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
	Edward Michalski	Highway Superintendent
	Douglas Czora	Police Chief
	Mary Holl	Supervisors Department

RESOLUTION 2017 #218 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the Agenda Meeting and the Town Board Meeting of April 19, 2017, be dispensed with and accepted 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 Roberta Rappoccio, Director of Community Development and Planning regarding a Rezone of a property located at 6889 Erie Road (a.k.a. NYS Route 5), Derby, NY from Motor Service (MS) to General Business (GB) for the purpose of operating a single tenant retail store, SBL#206.07-2-15. Petitioner: The Broadway Group, LLC, 216 Westside Square, Huntsville, AL 35801.

RESOLUTION 2017 #219 Authorize Town Clerk to Schedule Public Hearing

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, The Broadway Group, LLC has requested that the Town Board of the Town of Evans rezone a 0.96± acre parcel located at 6889 Erie Road (a.k.a. NYS Route 5), SBL#206.07-2-15, from Motor Service (MS) to General Business (GB) for the purpose of operating a single tenant retail store, and

WHEREAS, in a letter dated April 27, 2017, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of The Broadway Group, LLC.

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 #7 of the year 2017, to be held on May 17, 2017 at 7:10 for the consideration of said Rezoning,

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

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

Supervisor Hosler received and filed a communication from FreedMaxick regarding the planning and timing of the audit for the Town.

Supervisor Hosler reported that the Supervisor's March 2017 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

Public Hearing

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 3, 2017 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 #4 of the year 2017 which will extend the temporary moratorium implemented by Local Law #3 of year 2016, and subsequently extended by Local Law #9 of the year 2016, on the issuance of applications and the granting of applications, 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 for a period of 6 months from the expiration of the moratorium implemented by Local Law #3 of year 2016 and subsequently extended by Local Law #9 of the year 2016.

Copies 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 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 2017 #220 Open Public Hearing

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

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

Bill Henry and Cheryl St George spoke in opposition to the Proposed Local Law #4.

RESOLUTION 2017 #221 Close the Public Hearing

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

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

RESOLUTION 2017 #222 Adopt Local Law #3 of the Year 2017 Solar Moratorium

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, a public hearing was held on May 3, 2017 at 7:10 p.m. at Evans Town Hall, 8787 Erie Road, Angola, New York regarding Proposed Local Law #4 of calendar year 2017;

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law #4 of the calendar year 2017, is hereby enacted to extend the term of the moratorium on the issuance and granting of applications permits, licenses or approvals for the establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures, as enacted by Local Law #3 of the year 2016 and subsequently extended by Local Law #9 of the year 2016, for a period of an additional six (6) months from the expiration of the moratorium implemented by Local Law #3 of year 2016, as extended by Local Law #9 of the year 2016, unless earlier terminated by other local law, duly adopted;

AND, BE IT FURTHER RESOLVED, that the Town Clerk shall file a copy with the New York State Secretary of State.

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

Privilege of the Floor

Bill Henry spoke again about the solar moratorium and thanked everyone that was involved with the Environmental Fair and thanked all who attended the climate change marches.

Marie O'Connor resubmitted a petition against the rezoning of the properties that were rezoned at the last board meeting. She reported the school has no intentions of doing any drainage

improvements included in the capital project and requested a moratorium on new development in the Erie Road area.

Cheryl St. George questioned what is recyclable and spoke about tax increases, increasing the size of the Board and asked if the Erie County Sheriffs have been notified about consolidation.

Ed Schneider spoke about flooding, open government, spoke about the proposed five member board and questioned the Town's business loan program.

Committee & Department Head Reports

Supervisor Hosler thanked Truman Partridge and the committees, Ed Michalski and all the departments for their participation in the Environmental Fair. Reported she has talked to Republic Services about 96 gallon totes for recycling, reported on the proposal from Governor Cuomo for shared services, announced a newsletter will be coming out in the future and also announced the Marina has opened early for the second year in a row.

Councilman Macko announced that Summer Fest will be held on Sunday. June 11th 12-7pm at the Evans Town Park and this year the Special Olympics will be holding their Fire Truck Pull at this event.

Councilman Feldmann announced that Evans Youth Baseball will be holding its Opening Day Ceremonies on Saturday

Old Business
Tower Permit
Kwilos Minor Subdivision

RESOLUTION 2017 #223 Authorize Highway Superintendent to Attend the New York State Association of Towns Highway Annual School

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Superintendent of Highways Ed Michalski requests permission to attend the NYS Association of Towns and Cornell Local Roads Program 72nd Annual Highway School for Superintendents conference; and

WHEREAS, said training will be held in Ithaca, New York June 12-14, 2017;

NOW, THEREFORE BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Superintendent of Highways Ed Michalski, to attend said conference 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 2017 #224 Declare Surplus Highway Equipment for Auction

Councilman Macko moved and Councilman Feldmann seconded,

NOW, BE IT RESOLVED, that the following vehicles are hereby declared surplus equipment and will be sold at auction with proceeds to be deposited into the Town of Evans Savings Account;

1994 White Dump Truck - VIN #4V2SABMD5RR513541; and

FURTHER, BE IT RESOLVED, that the revenues associated with the sale of the above referenced equipment shall be recognized into the appropriate general ledger account.

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

RESOLUTION 2017 #225 Appointment of Full Time Police Dispatcher

Councilman Feldmann moved and Councilman Macko seconded,

WHEREAS, there is an opening for a full time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, Thomas Lederhouse is currently employed by Erie County and is familiar with the dispatching procedures of the Evans Police Department and is desirous of a transfer to the Evans Police Department; and

WHEREAS, a minimal training period would be required to complete the required field training for the position;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Thomas Lederhouse to the position of Public Safety Dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the Evans Communications Association collective bargaining agreement.

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

RESOLUTION 2017 #226 Budget Transfers - Assessor's Department

Supervisor Hosler moved and Councilman Feldmann seconded,

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Assessor's Department to make the following budget transfers to purchase subscriptions to Buffalo Law Journal for notices of foreclosures:

Transfer From:

A.1355.401.00	Supplies	$90

Transfer To:

A.1355.430.00	Dues and Subscriptions	$90

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

RESOLUTION 2017 #227 Budget Transfers - Town Clerk

Councilman Macko moved and Supervisor Hosler seconded,

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Clerk's Office to make the following budget transfers for the purchase of dog licensing software:

Transfer From:

A.1410.432.00	Town Clerk Certs and Education	$750

Transfer To:

A.1410.420.00	Town Clerk Information Technology	$750

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

RESOLUTION 2017 #228 Budget Transfers - Police Dept.

Councilman Feldmann moved and Councilman Macko seconded,

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Police Department to make the following budget transfers to purchase equipment for new vehicle changeover:

Transfer From:

A.3120.220.01	Machinery & Motor Vehicles - Cruisers	$3,700

Transfer To:

A.3120.220.02	Machinery & Motor Vehicles - Changeovers	$3,700

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

RESOLUTION 2017 #229 Suggested Donation for Senior Van Use

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town of Evans' Senior Center Van provides a valuable service to the residents of the Town of Evans, particularly the Town of Evans senior residents to maintain their nutritional well-being and social independence; and

WHEREAS, to help offset the cost of fuel, the Town of Evans' Senior Center is recommending a "suggested donation" of $2.00 per ride.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the recommendation of the Senior Center's "suggested donation' of $2.00 per ride.

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

RESOLUTION 2017 #230 Appointment of Part Time Clerk

Councilman Macko moved and Councilman Feldmann seconded,

BE IT RESOLVED, that Laurie Schmittendorf be appointed as a part-time clerk at the rate of $12.00 per hour, effective immediately.

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

RESOLUTION 2017 #231 Adjustment of Compensation for a Part Time Laborer

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, Mr. Ruszaj is a part-time laborer for the Town of Evans and his job responsibilities have changed;

NOW, THEREFORE, BE IT RESOLVED, Mr. Ruszaj's compensation shall be amended to $15.00 per hour, to reflect Mr. Ruszaj's new duties.

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

RESOLUTION 2017 #232 Authorize Town Clerk to Schedule Public Hearing for Proposed Local Law #5 of the Year 2017

Supervisor Hosler 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, May 17, 2017 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #5 regarding miscellaneous code revisions to Evans Town Code Section 144: Peddling and Soliciting.

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

RESOLUTION 2017 #233 Authorize Town Clerk to Schedule Public Hearing for Proposed Local Law #6 of the Year 2017

Councilman Feldmann moved and Councilman Macko 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, May 17, 2017 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #6 regarding miscellaneous code revisions to Evans Town Code Section 147: Plumbing.

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

RESOLUTION 2017 #234 Suspend the Rules

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

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

RESOLUTION 2017 #235 Appointment of Part-Time Seasonal & Clerks Appointments

Amended 2017-06-07 #285 pg. 165

Councilman Macko moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the following part time personnel, clerks, seasonal laborers and maintenance/custodial workers are hereby appointed, effective immediately, in accordance with provisions of Civil Service rules, for the year 2017, with their respective rates as amended:

Alexander Kij	$10.00 per hour
Kyle Eastman	$10.00 per hour
Leon Widelko	$10.00 per hour
Richard Walker	$10.00 per hour
Marilynn Daniel	$10.00 per hour
Tanner Szafnicki	$10.00 per hour
Collin Eastman	$10.00 per hour
Patricia Simchick	$10.00 per hour
Katherine Klopp	$10.00 per hour
Audrey Feldmann	$ 9.70 per hour
Nicholas Ralph	$ 9.70 per hour
Cassandra Bingenheimer	$ 9.70 per hour
Jasmine Bingenheimer	$ 9.70 per hour
Patricia Fitzpatrick	$ 9.70 per hour
Michael Braeuner	$ 9.70 per hour
Albert Hilburger	$ 9.70 per hour
Harold Mergenhagen	$ 9.70 per hour
Daniel Frame	$ 9.70 per hour
Darrin Frame	$ 9.70 per hour

Timothy Nosbisch	$ 9.70 per hour
Brandon Pudlewski	$ 9.70 per hour
Nicholas Ferrino	$10.00 per hour
Sarah Wood	$ 9.70 per hour
Dale Nappo	$ 9.70 per hour
Kathleen Buckley	$12.00 per hour
Sabine Baeckmann	$12.00 per hour
Patrick Byrne	$10.00 per hour

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Abstain
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #236 Audit of Bills

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

AUDIT OF BILLS

DATE	5/4/2017
ABSTRACT NO.	9
VOUCHER NO.	459 - 532
CHECK NUMBERS	76212 - 76269
APPROVED AT	Board Meeting
DATE	5/3/2017
GENERAL	$202,962.93
PART TOWN	$25,644.79
HIGHWAY DB	$35,114.17
WATER	$10,511.08
CAPITAL PROJECTS	$4,245.00
SPECIAL DISTRICTS	$20,900.99
DEBT SERVICE	
TA FUND	
TOTAL	**$299,378.96**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #237 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, May 10, 2017 at 6 pm for a Work Session and then to Wednesday, May 17, 2017 at 6pm for an Agenda Meeting, and then 7pm for the Town Board Meeting to follow.

VOTE RESULT: ADOPTED
AYES: Feldman, 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

AFFIDAVIT OF PUBLICATION

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 3, 2017 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 #4 of the year 2017 which will extend the temporary moratorium implemented by Local Law #3 of year 2016, and subsequently extended by Local Law #9 of the year 2016, on the issuance of applications and the granting of applications, 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 for a period of 6 months from the expiration of the moratorium implemented by Local Law #3 of year 2016 and subsequently extended by Local Law #9 of the year 2016.

Copies 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 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

O-161996 April 25, 2017-adv.

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

April 25, 2017

Signed Sheila McWillson
Sheila McWillson

Signed before me this 25th day of April 2017

Barbara J Musso
Notary Public

BARBARA J [illegible]
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/19