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 Krajacic	Town Clerk
	Jennifer Farrell	Town Attorney
	Mary Holl	Supervisor's Secretary
	Jeneen McSkimming	Assessor
	Debi Wilson	Planning/Community Dev.
	Edward Michalski	Highway Superintendent
	Ernie Masullo	Police Chief
	Rob Klavoon	Wendel Engineers

RESOLUTION 2016 -259 Approve the Minutes

Supervisor Hosler moved and Councilman Feldmann seconded that the reading of the minutes of the May 4, 2016 meeting and the Work Session of May 11, 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 read a communication from Theodore Catalano, Planning Board Chairman requesting a Public Hearing regarding a Special Use Permit for used car sales and auto repair shop to be located at 6889 Erie Road (a.k.a. NYS Route 5) Derby, NY 14047 SBL- 206.07-2-15, Petitioner Sean K. McGee, 48 Brighton Avenue, Buffalo NY 14212.

RESOLUTION 2016 -260 Set a Public Hearing for Consideration of a Special Use Permit 6889 Erie Road, Derby

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated May 13, 2016, the Planning Office has requested that the Town Board set a public hearing regarding the petition of Sean M. McGee for a special use permit for the operation of used car sales and auto repair shop to be located at 6889 Erie Road, Derby, NY 14047 SBL- 206.07-2-15

NOW THEREFORE BE IT RESOLVED, THAT THE Town Board authorize the Town Clerk to advertise for a public hearing to be held on June 15, 2016 at 7:10pm for the consideration of said special use permit, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Board for review and recommendation prior to the public hearing, and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office and the Code Enforcement Office.

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

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

Supervisor Hosler read a letter of recognition to Patrolman Michael Kauzala, Patrolman Patrick Atler, Patrolman Nathan Miller and Dispatcher Lynette Thexton for their excellent Police work in capturing a bank robber.

Privilege of the Floor

Stanley Radwan asked why a confidentiality agreement was signed regarding a bankruptcy.

Edward Schneider requested a meeting regarding Lake Erie Beach Park and requested prior Audits be published.

Public Hearing & Bid Opening

7:10pm Public Hearing for Consideration of Proposed Local Law #2 of 2016 Moratorium of Solar Farms

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 May 18, 2016 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #2 of the year 2016 which will impose a temporary moratorium on the issuance of applications and the granting of application, permits, licenses or approvals for the erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures.

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, Wednesday from 9am – 5pm and the Town's website www.townofevans.org on and after May 5, 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 -261 Open Public Hearing

Supervisor Hosler moved and Councilman Feldmann seconded to open the: public hearing for the consideration of Proposed Local Law #2 of 2016, Moratorium on Solar Farms

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

William Henry – spoke in favor of Proposed Local #2 of 2016

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

RESOLUTION 2016-262 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 -263 Adopt Local Law #3 of 2016

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, a public hearing was held on May 18, 2016 at 7:10 p.m. at Evans Town Hall, 8787 Erie Road, Angola, New York regarding Proposed Local Law #2 of calendar year 2016;

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law #2 of the calendar year 2016, is hereby enacted to impose a temporary moratorium on the granting of applications or permits, licenses or approvals with respect to siting, location, development, and construction of non-residential solar electric generating systems, or related facilities or structures, often referred to as solar farms, on lands within the Town

of Evans, for a period of six (6) months from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

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

Privilege of the Floor (cont.)

Keith Young voiced concerns that the Erie County Sewer Department is erecting a Solar Farm on their property and is afraid it will infringe on the right-of-way and is worried there will be a reflection from the panels to neighboring homeowners.

Committee and Department Head Reports

Councilman Macko reported on the following:

- Summerfest and Evans Experience will be held on July 17, 2016 at the Town Park
- Evans Park and Rec has been working with the Committee for the Point Breeze Chair fundraiser which will be held on August 13, 2016 at Point Breeze Park

Supervisor Hosler reported on the following

- A meeting will be held with the Town Engineer and Erie County Health Department regarding the required Water Tower size. Grant money may be available to defray some of the cost.
- The Party for the Playground will be held on May 25, 2016
- Read the monthly report submitted by the Police Department

RESOLUTION 2016-264 Town Clerk's Reports

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

Town Clerk Report for April	$41,793.03
Interest for April	4.26

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

RESOLUTION 2016 -265 Accept Proposal for Boundary Survey of Sturgeon Point Marina and Sign the Proposal

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans has received a grant from the New York State Office of Parks, Recreation, and Historic Preservation, and

WHEREAS, the Town of Evans has solicited proposals from qualified firms to complete a survey for the proposed project, and

WHEREAS, three (3) responses from qualified consultants were received, and

WHEREAS, the Town Engineer has reviewed the proposals and recommends that Manguso Land Surveying, PC, 9569 Lake Shore Road be awarded this project, and

WHEREAS, the fee for this work is determined to be $2,600.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans accepts the proposal from Manguso Land Surveying, PC and authorizes the Supervisor to sign the proposal dated April 12, 2016 subject to review by the Town Attorney.

ROLL CALL VOTE: ADOPTED BY ROLL CALL
Councilman Feldmann Aye
Councilman Macko Aye
Supervisor Hosler Aye

RESOLUTION 2016 -266 Resignation of Member of the Agriculture Board

Councilman Feldmann moved and Councilman Macko seconded,

RESOLVED, that the Evans Town Board accepts the resignation of Diane Held, member of the Town of Evans Agriculture Board, effective immediately.

ROLL CALL VOTE: ADOPTED BY ROLL CALL
Councilman Feldmann Aye
Councilman Macko Aye
Supervisor Hosler Aye

RESOLUTION 2016 -267 Resignation of Member of the Zoning Board of Appeals

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, that the Evans Town Board accepts the resignation of Marc T. Pericak, alternate member of the Town of Evans Zoning Board of Appeals, effective immediately.

ROLL CALL VOTE: ADOPTED BY ROLL CALL
Councilman Feldmann Aye
Councilman Macko Aye
Supervisor Hosler Aye

RESOLUTION 2016 -268 Authorize Highway Superintendent to attend NYS Association of Town Annual Highway School for Superintendents

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans Highway Superintendent requests permission to attend the Annual Association of Towns of the State of New York and Cornell Local Roads Program 71st Annual Highway School for Superintendents of Highways; and

WHEREAS, said training will be held in Ithaca, New York on June 5-8, 2016; and

NOW THEREFORE BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Edward Michalski, Town of Evans Highway Superintendent, to attend said training and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

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

RESOLUTION 2016 -269 Appointment of Planning & Community Development Director

Councilman Feldmann moved and Councilman Macko seconded,

RESOLVED, that Roberta Rappoccio is hereby appointed the Director of Planning & Community Development position for the Town of Evans, effective Monday, June 6, 2016 and that she be compensated at a rate of $62,000 per year, payable bi-weekly.

VOTE RESULT:	ADOPTED BY ROLL CAL	
	Councilman Feldmann	Aye
	Councilman Macko	Aye
	Supervisor Hosler	Aye

RESOLUTION 2016 -270 Declare Surplus Equipment in the Police Department

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, that seven (7) Remington Model 870 shotguns listed below are hereby declared surplus equipment:

1. Remington 870 SN AB625598M
2. Remington 870 SN AB750410M
3. Remington 870 SN AB762281M
4. Remington 870 SN A754444M
5. Remington 870 SN AB625594
6. Remington 870 SN AB750436M

7. Remington 870 SN RS12731N;

WHEREAS, New York State Audit & Control guidelines require cash proceeds of the sale be recorded in the fund that financed the original purchase of the surplus equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans Police Department sell the aforementioned equipment; and

BE IT FURTHER RESOLVED, that the weapons were appraised at $100 each and the Town Board approves the private sale of each weapon at $200 with proceeds to be used to purchase new shotguns; and

BE IT FURTHER RESOLVED, that any proceeds from such sale be deposited in a Police reserve bank account and that such revenue be credited to Account A2660

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

RESOLUTION 2016 -271 Advertise for Public Hearing for Proposed Local Law #3 of 2016 Various Code Revisions

Councilman Macko moved and Councilman Feldmann seconded,

BE IT RESOLVED, that the Town Clerk is hereby authorized to post and publish the needed legal notice for a public hearing to be held Wednesday, June 15 at 7:10pm in the Evans Town Hall for consideration of Proposed Local Law #3 regarding miscellaneous Code Revisions.

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

RESOLUTION 2016 -272 Suspend the Rules of Order for the Consideration of Additional Resolutions

Councilman Macko moved and Councilman Feldmann seconded to suspend the rules of order for tonight's meeting for the consideration of two (2) additional resolutions not listed on tonight's agenda.

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

RESOLUTION 2016 -273 Amend Resolution 2016 -255 Audit of Bills

Councilman Feldmann moved and Councilman Macko seconded,

RESOLVED, that Resolution 2016 -255, Audit of Bills be amended to reflect Marina start-up money in the amount of $1000 make the corrected total $239,566.01

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

RESOLUTION 2016 -274 Appointment of Member of the Agricultural Advisory Committee

Supervisor Hosler moved and Councilman Feldmann seconded,

RESOLVED, that Paul Michalec be appointed as a member of the Town of Evans Agriculture Board, effective immediately.

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

RESOLUTION 2016 -275 Town Licenses

Supervisor Hosler moved and Councilman Macko seconded,

Christopher Triviz – Live Band Special Event
Michael & Deborah Slawinski - Fireworks

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 -276 Audit of Bills

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract brought forth:

DATE: 05/19/2016
ABSTRACT NO. 9
VOUCHER NO. 780-817,825,887,888
CHECK NUMBERS 74729-74783
Approved at May 18, 2016 Board Meeting

GENERAL	60,097.71
PART TOWN	70.00
HIGHWAY DA	
HIGHWAY	18,874.08
WATER	1.65
CAPITAL PROJECTS	76.10
SPECIAL DISTRICTS	97,498.18
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	**$ 176,617.72**

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

RESOLUTION 2016 -277 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to a Work Session on Wednesday, June 1, 2016 at 5pm then to Wednesday, June 1, 2016 at 6pm for an Agenda Meeting and Town Board meeting at 7pm.

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