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 there were:

PRESENT:	Dennis Feldmann	Councilman
	Jeanne Macko	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn M. Krajacic	Deputy Town Clerk
	Jennifer Farrell	Town Attorney
	Vincent Gugliuzza	Supervising Code Enforcement
	Mary Holl	Supervisor's Secretary
	Ernie Masullo	Police Chief

RESOLUTION 2016 - 345 Approve the Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the meeting of June 15, 2016, the Work Session of June 22, 2016, the Work Session of July 6, 2016 and the Special Meeting of July 16, 2016 be dispensed with and approved as submitted by the Town Clerk.

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

Communications

Supervisor Hosler reported that the Supervisor's June 2016 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

Privilege of the Floor

Richard Ziolo spoke of concerns for noise pollution from the two bars in Grandview Bay. He also submitted a resolution from the Grandview Bay Community Association to enforce noise ordinances in Grandview Bay.

Public Hearing & Bid Opening

7:10pm Public Hearing for Consideration of Time Warner Franchise Renewal

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

LEGAL NOTICE
TOWN OF EVANS

PLEASE TAKE NOTICE that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on July 27, 2016 at 7:10 p.m. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 regarding renewal of the cable television franchise agreement by and between the Town of Evans and Time Warner Cable.

A copy of the agreement is available for public inspection by any interested person in the Office of the Town Clerk during normal business hours, Monday, Tuesday, Thursday, Friday from 8:00 a.m. to 4:00 p.m., Wednesday from 9:00 a.m. to 5:00 p.m. and the Town's website www.townofevans.org.

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.

Dated: July 8, 2016
By Order of the Town Board
of the Town of Evans
Lynn M. Krajacic
Town Clerk

RESOLUTION 2016 -346 Open Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the: public hearing for the consideration of Time Warner Franchise Renewal.

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

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

RESOLUTION 2016-347 Close Public Hearing

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

VOTE RESULT:	ADOPTED
	AYES – Feldmann, Macko, Hosler
	NAYS – none

RESOLUTION 2016-348 Authorize Supervisor to Execute the Franchise Agreement with Time Warner Cable Northeast LLC

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, a Franchise Agreement to Provide Cable Television Services between the Town of Evans and Time Warner Cable Northeast LLC d/b/a Time Warner Cable expired on August 24, 2015; and

WHEREAS, the Town desires to renew said Franchise Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Supervisor to execute the Franchise Agreement to Provide Cable Television Services between the Town of Evans and Time Warner Cable Northeast LLC d/b/a Time Warner Cable.

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

7:10pm Public Hearing for Consideration of Proposed Local Law #4 of 2016 Various Code Revisions

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

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on July 27, 2016 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the consideration of the adoption of Proposed Local Law #4 of the year 2016, which will amend Local Law #6 of the year 1992 commonly referred to as the Solid Waste Law and Local Law #9 of the year 1997 commonly known as the Parks Law and any amendments thereto for proposed miscellaneous revisions to the Town Code Chapter 168: Solid Waste, Section 168-12 – Penalties for Offenses, and Town Code Chapter 142: Parks, for consideration of additional sections. A draft copy of the proposed amendments will be available, at the Town Clerk's Office, to review or pick up during normal business hours, Monday, Tuesday, Thursday, and Friday from 8am-4pm and Wednesday from 9am-5pm or it can be viewed or printed out at www.townofevans.org.

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 -349 Open Public Hearing

Supervisor Hosler moved and Councilman Feldmann seconded to open the: public hearing for the consideration of Proposed Local Law #4 of the year 2016.

VOTE RESULT: ADOPTED
AYES – Feldmann, Macko, Hosler
NAYS – none

Ed Schneider-Opposed
Margret Loreto-Opposed

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

RESOLUTION 2016-350 Close Public Hearing

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

VOTE RESULT: ADOPTED
AYES – Feldmann, Macko, Hosler
NAYS – none

RESOLUTION 2016-351 Table the Resolution for Proposed Local Law #4 of the year 2016

Supervisor Hosler moved and Councilman Feldmann seconded to table the resolution.

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

Privilege of the Floor con't

Donald and Patty Austin complimented New Frontier Construction on the nice paving job they did on Theodore and Walden Ave., had concerns of a compromised Weeping Willow tree harmed during construction, and the speed limit on Theodore and Walden Ave. They had questions concerning the street lights and erosion on the above mentioned streets.

Kristy Moore expressed concern about the speed limit on Theodore and Walden Ave.

Robert Gifford expressed concern about the speed limit on Theodore and Walden Ave.

Darlene Loreto expressed concern about people parking on the sidewalks of Kennedy Ave. and requested no parking signs.

Committee and Department Head Reports

Councilman Macko reported that Jeneen McSkimming, Town Assessor, will be attending the New York State Assessors Association Executive Board Session in West Point New York August 4, 2016 through August 6, 2016. She also reported on the Summerfest, Movie in the Park and the Lake Erie Beach Chair Event to be held August 13, 2016 from noon to 6p.m.

Supervisor Hosler reported that the Town has contracted with a new Worker's Compensation provider with expected savings to be approximately $65,000 in the first year. Read a letter of commendation to Detective Bruce Green Jr. for gathering critical information regarding the arrest and subsequent indictment of Gabriel Ballowe. Read a letter of commendation to Lieutenant Douglas Czora for his outstanding effort put forth during the Barry Moss fatal hit and run investigation. Read a letter of commendation to Lieutenant Michael E. Masullo and Patrolman Thomas Crupe for their expertise as accident investigators during the investigation of Gabriel Ballowe. Read a letter of recognition to Lieutenant Peter Smith for the great job he did in organizing the operational plan for all activities on July 3rd and 4th. She also announced budget meeting have begun. She reported on various committees and a meeting with the Army Corp of Engineers to recoup money owed to the Town.

Councilman Feldmann reminded residents to use the Town's website to receive newsletters for meetings and other information. He also reported on several Senior Citizens events coming up.

RESOLUTION 2016-352 Town Clerk's Reports

Supervisor Hosler moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of June:

Town Clerk Report for June	$70,900.39
Interest for June	6.08
2016 Town and County	
Penalties	45, 329.88
Delinquent Notices	436.00
Lock Box Overage	1.81

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

Old Business

Proposed Local Law #3 of 2016 Miscellaneous Revisions to Chapter 200

RESOLUTION 2016-353 Set Public Hearing for Proposed Local Law #5 of the Year 2016 Amend Vehicle and Traffic Law Regarding Stop Signs.

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, that a Public Hearing be schedule on August 17, 2016 at 7:10 PM to consider Proposed Local Law #5 of the year 2016, which would amend Town Code, Chapter 193, Article II, Section 193-12 and Chapter 193, Article VIII, Section 193-43, Schedule IX Stop Intersections therefore to read:

Stop Sign On	Entrance From	At Intersection of
Lancaster Avenue	East	Lakeshore Road
Virginia Street	South	Lancaster Avenue
Redwing Street	South	Lancaster Avenue
Laurel Street	West	Waterman Road
Lake Breeze Road	East	Central Avenue
Woodside Lane	North	Lake Breeze Road
Woodside Lane	South	Lake Breeze Road
Theodore Avenue	East	NY Route 5 (Erie Road)
Walden Avenue	East	NY Route 5 (Erie Road)

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

RESOLUTION 2016-354 Standard Work Days for Elected and Appointed Officals

Councilman Feldmann moved and Councilman Macko seconded,

BE IT RESOLVED, that the Town Board of the Town of Evans establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

ELECTED OFFICIALS:

TITLE:	SUPERVISOR
NAME:	MARY K. HOSLER
SS #:	#XXXX
REG #:	XXXXXXXX
STANDARD WORK DAY:	8
TERM BEGINS/ENDS:	1/1/2016 - 12/31/2019
PARTICIPATES IN TIME KEEPING SYSTEM:	NO
DAYS/MONTHS:	32.58

TITLE:	COUNCILWOMAN
NAME:	JEANNE MACKO
SS #:	#XXXX
REG #:	XXXXXXXX
STANDARD WORK DAY:	8
TERM BEGINS/ENDS:	1/1/2016 – 12/31/2019
PARTICIPATES IN TIME KEEPING SYSTEM:	NO
DAYS/MONTHS:	6.67

APPOINTED OFFICIALS:

TITLE:	SECRETARY TO SUPERVISOR
NAME:	MARY HOLL
SS #:	#XXXX
REG #:	XXXXXXXXX
STANDARD WORK DAY:	8
TERM BEGINS/ENDS:	1/18/2016 – 12/31/2019
PARTICIPATES IN TIME KEEPING SYSTEM:	NO
DAYS/MONTHS:	25.61

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

RESOLUTION 2016-355 Appointment of Part Time Code Enforcement Officer

Councilman Macko moved and Councilman Feldmann seconded,

BE IT RESOLVED, the Evans Town Board hereby appoints Charles Valvo as Town of Evans part-time Code Enforcement Officer, effective immediately. Compensation shall be at the rate of $10.00 per hour and that hours shall be determined by the Town of Evans Supervising Code Enforcement Officer.

FURTHER BE IT RESOLVED, this appointment is subject to successful completion of the NYS Basic Code Enforcement Training, Testing and Certification.

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

RESOLUTION 2016-356 Appoint Consultant for the 2015 New York State Main Street Grant

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans has been awarded a New York State Main Street grant; and

WHEREAS, LaBella Associates, D.P.C.has extensive experience in commercial market and data collection and analysis and is properly qualified to render such services;

NOW THEREFORE BE IT RESOVLED, that the Town of Evans selects LaBella Associates D.P.C., located at 300 Pearl Street, Buffalo, New York as consultant for the 2015 New York State Main Street grant to perform professional services assisting the Town of Evans with a commercial inventory and market analysis for the neighborhood business district of Lake Erie Beach.

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

RESOLUTION 2016-357 Authorized Supervisor to Execute Agreement with Exxon Mobil Fleet Services

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the certification of the Town of Evans fuel storage tanks will expire in October of 2016; and

WHEREAS, it is costly to recertify and maintain said fuel storage tanks;

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Evans is authorized to execute an agreement with EXXON MOBIL FLEET SERVICES for the provision of fuel services, upon the approval of the Town Attorney.

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

RESOLUTION 2016-358 Suspend the Rules

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

VOTE RESULT: ADOPTED
AYES – Feldmann, Macko, Hosler
NAYS – none

RESOLUTION 2016-359 Designate the Official Newspaper

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, The Observer is hereby designated as the official newspaper of the Town of Evans for the remainder of the calendar year 2016, and that the Buffalo News may be used if additional coverage is needed.

VOTE RESULT: ADOPTED
AYES – Feldmann, Macko, Hosler
NAYS – none

RESOLUTION 2016-360 Authorize Supervisor to Sign, Submit and Execute Applications, Forms and Contracts with the New York State Regional Economic Development Council

Councilman Feldmann moved and Councilman Macko seconded

WHEREAS, the Town of Evans is desirous of obtaining funds from the 2016 Consolidated Funding Application (CFA) under the New York State Regional Economic Development Council as amended.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans does hereby formally request funding from the New York State 2016 Consolidated Funding Application; and

BE IT FURTHER RESOLVED, that the Evans Town Board does hereby authorize Mary K. Hosler as the official to sign, submit and execute all applications, forms and contracts between the Town of Evans and the New York State Regional Economic Development Council.

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

RESOLUTION 2016-361 Approve Town Licenses

Supervisor Hosler moved and Councilman Feldmann seconded,

Licenses:

Paul M. Hornberger – Live Band Special Event License

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 BY ROLL CALL
Councilman Feldmann - AYE
Councilman Macko-AYE
Supervisor Hosler- AYE

RESOLUTION 2016-362 Audit of Bills

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract #13 dated July 27, 2016 brought forth in the amount of $231,474.92.

DATE: 7/28/2016
ABSTRACT NO. 13
VOUCHER NO. 1158-1182, 1188-1220, 1228-1234, 1236
CHECK NUMBERS 75037- 75137
Approved as per Board meeting 7/27/16 audit of bills

GENERAL		173,697.79
PART TOWN		16,364.22
HIGHWAY DA		
HIGHWAY		28,854.30
WATER		11,513.41
CAPITAL PROJECTS		
SPECIAL DISTRICTS		1,045.20
DEBT SERVICE		
COMM DEVELOPMENT		
TOTAL	**$**	**231,474.92**

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

RESOLUTION 2016-363 Executive Session

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS: the Evans Town Board wishes to enter Executive Session, and;

BE IT RESOLVED: the public shall be excluded from discussion of and action upon hereinafter specified subject matter.

The general nature of the subject matter to be discussed as follows: Litigation, and the employment history of a particular employee

NOW THEREFORE BE IT RESOLVED: Jennifer Farrell, Town Attorney and Lynn Krajacic Town Clerk are invited to attend the Evans Town Board Executive Session.

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

RESOLUTION 2016-364 Close Executive Session

Supervisor Hosler moved and Councilman Macko seconded to close Executive Session.

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

RESOLUTION 2016-365 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to a Work Session on Wednesday, August 10, 2016 at 6pm then to Wednesday, August 17, 2016 at 6pm for an Agenda Meeting and Town Board meeting at 7pm.

This meeting was adjourn in Memory of Gary Huber and Tammy Pauley.

VOTE RESULT: ADOPTED
AYES – Feldmann, 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 M. Krajacic
Town Clerk

In Memory of Gary Huber,
Town of Evans
Maintenance Department Employee.

In Memory of Tammy Pauley,
Wife of Chris Pauley,
Town of Evans Highway Employee.