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:	Michael Schraft	Councilman
	Jeanne Macko	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Jennifer Farrell	Town Attorney
	Doug Czora	Police Chief
	Brittany Gloss	Director of Finance
	Ed Michalski	Highway Superintendent

RESOLUTION 2018 #297 Approve Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the meeting of the June 6, 2018 and June 13, 2018 meeting 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

Communications

Supervisor Hosler read a communication from Roberta Rappoccio, Director of Community Development and Planning regarding Susan Schmitt, d/b/a Furry Kids BB&T, has requested renewal of their Special Use Permit for the purpose of continued operation of a Dog Boarding, Daycare & Training Facility, located at 8061 Southwestern Boulevard (a.k.a. US Route 20), Angola, NY 14006, SBL# 222.00-3-14. Therefore, per § 200-45 of the Town Code, the Town Board is required to review this permit for renewal and set a public hearing. Furthermore, it is recommended that you refer this matter to the Planning Office to determine the need for Planning Board review and recommendation prior to the public hearing.

RESOLUTION 2018 #298 Authorize Town Clerk to Advertise Public Hearing

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, in a letter dated June 14, 2018 the Planning Office has requested that the Town Board set a public hearing regarding the petition of Susan Schmitt, d/b/a Furry Kids BB&T, for a Special Use Permit renewal for the purpose of continued operation of a Dog Boarding, Daycare & Training Facility located at 8061 Southwestern Boulevard, Angola, NY 14006, SBL# 222.00-3-14;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on July 18, 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

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 p.m. on June 20, 2018, at the Evans Town Hall, 8787 Erie Road, Angola, New York to consider the petition of Roy Emerling, d/b/a Buffalo Auto Auction (a.k.a. Southtowns Auto Auction, Inc.), for a Special Use Permit renewal for the purpose of continued operation of a Auto Vehicle Auction facility located at 8418 Southwestern Blvd, Angola, NY 14006, SBL# 221.00-3-22.1.

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 M. Krajacic
Town Clerk

RESOLTUION 2018 #299 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

There was nobody wishing to speak at the Public Hearing

RESOLUTION 2018 #300 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

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 June 20, 2018 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 2018, which will amend Local Law #2 of the year 1975, commonly known as Peddling and Soliciting, and any amendments thereto, specifically Town Code Section 144.

Copies of the Proposed Local will be available for inspection by any interested person after June 11, 2018 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

RESOLTUION 2018 #301 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

There was nobody wishing to speak in favor or opposition

RESOLUTION 2018 #302 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #303 Adopt Proposed Local Law #4 of 2018

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law Number 4 of the year 2018 regarding miscellaneous code revisions to Section 144: Peddling and Soliciting, will streamline processes in the code and provide necessary revisions and additions to the code; and

WHEREAS, the Evans Town Board held a Public Hearing on the proposed code amendments on June 20, 2018, which was properly advertised by the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law Number 4 of the year 2018 be and hereby is adopted, as amended, as Local Law Number #3 of the year 2018; effective July 9, 2018 and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Code Enforcement Office and the Town Clerk .

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

RESOLUTION 2018 #304 July 4th Celebration

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the July 4th celebration in the Lake Erie Beach/Point Breeze area brings several thousand plus people to this community to honor our nation's birth; and

WHEREAS, the public safety responsibility for those people enjoying the celebration, those people residing in this celebration area, and the people who will transverse this area, are a responsibility that is best served through the following road closures; therefore be it

RESOLVED, that the Town Board of the Town of Evans hereby authorizes the closing of Kennedy Avenue and Eisenhower Road from Lake Shore Road to Quebec Street, the closing of Eastwood Avenue from Lake Shore to Northfield Street, the closing of Northfield from Eastwood Avenue to Kennedy Ave, the closing of Garfield Avenue from Lake Shore to Oakland Street and the closing of Oakland from Garfield Ave to Kennedy Ave, for the purpose of providing public safety to all participants, residents, and traffic beginning at 7 p.m. on the 3rd of July (rain date 4th of July), and re-opening at the conclusion of the event, in addition to all other public safety measures as set forth under the Code of the Town of Evans; and be it further

RESOLVED, that there will be no vehicles allowed in Lake Erie Beach Park beginning at 4 a.m. July 3rd through 4 a.m. July 5th; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish this resolution in the June 24, 2018 edition of the Angola Pennysaver and the June 29, 2018 edition of the The Observer, the official paper of the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

AMENDED 2018-09-05 #412 Pg 240

RESOLUTION 2018 #305 Award Bid for Demolition of 1560 Pontiac Road

Councilman Schraft moved and Councilman Macko seconded,
WHEREAS, the property located at 1560 Pontiac Road in the Town of Evans, New York was deemed to be unsafe and an endangerment to the public at large; and

WHEREAS, the Evans Town Board authorized the Town Clerk to advertise for bids for demolition of the aforementioned unsafe and dangerous properties in the Town of Evans, New York; and

WHEREAS, bids were received and opened on June 14, 2018 at 10:00 a.m., in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by Metro Environmental, 2939 Lockport Road, Niagara Falls, New York 14305; and

WHEREAS, the Code Enforcement Office has reviewed the proposal from Metro Environmental, and held a conference call with the project manager, and confirmed his understanding of the requirements of this project; and

WHEREAS, the bid submitted by Metro Environmental was $22,350.00;

NOW, THEREFORE, BE IT RESOLVED, that that the aforementioned bid of Metro Environmental, 2939 Lockport Road, Niagara Falls, New York 14305, to demolish the unsafe structure at 1560 Pontiac Road in the Town of Evans, New York, be and hereby is accepted by the Town of Evans, with a cost not to exceed $22,350.00, contingent upon the Town Attorney's review of the Contractor's Bonds and Insurances; and

AND BE IT FURTHER RESOLVED, that the Supervisor Mary Hosler is authorized to execute any bid award and/or contract documents for such bid award, upon the approval of the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Assessor and/or Town Attorney to institute the appropriate actions against the property owners of the above referenced properties for recovery of costs incurred by the Town in connection with these proceedings as provided by Town Code Section 74-8.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #306 Advertise for Proposed Local Law #5 of 2018- Entertainment

Councilman Macko moved and Councilman Schraft 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, July 18, 2018 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #5 of the calendar year 2018 regarding code revisions to Evans Town Code Section 95: Entertainment, Public; Refreshment Businesses.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #307 Budget Transfer Audit

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 reappropriate funds for costs associated with the external audit:

Transfer To:

A.1610.422.02	Auditing Services	3,087.50

Transfer From:

A.1610.420.02	Information Technology	1,452.46
A.1610.422.01	Accounting Services	1,635.04

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #308 Budget Transfer Bonds

Councilman Schraft moved and Supervisor Hosler 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 reappropriate funds for costs associated with the issuance of serial bonds:

Transfer To:

A.1610.427.00	Legal Services	9,917.38

Transfer From:

A.1610.422.01	Accounting Services	707.35
A.1610.111.00	PT Hourly	2,000
A.1610.100.00	FT Salary	7,210.03

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

RESOLUTION 2018 #309 Appointment of Part Time Seasonal Lifeguards, Pool Gateguards & Laborers

Councilman Macko moved and Councilman Schraft seconded,

BE IT RESOLVED, that the following part time seasonal gate guards/laborers/lifeguards/head lifeguard are hereby appointed, effective immediately, for the year 2018, with their respective rates as follows:

Lifeguards 2018

Travis Wright (Head Lifeguard)	$15.00
Ericka DeAgelis (Captain)	$12.00
Daria Coleman (Captain)	$12.00
Emily Ignaczak (Captain)	$12.00
Bella Schmidt	$11.50
Kirsten Lehnen	$11.50
Talia Wright	$11.50
Douglas Coleman	$11.50
Nicole Logan	$11.50
Alex Bauer	$11.50
Riley Lepsch	$11.50
Claire Birkemeier	$11.50
Maxfield Michalec	$11.50
Benjamin Rinehart	$11.50
Shannon Halloran	$11.50
Madison Beamish	$11.50
Chelsea Schiedel	$11.50
Devin Bauer	$11.50

Noah Lepsch	$11.50

Pool Gate Guards 2018

Jacob DeAngelis	$10.40
Alyssa Diamond	$10.40

Parks Laborer 2018

Douglas Clear	$11.50

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #310 Appropriation of Funds for Town Park Playground Equipment

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Party for the Playground Committee has raised funds to defray the cost of new playground equipment at the Evans Town Park;

NOW, THEREFORE, BE IT RESOLVED, the Town of Evans shall appropriate $10,000 towards the purchase of new playground equipment at the Evans Town Park.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #311 Peddling/Soliciting/Transient Business/Mobile Food Vending Permit Fees

Councilman Schraft moved and Councilman Macko seconded,

BE IT RESOLVED, that pursuant to Chapter 106 of the Town Code, permit fees regarding Section 149: Peddling, Soliciting, Transient Businesses, and Mobile Food Vending shall be set forth as follows:

Type of Permit	Fee
Peddler's/Solicitor's permit	$75
Transient business permit	$75
Mobile Food Vehicle Vendor permit	$300; $75 for a single day permit; and

BE IT FURTHER RESOLVED, that there shall be no refunds or pro-rating of any fee paid for any license pursuant hereto, or transfer of any license issued, effective July 9, 2018.

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

RESOLUTION 2018 #312 Approve Town Licenses

Supervisor Hosler moved and Councilman Macko seconded,

Suncliff on the Lake - Refreshment, Amusement & Live Band Commercial

Vince R. Gugliuzza - Live Band Special Event License

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 Macko	Aye
	Councilman Schraft	Aye
	Supervisor Hosler	Aye

RESOLUTION 2018 #313 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	6/21/2018
ABSTRACT NO.	12
VOUCHER NO.	2772 - 2904
CHECK NUMBERS	11964 - 78063
APPROVED AT	Board Meeting
DATE	6/20/2018
GENERAL	$218,257.16
PART TOWN	$2,715.05
HIGHWAY DB	$49,433.80
WATER	$6,777.37
CAPITAL PROJECTS	$81,938.60
SPECIAL DISTRICTS	

DEBT SERVICE
TA FUND
TOTAL $359,121.98

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #314 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, June 27, 2018 for a Work Session at 6pm a Special Board Meeting at 7pm then to Wednesday, July 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 M. Krajacic, RMC
Town Clerk

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

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 **June 20, 2018 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 2018, which will amend Local Law #2 of the year 1975, commonly known as Peddling and Soliciting, and any amendments thereto, specifically Town Code Section 144.

Copies of the Proposed Local will be available for inspection by any interested person after June 11, 2018 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-163858 June 10, 2018-adv

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

June 10, 2018

Signed: Sheila McWillson

Sheila McWillson

Signed before me this 11th day of June 2018

Barbara J Howson

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

June 9, 2018

Signed: Sheila McWillson

Sheila McWillson

Signed before me this 11th day of June 2018

Barbara J Musso

Notary Public

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

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 June 20, 2018**, at the Evans Town Hall, 8787 Erie Road, Angola, New York to consider the petition of Roy Emerling, d/b/a Buffalo Auto Auction (a.k.a. Southtowns Auto Auction, Inc.) for a Special Use Permit renewal for the purpose of continued operation of a Auto. Vehicle Auction facility located at 8418 Southwestern Blvd. Angola NY 14006. SBL# 221.00-3-22.1.
All parties in interest and citizens shall have the opportunity to be heard 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-163847 June 9, 2018
-Adv.







PUBLIC NOTICE TOWN OF EVANS

The following resolution was adopted by the Evans Town Board at their Meeting of June 20, 2018:

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the July 4th celebration in the Lake Erie Beach/Point Breeze area brings several thousand plus people to this community to honor our nation's birth; and

WHEREAS, the public safety responsibility for those people enjoying the celebration, those people residing in this celebration area, and the people who will transverse this area, are a responsibility that is best served through the following road closures; therefore be it

RESOLVED, that the Town Board of the Town of Evans hereby authorizes the **closing of Kennedy Avenue and Eisenhower Road from Lake Shore Road to Quebec Street, the closing of Eastwood Avenue from Lake Shore to Northfield Street, the closing of Northfield from Eastwood Avenue to Kennedy Ave, the closing of Garfield Avenue from Lake Shore to Oakland Street and the closing of Oakland from Garfield Ave to Kennedy Ave, for the purpose of providing public safety to all participants, residents, and traffic beginning at 7 p.m. on the 3rd of July (rain date 4th of July), and re-opening at the conclusion of the event,** in addition to all other public safety measures as set forth under the Code of the Town of Evans; and be it further

RESOLVED, that there will be **no vehicles allowed in Lake Erie Beach Park beginning at 4 a.m. July 3rd through 4 a.m. July 5th;** and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish this resolution in the June 24, 2018 edition of the Angola Pennysaver and the June 29, 2018 edition of the The Observer, the official paper of the Town of Evans.

ADOPTED BY ROLL CALL VOTE:

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

IT IS ILLEGAL TO PARK ON SIDEWALKS IN THE TOWN OF EVANS.

By Order of the Town Board
Of the Town of Evans
Lynn M. Krajacic RMC
Town Clerk