (all ages)
Special Event Parking/ Holiday Parking	Free with Resident Sticker $10.00 Non-Residents

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	AYE
Supervisor Hosler	AYE

RESOLUTION 2016-146 Resignation of Justice Timothy J. Cooper

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town of Evans would like to acknowledge and thank Town Justice Timothy J. Cooper for his many years of dedication, hard work and service to the Town of Evans.

RESOLVED, that the Evans Town Board accepts the resignation of Timothy J. Cooper, Town Justice for the Town of Evans, effective March 4, 2016.

VOTE RESULT: ADOPTED
AYES-Macko, Hosler
NAYS-none

RESOLUTION 2016-147 Resignation of Member of the Economic Development Committee

Councilman Macko moved and Supervisor Hosler seconded,

RESOLVED, that the Evans Town Board accepts the resignation of Joseph Lombardo, member of the Economic Development Committee.

VOTE RESULT: ADOPTED
AYES-Macko, Hosler
NAYS-none

7:10pm Public Hearing for Consideration of Proposed Local Law #1 of 2016 Exemption 485-B

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

LEGAL NOTICE
TOWN OF EVANS

Notice is hereby given that a public hearing will be held before the Town Board of the Town of Evans, New York on the 17th day of February, 2016 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York for the consideration of the adoption of Proposed Local Law #1 of the year 2016. The Proposed Local Law seeks to amend the Town Code of the Town of Evans, Chapter 182, Taxation, to allow, pursuant to Section 485-b of the Real Property Tax Law of the State of New York an exemption from taxation, or assessment, for a period, an amount or portion, and in a manner set forth in said Proposed Local Law, of real property construction, alteration of installation or improvement for commercial, business or industrial real property

Copies of the Proposed Local will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am-4pm and Wednesday from 9am-5pm and the Town's website www.townofevans.org on and after January 28, 2016.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board 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 2016-148 Open Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the: public hearing for the consideration of Proposed Local Law #1 of 2016.

VOTE RESULT: ADOPTED
AYES-Macko Hosler
NAYS-none

There being nobody present wishing to speak in favor or opposition, the Public Hearing was closed.

RESOLUTION 2016-149 Close Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the Public Hearing.

VOTE RESULT: ADOPTED
AYES-Macko Hosler
NAYS-none

RESOLUTION 2016-150 Approve Local Law #1 of the year 2016, Amend Chapter 182, Taxation (Exemption 485-B)

Councilman Macko moved and Supervisor Hosler seconded,

BE IT RESOLVED: Proposed Local Law #1 of the year 2016, to amend the Town Code of the Town of Evans, Chapter 182, Taxation by the same as hereby adopted as Local Law #2 of the year 2016.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	AYE
	Supervisor Hosler	AYE

RESOLUTION 2016-151 Authorize Town Clerk to attend the NYS Town Clerk's Conference

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED: That Lynn M. Krajacic, Town Clerk is authorized to attend the 2016 New York State Town Clerks Association Conference to be held on April 17, 2016 – April 20, 2016 in Saratoga Springs, NY and be it further,

RESOLVED: all reasonable expenses incurred being a town charge be paid in accordance with the rules and regulations governing travel and education.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	AYE
	Supervisor Hosler	AYE

RESOLUTION 2016-152 Appointment of Town Justice

Councilman Macko moved and Supervisor Hosler seconded,

RESOLVED: that Dennis Glascott is herby appointed Town Justice for the Town of Evans in accordance with the Town Law, and that he be compensated at a rate of $22,819.00 per year, payable bi-weekly, effective March 4, 2016 through December 31, 2016

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	AYE
	Supervisor Hosler	AYE

RESOLUTION 2016-153 Authorize Supervisor to Sign a Service Agreement with Gallego Information Services

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town of Evans (hereinafter referred to as "Town") and Gallego Information Services (hereinafter referred to as "Gallego") desire to enter into an Agreement with Gallego to perform professional services assisting the Town with a records and information management; and

WHEREAS, Gallego has extensive experience in records and information management and is properly qualified to render such services; and

WHEREAS, the parties desire to set forth herein the terms and conditions under which said services shall be furnished; and

WHEREAS, the Town wishes to authorize the Supervisor to enter into agreement with Gallego; and

NOW THEREFORE, BE IT RESOLVED, that the Supervisor or his/her designee is hereby authorized to execute a service agreement with Gallego Information Services.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	AYE
	Supervisor Hosler	AYE

RESOLUTION 2016-154 Terminate the 1977 Sales Tax Revenue Distribution Agreement

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, on December 30, 1977, the County of Erie, the City of Buffalo, the City of Lackawanna and the City of Tonawanda entered into an Agreement in regard to the sales tax revenues distribution; and

WHEREAS, the Agreement provided a disposition of 25.6858 percent to the cities and the areas outside the cities in proportion to their respective populations as determined in accordance with the latest decennial federal census; and

WHEREAS, the Agreement provided an additional disposition of 10.0087 percent to the cities, but no additional disposition to the areas outside of the cities; and

WHEREAS, having not been updated in almost four decades, this formula now results in the cities of Erie County receiving more than twice as much sales tax revenue as the towns of Erie County on a per capita basis; and

WHEREAS, the largest component of property taxes are school district taxes; and

WHEREAS, the combination of the property tax cap and state mandates have led to services and programs being cut by both towns and school districts; and

WHEREAS, a more equitable formula would allow towns and school districts to reduce property taxes and to increase services and programs; and

WHEREAS, Section 3 of the Agreement dated December 30, 1977 provides that any time subsequent to November 30, 1982, each party to the Agreement shall have the right to terminate said Agreement by giving one (1) year's prior written notice, served upon each of the parties.

NOW THEREFORE BE IT RESOLVED, that

1. The Town of Evans supports the terminating of the current 1977 Sales Tax Revenue Distribution Agreement; and

2. The Town of Evans further supports that a new formula for sales tax revenue distribution be put into place, which provided for a more fair and equitable distribution of the sales tax to the cities and the towns and villages outside the cities in proportion to their respective populations; and

3. The Town of Evans further supports that any new formula for sales tax revenue distribution provides additional funds to school districts in order to allow school districts to provide more opportunities for their students and to reduce property taxes; and

4. The Town Clerk is hereby directed to send a certified copy of this resolution to each member of the Erie County Legislature, the Erie County Executive, and to the Town Supervisors and Village Mayors of Erie County; and

5. This Resolution shall take effect immediately.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	AYE
	Supervisor Hosler	AYE

RESOLUTION 2016-155 Town Park Shelter Fee Exemptions

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, that the following not-for-profit groups/organizations shall be exempt from the Evans Town Park shelter fees through December 31, 2016:

Lake Shore Central Schools

Lake Shore Central Athletic Teams

Lake Shore Central Eagles Landing
Lake Shore Central Summer Program-Middle School
Catholic Athletic Organization
Highland Hose Volunteer Fire Company
Lake Erie Beach Volunteer Fire Company
Evans Center Volunteer Fire Company
North Evans Volunteer Fire Company
Village of Angola Volunteer Fire Company
Evans Art Guild
Lions Club
Town of Evans Police Benevolent Association
Town of Evans Boy & Girl Scout Troops
Lake Shore Youth Soccer
Grandview Bay Community Association
Claddagh Commission/SASI (Company Picnic)
Veterans of Foreign Wars (VFW) Post #5798
Newcomb-Long American Legion Post #928

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	AYE
	Supervisor Hosler	AYE

RESOLUTION 2016-156 Suspend the Rules

Supervisor Hosler moved and Councilman Macko seconded to suspend the rules for the consideration of 2 additional resolutions

VOTE RESULT:	ADOPTED
	AYES-Macko, Hosler
	NAYS-none

RESOLUTION 2016-157 Authorize the Supervisor to Sign Engagement Letter with Freed Maxick CPA for Auditing Services

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, on January 5, 2016 the Town of Evans issued a Request for Proposal for auditing services relating to all reasonable and necessary outside auditing services to the Town of Evans basic financial statements; and

WHEREAS, five CPA firms submitted proposals in early 2016, and all proposals have been reviewed by the Town; and

WHEREAS, the Town established technical and pricing grading criteria relating to mandatory elements, suggested elements, and technical quality, to evaluate the submitted proposals; and WHEREAS, Freed Maxick CPAs has been graded as the best value based on the technical and pricing criteria; and

WHEREAS, in accordance with the bidding procedures applicable to bids sought from professional organizations and further based on the current, general and specific basic financial statement auditing needs of the Town of Evans, the Department of Finance has recommended acceptance of the bid of Freed Maxick CPAs, in the amount of $16,500 for year ended December 31, 2015, $17,000 for year ending December 31, 2016, with the option to renewal at $17,500 for year ending December 31, 2017, with the option to renewal at $18,000 for year ending December 31, 2018; and

WHEREAS, prior to the execution of the engagement agreement, the Town Attorney will review the engagement agreement for approval as to legal form, language and compliance; and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorized the Supervisor to sign an engagement letter with Freed Maxick CPAs to provide a financial audit of the Town for the year ended December 31, 2015.

V OTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	AYE
Supervisor Hosler	AYE

RESOLUTION 2016-158 Appointment of Stormwater Officer

Councilman Macko moved and Supervisor Hosler seconded,

RESOLVED, that due to the retirement of Charles LaBarbera, Paul Ryerse is hereby appointed Town of Evans Stormwater Officer effective February 17, 2016 through December 31, 2016.

VOTE RESULT: ADOPTED
AYES - Macko, Hosler
NAYS - none

RESOLUTION 2016-159 Audit of Bills

Councilman Macko moved and Supervisor Hosler seconded,

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

DATE: 02/17/2016
ABSTRACT NO. 3
VOUCHER NO. 188-275

GENERAL	80,380.42
PART TOWN	278.64
HIGHWAY DA	
HIGHWAY	3,074.32
WATER	
CAPITAL PROJECTS	
SPECIAL DISTRICTS	215,734.67
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	**$ 299,468.05**

The amount differs due to the deletion of 1 voucher in the amount of $2004.67 from the abstract, as per the Supervisor

V OTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Feldmann	Absent
	Councilman Macko	AYE
	Supervisor Hosler	AYE

RESOLUTION 2016-160 Adjournment

Supervisor Hosler moved and Councilman Macko seconded, to adjourn to Wednesday, February 24, 2016 at 6:00pm for a Work Session, Wednesday, March 2, 2016 at 6:00pm for an Agenda and 7:00pm for the regular Town Board Meeting.

VOTE RESULT:	ADOPTED
	AYES- Macko, Hosler
	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 Krajacic,
Town Clerk