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:	Jeanne Macko	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Jennifer Farrell	Town Attorney
	Brittany Gloss	Director of Finance
	Roberta Rappoccio	Director of Community Dev & Planning
	Mary Holl	Supervisors Department
ABSENT:	Dennis Feldmann	Councilman

RESOLUTION 2017 #348 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the Agenda Meeting of July 19, 2017, the Town Board Meeting of July 19, 2017, and the Work Session of July 26, 2017 be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

The Supervisor's Monthly report has been made to the Town Board and a copy was filed with the Town Clerk's office in accordance with Town Law.

Privilege of the Floor

Lynn Wyland spoke about an issue with the Building Department regarding permits

Public Hearing

LEGAL NOTICE
TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York at 7:10 pm on August 2, 2017, at the Evans Town Hall, 8787 Erie Road, Angola, New York regarding the establishment of energy benchmarking requirements for all municipal buildings to allow municipal officials and the public to monitor the energy performance of municipal building relative to similar buildings region-wide.

All parties in interest and citizens shall have an opportunity to be heard at the public hearing to be held aforesaid.

By order of the Town Board
of the Town of Evans
Lynn Krajacic
Town Clerk

RESOLUTION 2017 #349 Open Public Hearing

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

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

The following spoke is favor of the energy benchmarking requirements: Bill Henry

RESOLUTION 2017 #350 Close the Public Hearing

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

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

RESOLUTION 2017 #351 Approve Energy Benchmarking Requirements

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings–for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Evans is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Evans Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Evans; and

WHEREAS, the Town of Evans Town Board desires to establish procedure or guideline for Town of Evans staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Evans that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Department of Planning and Community Development

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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

Privilege of the Floor (con't)

Bill Henry questioned the status of the solar panels on the Highway Dept roof and if they will be replaced after the roof is completed.

Ed Schneider spoke about drainage issues in the past and requested violators be cited.

Committee & Department Head Reports

Councilman Macko announced 2017 Bike MS Event will be held on August 5th from Evangola State Park to Wendt Beach and back.
Supervisor Hosler reported on National Night Out, the purchase of the movie screen and system that was purchased for the Town and paid for by sponsorships, the Time Warner expansion, a grant for the Marina and the Community Gardens at the Senior Center.

Old Business
Solar Opt Out
Tower Permit - Dennis Road
Tower Permit - Eden Evans Center Road
Proposed Local Law #8

RESOLUTION 2017 #352 Budget Transfers

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers to reclassify previously budgeted amounts:

Transfer From:		
A.3120.210.00	Information Technology Police	$500
Transfer To:		
A.3120.402.00	Police Printing, Postage, Advertising	$500
Transfer From:		
A.1610.431.00	Finance Reimbursement	$500
Transfer To:		
A.1610.431.01	Finance Certification and Education	$500
Transfer From:		
B.8020.113.01	Planning Review Board Members	$200
Transfer To:		
B.8020.430.00	Planning Dues & Subscriptions	$200

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #353 Budget Amendment

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans Town Board approved the 2017 budget on November 16, 2016 by resolution #512; and,

WHEREAS, the Town finds it necessary to amend the 2017 budget to recognize the receipt of funds associated with the Local Records Management Grant, as well as the corresponding expenditures;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2017 budget; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget amendment:

Account Number	Account Name	Approved Appropriation	Change	Amended Appropriations
A.1410.413.01	Records Management Grant (E)	$0.00	$56,535	$56,535
A.3060.000.00	Records Management Grant (R)	$0.00	$56,535	$56,535

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Absent
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #354 Schedule Public Hearing for Proposed Local Law #8 of 2017 Mixed Use Waterfront

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Evans Town Board has previously advertised and held two public hearings regarding Proposed Local Law #8 of the year 2017 to establish a new zoning designation: Waterfront Mixed Use (WMU); and to rezone the following properties currently zoned Neighborhood Business (NB) or Residential in the Local Waterfront Revitalization Program area to Waterfront Mixed Use (WMU):

188 Kennedy	250.09-1-46
183 Kennedy	250.09-1-48.1
9544 Lake Shore Road	250.09-1-44.1
9542 Lake Shore Road	250.09-1-43.2
9566 Lake Shore Road	250.09-1-50.1
9536 Lake Shore Road	250.09-1-43.111
9569 Lake Shore Road	250.09-2-43
9553 Lake Shore Road	250.09-2-42

9579 Lake Shore Road	250.09-3-1.11
6892 Lake Shore Road	206.00-1-10
8934 Lake Shore Road	234.16-2-25.1
8921 Lake Shore Road	234.16-4-16.11
8966 Lake Shore Road	234.16-2-31.1
8905 Lake Shore Road	234.16-4-16.151
0 Lake Shore Road	234.16-4-18
8926 Lake Shore Road	234.16-2-24
8861 Lake Shore Road	234.16-4-19

WHEREAS, subsequent to the aforementioned public hearings, the Town of Evans has further amended Proposed Local Law #8;

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 consider Proposed Local Law #8 of the year 2017, as further amended, to be held on August 16, 2017 at 7:10 p.m. to consider the establishment of the new aforesaid zoning designation and rezoning of the aforementioned properties; 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	Absent
	Councilman Macko	Aye
	Supervisor Hosler	Aye

RESOLUTION 2017 #355 Suspend the Rules

Supervisor Hosler moved and Councilman Macko seconded to suspend the rules of order for the consideration of an additional resolution

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

RESOLUTION 2017 #356 Authorize the Preparation of Invitation to Bid for the Evans Town Pool Project Phase 1

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, that the Town Engineer is hereby authorized to prepare an invitation to bid for the Evans Town Pool Project Phase 1, Town of Evans, New York, and

BE IT FURTHER RESOLVED, that the specifications for the invitation to bid shall be available at the Office of the Engineer, Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203, beginning August 7, 2017; and

BE IT FURTHER RESOLVED, that the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED that the bids are due to the Town Clerk's office by 11:00 a.m. local time on August 29, 2017, at which time the bids will be publicly opened and read aloud.

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

RESOLUTION 2017 #357 Audit of Bills

Councilman Macko moved Supervisor Hosler seconded that all properly audited bills be paid out of the respective accounts per the following abstract:

AUDIT OF BILLS

DATE	8/3/2017
ABSTRACT NO.	14
VOUCHER NO.	985-1083
CHECK NUMBERS	76604 - 76680
APPROVED AT	Board Meeting
DATE	8/2/2017
GENERAL	$290,241.42
PART TOWN	$33,617.27
HIGHWAY DB	$92,599.64
WATER	$94,301.18
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$19,244.61
DEBT SERVICE	
TA FUND	
TOTAL	**$530,004.12**

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

RESOLUTION 2017 #358 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, August 9, 2017 at 6 pm for a Work Session and then to Wednesday, August 16, 2017 at 6pm for an Agenda Meeting, and then 7pm for the Town Board Meeting to follow.

Meeting adjourned in Memory of Gold Star Mother, Elizabeth "Betty" Jackowiak

VOTE RESULT:	ADOPTED	
	AYES:	Macko, Hosler
	NAYS:	None

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.
Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

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
Gold Star Mother, Elizabeth "Betty" Jackowiak







AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Christine Sell , being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

July 22, 2017

LEGAL NOTICE
TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York at **7:10 pm on August 2, 2017,** at the Evans Town Hall, 8787 Erie Road, Angola, New York regarding the establishment of energy benchmarking requirements for all municipal buildings to allow municipal officials and the public to monitor the energy performance of municipal building relative to similar buildings region-wide.
All parties in interest and citizens shall have an opportunity to be heard at the public hearing to be held aforesaid.
By order of the
Town Board
of the Town of Evans
Lynn Krajacic
Town Clerk
O-162402 July 22, 2017 -Adv.

Signed: Christine Sell
Christine Sell

Signed before me this 24th day of July 2017

Rebecca J Brown
Notary Public

5/4/19

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Sheila McWillson , being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

July,28, 2017

Signed Sheila McWillson
Sheila McWillson

Signed before me this 28th day of July 2017

Barbara Inzano
Notary Public

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 **August 2, 2017 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 #8 of the year 2017, as further amended, which will amend Local Law #8 of the year 1987 commonly known as the Zoning Law and any amendments thereto for proposed revisions to the Town Code Chapter 200: Zoning. A draft copy of the proposed local law 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.
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
O-162420 July 28, 2017 -Adv.

5/4/17

CANCelled





