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:

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| PRESENT: | Dennis Feldmann | Councilman |
| | Jeanne Macko | Councilman |
| | Mary Hosler | Supervisor |
| ALSO PRESENT: | Lynn Krajacic | Town Clerk |
| | Jennifer Farrell | Town Attorney |
| | Doug Czora | Chief of Police |
| | Mary Holl | Supervisors Department |

***RESOLUTION 2017 #371 Approve Minutes***

Supervisor Hosler moved and Councilman Feldmann seconded that the reading of the minutes of the Town Board Meeting of August 16, 2017 be dispensed with and accepted as submitted by the Town Clerk.

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

***Communications***

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

***Privilege of the Floor***

Ed Schneider questioned the process to become a Board member if the referendum passes to increase the Board members and the cost of insurance for Board members

Cheryl St George spoke about the Comprehensive plan, water surcharge and tax increases

***Committee & Department Head Reports***

Supervisor Hosler reported on meetings with Senator Jacobs on water quality

***RESOLUTION 2017 #372 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 August 2017:

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| Town Clerk Report for August | $47,930.67 |
| Interest for August | $4.34 |
| Greenspace Fees transferred to Trust & Agency Account | $700.00 |

VOTE RESULT: ADOPTED BY ROLL CALL

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|---|---|
| Councilman Feldmann | Aye |
| Councilman Macko | Aye |
| Supervisor Hosler | Aye |

***Old Business***

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

***RESOLUTION 2017 #373 Department of Conservation Settlement***

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the New York State Department of Environmental Conservation (DEC) filed a Notice of Violation May 19, 2016, PBS #9-487236; and

WHEREAS, the Town of Evans has negotiated a settlement with the DEC of the aforementioned Notice of Violation;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans shall pay the reduced fine of $300.00 to the DEC as full settlement of the above referenced Notice of Violation and Supervisor Mary Hosler is authorized to execute the Order on Consent and any other documents necessary to effectuate said settlement, upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

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| Councilman Feldmann | Aye |
| Councilman Macko | Aye |
| Supervisor Hosler | Aye |

***RESOLUTION 2017 #374 Party for the Playground Donation***

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, the Evans Playground Committee holds fundraising events throughout the year to raise money for the new playground at the Evans Town Park; and

WHEREAS, the Evans Playground Committee has requested a donation for its "Party for the Playground" Fundraiser to complete Phase 2 of the new playground;

BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the donation of one (1) 2018 seasonal boat launch pass, total value of $150.00, as of 2017 prices.

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

***RESOLUTION 2017 #375 Authorize Supervisor to Enter into Contract with Comtel***

Councilman Feldmann moved and Supervisor Hosler seconded

BE IT RESOLVED, that the Town of Evans enter into a Maintenance & Service agreement for the Town of Evans telephone system with COMTEL located at 750 Ensminger Road, Suite 100, Tonawanda, New York 14150 for the period of August 1, 2017 to July 31, 2018 in the amount of $2,228.26 per said contract period.
FURTHER, BE IT RESOLVED, that the Supervisor is hereby authorized to execute a contract, upon the approval of the Town Attorney.

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

***Resolution 2017 #376 Authorize Supervisor to Sign the EAF***

Councilman Macko and Councilman Feldmann seconded,

WHEREAS, the United States Geological Survey (USGS) will install and operate a streamgage at the Route 5/Erie Road Bridge over Big Sister Creek. The gage shelter will be a steel box with approximate dimensions of 2 ft x 3 ft x 1 ft. The gage shelter will house electronic equipment that will measure and record water levels in the Big Sister Creek; and

WHEREAS, the Town Board reviewed the Short Environmental Assessment Form Part 1 submitted by the USGS, and has found that the proposed action is not anticipated to result in any significant impacts on the environment;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor be authorized to sign the EAF and have the Evans Planning Office prepare the appropriate notices and filings in accordance with the SEQR regulations.

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

***Resolution 2017 #377 Authorize Supervisor to Enter into Contract with Republic Services***

Supervisor Hosler and Councilman Macko seconded,

BE IT RESOLVED, that the Town of Evans accept the recycling container (cart) proposal for the Town of Evans submitted by our current recycling services company Republic Services, located at 2321 Kenmore Avenue, Buffalo, New York 14207 for the current contract period of January 1, 2018 to December 31, 2019. The Town hereby exercises three one-year extensions pursuant to Section 38 of the current contract, so that the contract will terminate on December 31, 2022. FURTHER, BE IT RESOLVED, that the Supervisor is hereby authorized to execute said proposal, upon the approval of the Town Attorney.

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

***Resolution 2017 #378 Part Time Employee Title Change***

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, Town of Evans' Part-Time Clerk Vincent Gugliuzza has completed and passed the required training for Code Enforcement Officer through the New York State Department of State.

NOW, THEREFORE, BE IT RESOLVED that based on the above training, Vincent Gugliuzza's title is hereby changed from Part-Time Clerk to Part-Time Code Enforcement Officer for the Town of Evans, limited to enforcing property maintenance for the Town of Evans.

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

***Resolution 2017 #379 Reject Bid Submitted for the Pool Project***

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans previously authorized preparation of an invitation to bid for the Evans Town Pool Project Phase 1 with bids due on August 29, 2017;

NOW, THEREFORE, BE IT RESOLVED, that the bid received for the for Evans Town Pool Project Phase 1 in which bids were due on August 29, 2017 is hereby rejected.

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

***Resolution 2017 #380 Advertise Invitation to Bid for the Pool Rehab 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 Town of Evans Pool Rehab 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 September 11, 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 2:00 p.m. local time on September 28, 2017, at which time the bids will be publicly opened and read aloud.

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

***Resolution 2017 #381 Advertise Invitation to Bid for the Pool Handicap Accessibility Project Phase***

Councilman Feldmann moved and Supervisor Hosler seconded,

RESOLVED, that the Town Engineer is hereby authorized to prepare an invitation to bid for the Town of Evans Pool Handicap Accessibility 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 September 11, 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 2:00 p.m. local time on September 28, 2017, at which time the bids will be publicly opened and read aloud.

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

***Resolution 2017 #382 Authorize Town Clerk to Advertise for Public Hearing for Proposed Local Law #8 of the Year 2017***

Councilman Feldmann 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 September 20, 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

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| Councilman Feldmann | Aye |
| Councilman Macko | Aye |
| Supervisor Hosler | Aye |

***RESOLUTION 2017 #383 Approve Town Licenses***

Supervisor Hosler moved and Councilman Macko seconded,

Licenses:

Tina Rochelle Tesch - Live Band Special Event

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

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

***RESOLUTION 2017 #384 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 | 9/7/2017 |
| ABSTRACT NO. | 16 |
| VOUCHER NO. | 1189-1265/1273-1280 |
| CHECK NUMBERS | 76760 -76825 |
| APPROVED AT | Board Meeting |
| DATE | 9/6/2017 |
| | |
| GENERAL | $73,257.42 |
| PART TOWN | $3,998.05 |
| HIGHWAY DB | $14,359.63 |
| WATER | $2,467.96 |
| CAPITAL PROJECTS | $2,850.00 |
| SPECIAL DISTRICTS | |
| DEBT SERVICE | |
| TA FUND | |
| **TOTAL** | **$96,933.06** |

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

***RESOLUTION 2017 # 385 Enter Executive Session***

Supervisor Hosler moved and Councilman Macko seconded,

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

BE IT RESOLVED: that 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

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

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

***RESOLUTION 2017 #386 Close Executive Session***

Councilman Feldmann moved and Councilman Macko seconded to close Executive Session.

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

***RESOLUTION 2017 #387 Adjournment***

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, September 13, 2017 at 6pm for an Agenda Meeting, and then 7pm for the Town Board Meeting to follow and then to Wednesday, September 20, 2017 for a Work Session.

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| 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