Evans Town Board

At a 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
	Michael Schraft	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn Stoessel	Deputy Town Clerk
	Jennifer Farrel, Esq	Town Attorney
	Jeneen Hill	Assessor /Code Enforcement Officer
	Roberta Rappoccio	Community Develop. & Planning Dir.
	Brittany Gloss	Finance Director
	Douglas Czora	Chief of Police

RESOLUTION 2018 #158 Schedule PH for Special Use Permit Renewal for We Care Auto Repair, 7312 Erie Road, Derby

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, in a letter dated March 26, 2018 the Planning Office has requested that the Town Board set a public hearing regarding the petition of Judy Clark, d/b/a We Care Auto Repair, Inc., for a Special Use Permit renewal for the purpose of continued operation of a Vehicle Sales & Service Facility located at 7312 Erie Road, Derby, NY 14047, part of SBL# 206.00-5-14;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on May 16, 2018 at 7:10p.m. for the consideration of said Special Use Permit renewal, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Office to determine the need for Planning Board 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 Macko	Aye
	Councilman Schraft	Aye
	Supervisor Hosler	Aye

RESOLUTION 2018 #159 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded to approve that the reading of the minutes of the meeting of March 21, 2018 and the Work Session of March 28, 2018 be dispensed with and accepted as submitted by the Town Clerk.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #160 Schedule PH for Special Use Permit Renewal for Auto Tune Service

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated March 26, 2018 the Planning Office has requested that the Town Board set a public hearing regarding the petition of Nicholas Larson, d/b/a AutoTune Service and Repair, for a Special Use Permit renewal for the purpose of continued operation of a Used Car Lot located at 9712 Southwestern Blvd., Angola, NY 14006, part of SBL# 252.00-2-21;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on May 16, 2018 at 7:10p.m. for the consideration of said Special Use Permit renewal, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Office to determine the need for Planning Board 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 Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTIONS 2018 #161BAN – Highway Equipment

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town Board (the "Board") of the Town of Evans, Erie County (the "Town") proposes to authorize the issuance of $227,000 in serial bonds of the Town to finance the acquisition of one plow truck and one wood chipper for use by the Town's Highway Department (collectively, the "Project"); and

WHEREAS, the Board now wishes to appropriate funds for such each purpose and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance each such appropriation.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the acquisition of one plow truck and one wood chipper for use by the Town's Highway Department and to issue $227,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to

finance the estimated cost of the aforementioned specific purpose. It is hereby determined that the maximum estimated cost of such specific object or purpose is $227,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of $227,000 in serial bonds of the Town authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivisions 28. and 89. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the

meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 7. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The Town Supervisor is further authorized to enter into continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The Town Board hereby determines that the actions authorized by this resolution and the adoption hereof collectively constitute a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

This resolution shall take effect immediately.

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

RESOLTUION 2018 #162 Declare Highway Equipment & Vehicle(s) Surplus

Councilman Schraft moved and Councilman Macko seconded,

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

2004 Ford F250 XL SD, 4WD Pickup Truck with Plow
2003 Dodge Ram 1500 4WD Pickup Truck
New Watts Backflow Preventer/Neptune Fire Meter & Hot Box Enclosure
Salsco #813 13" Wood Chipper/Trailer
(2) Weather Guard #354 L-Shape Fuel Transfer Tanks
(3) New 11R/22.5 Tires By Bridgestone & Michelin
(4) New Goodyear 245/75R22.5 G124 Tires
(3) Used 80R22.5 Tires Goodyear & Firestone
(3) Used Goodyear 315/80R22.5 Tires
(2) 11R22.5 Tires by Michelin & Goodyear
(4) Goodyear Wrangles #SR-A LT235/85R16 Tires
(2) Tractor Tires with Rims
(6) PC Mobile Home Tires with Axle Assemblies
(2) PC Power King Low Boy HD Tire & Rim
(4) Used Steel 16" Tire Rims/Ford
(1) Office Computer Desk
(3) PC Gasboy Diesel/Gasoline Fuel Pumps with Card Reader
(1) 500 Gallon Poly Tank

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 Macko	Aye
	Councilman Schraft	Aye
	Supervisor Hosler	Aye

RESOLTUION 2018 #163Troy & Banks – National Grid Refund

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, Troy & Banks notified National Grid that they are in agreement with the Street Light inventory and billing for Account #64938-78109 and Account #20338-79106; and

WHEREAS, as a result there is a refund due to the Town of Evans in the amount of $5,178.93 minus fees per the audit agreement between Troy & Banks and the Town of Evans approved through Town Board Resolution #2017-053 (January 11, 2017).

BE IT RESOLVED, that the Supervisor is hereby authorized to execute the settlement agreement with National Grid and mutual release for the above referenced account, upon the approval of the Town Attorney.

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

RESOLUTION 2018 #164 Suspend the Rules of Order

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

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

RESOLUTION 2018 #165 Signatory for Justice Barone's Accounts

Councilman Macko moved and Councilman Schraft seconded,

RESOLVED, that Supervisor Mary K. Hosler is hereby an authorized signatory for the following Town of Evans Accounts with Evans Bank, Angola, New York 14006:

XX6254, Judge Anthony Barone's Bail Account
XX7057, Judge Anthony Barone's Fine/Fee Account

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

RESOLUTION 2018 #166 Increase the Maximum Authorized Cost of the Joint Increase and Improvement of the Water Facilities for Consolidation with Erie County Water Authority

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, pursuant to a resolution dated August 15, 2007 (the "2007 Bond Resolution"), this Town Board approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority at a maximum estimated cost of $12,600,000, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement

of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank, and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers (the "Project"), at a maximum estimated cost of $12,600,000; and

WHEREAS, by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, "SEQRA") that the Project would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, pursuant to a resolution dated May 18, 2011, the Town Board authorized an increase in the maximum cost of undertaking the Project from $12,600,000 to $13,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, pursuant to a resolution dated December 27, 2012, the Town Board authorized an increase in the maximum cost of undertaking the Project from $13,235,000 to $16,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, as set forth in a Preliminary Engineering Report dated January 2018, prepared by Clark Patterson Lee, the Town has learned that the revised estimated cost of undertaking the portion of Project relating to the construction of the elevated water storage tank including costs associated with the construction of an access road, installation of a waterline, clearing and grubbing, installation of a mixing system, and all ancillary and related costs incidental to the foregoing will be $5,130,000, which will result in an increase in the overall maximum estimated cost of undertaking the facilities and improvements included in the Project from $16,325,000 to $20,290,000; and

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to such proposed increase in the maximum estimated cost of the Project.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town hereby calls for a public hearing to be held at the public meeting of the Town Board to be held on April 18, 2018 at 7:10 p.m. at the Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006, to consider such increase in the maximum estimated cost of the Project from $16,235,000 to $20,290,000 and to hear all persons interested in the subject thereof; and it is

FURTHER RESOLVED, that the Town Clerk is hereby directed to cause notice of such public hearing in the form attached hereto to be published and posted in the manner prescribed by law.

This resolution shall take effect immediately.

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

RESOLUTION 2018 #167 Re-Advertise for Sturgeon Point Marina Dredging Bid

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED: that the Town Engineer is hereby authorized to prepare an invitation to re-bid for the dredging of Sturgeon Point Marina, Town of Evans, New York, and

BE IT FURTHER RESOLVED: that the specifications for the invitation to re-bid shall be available at the Office of the Engineer beginning Wednesday, April 4, 2018; and

BE IT FURTHER RESOLVED, that the Town Clerk shall advertise a notice of invitation to re-bid in the Dunkirk Observer and Buffalo News

BE IT FURTHER RESOLVED that the bids are due to the Town Clerk's office by 10:00am local time on Monday, April 16, 2018.

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

RESOLUTION 2018 #168 Electrical Inspectors

Supervisor Macko moved and Supervisor Hosler seconded,

NOW THEREFORE BE IT RESOLVED, that John Christopher Dean III of DEAN-Electrical Inspections of Western New York, LLC, Patrick Cullinan, Frank Boncore and Jim Bellinger of Commonwealth Electrical Inspection Services, Inc and Lon C. Robinson of LCR Electrical Inspections are approved 3rd party electrical inspectors for the Town of Evans, pending receipt of proof of proper insurance with limits of at least $1,000,000 and current electrical inspection certifications.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #169 Building Department Fees

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, the fees for the following permits for the Town of Evans Building Department shall be amended as follows, effective immediately:

Permit	Fee
Above Ground Pool	$50.00
Detached/Attached Garage	$200.00
Generator	$35.00
Electrical Service Only	$20.00
Solar Residential	$50.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #170 Audit of Bills

Councilman Macko moved and seconded Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts per abstract

AUDIT OF BILLS

DATE	4/5/2018
ABSTRACT NO.	7
VOUCHER NO.	2346 -2373
CHECK NUMBERS	77658 - 77683
APPROVED AT	Board Meeting
DATE	4/4/2018
GENERAL	$231,275.87
PART TOWN	$3,639.62
HIGHWAY DB	$36,609.59
WATER	$5,639.21
CAPITAL PROJECTS	
SPECIAL DISTRICTS	
DEBT SERVICE	

TA FUND
TOTAL $277,164.29

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

RESOLUTION 2018 #171 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, April 11, 2018 for a Work Session at 6pm then to Wednesday, April 18, 2018 at 6pm for an Agenda Meeting then to 7pm for the Regular Meeting.

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

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 R. Stoessel
Deputy Town Clerk

Lynn M. Krajacic RMC
Town Clerk