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:	Mary Hosler	Supervisor
	Thomas George	Councilman
	Michael Schraft	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Counsel to the Town of Evans
	Doug Czora	Chief of Police
	Dennis Glascott	Town Justice
	Mary Holl	Supervisor's Office

RESOLUTION 2020 #112 Accept Minutes

Supervisor Hosler moved and Councilman George seconded that the reading of the minutes of meeting of February 5, 2020 be dispensed with and accepted as submitted by the Town Clerk.

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

RESOLUTION 2020 #113 Advertise for Public Hearing

Supervisor Hosler moved and Councilman George 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, March 4, 2020 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #1 of 2020 to expand the residency requirement for the office of Town Attorney in the Town of Evans, a copy of which is available for inspection in the Office of the Town Clerk.

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

AMENDED
220-05-06
#223
pg 119

RESOLUTION 2020 #114 BENLIC to Acquire Properties for Demolition

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any

Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the Town of Evans, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT RESOLVED, that ***Town of Evans*** hereby officially requests that BENLIC acquire the following property:

138 Lancaster Avenue, SBL# 250.17-9-54
39 Long Beach Lane SBL# 249.20-3-13
6884 Revere Drive, SBL# 192.20-6-21
0 Rosewood Avenue, SBL# 250.17-7-4
0 South Creek Road SBL# 193.13-2-13 was previously known as SBL# 193.00-1-17
9838 Utica Street SBL# 250.17-4-30
0 Poplar Avenue SBL# 250.07-3-51
0 Poplar Avenue SBL# 250.07-3-52
146 Potomac Avenue SBL# 250.17-7-18.1
273 Dawn Avenue SBL# 250.14-2-21

; and be it further

RESOLVED, that the Town of Evans has completed the required Standardized Inspector's Reports and Maintenance, Disposition and Reuse Plans (SIR/MDR plans) each property listed above and has attached the SIR/MDR plans to this resolution; and be it further

RESOLVED, that the Town of Evans agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property; and be it further

RESOLVED, that the **Evans Town Board** hereby agrees to the terms and conditions of the BENLIC Pay it Forward Policy, *adopted October 23, 2015** and that pursuant to section 1610 of the New York Not-for-Profit Corporation Law will remit to BENLIC 50% of the real property taxes

collected for a period of five years on all of the parcels identified herein for which, upon disposition of the parcel, net proceeds are negative

138 Lancaster Avenue, SBL# 250.17-9-54
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0 Rosewood Avenue, SBL# 250.17-7-4
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0 Poplar Avenue SBL# 250.07-3-52
146 Potomac Avenue SBL# 250.17-7-18.1
273 Dawn Avenue SBL# 250.14-2-21

; and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #115 Health Care

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, health insurance premiums have significantly increased over the past number of years;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby rescinds all previous resolutions regarding all health, dental, and life insurance benefits for elected officials and full-time employees not covered under a collective bargaining unit in the Town of Evans, including but not limited to resolutions 1987-064, 1987-739, 2011-285, 2015-094, and 2015-041, effective the 1st full pay period in March, 2020, except that retired employees who were elected or appointed officials of the Town of Evans who were eligible and actually receiving healthcare coverage at the time of their retirement, and were eligible and continued to receive such coverage after their retirement, shall continue to receive such coverage pursuant to the terms and conditions of the aforementioned resolutions; and all remaining provisions of this resolution shall become effective on the first full pay period of March 2020; and

BE IT FURTHER RESOLVED, that all full-time elected officials and full-time appointed employees who are not members of a collective bargaining unit and work at least forty (40) hours per week as reported on his/her New York State Retirement System calendar ("Full-Time Official or Full-Time Appointed employee") accepted by the Town Board, shall be eligible to receive:

healthcare coverage for the benefit of the Full-Time Official or Full-Time Appointed employee and the Full-Time Official or Full-Time Appointed employee's eligible dependents, provided that the Full-Time Official or Full-Time Appointed employee contributes 10% of the premiums or premium equivalents of such healthcare coverage; and

if a Full-Time Official or Full-Time Appointed employee chooses to enroll in a PPO plan being offered by the Town, then in addition to the 10% share of the premium cost of the PPO, the Full-Time Official or Full-Time Appointed employee must pay one-quarter (25%) of the difference in premium between the premium cost of the POS plan and premium cost of the PPO;

BE IT FURTHER RESOLVED, that all health, dental and insurance coverages, including any debit card benefits, shall cease at the time of the elected/appointed official's death; and

BE IT FURTHER RESOLVED, that all health and dental insurance coverages, including any debit card benefits, shall cease upon severance of the elected official and full-time employment with the Town, including, without limitation, resignation, retirement, or not being re-elected, except as set forth below; and

BE IT FURTHER RESOLVED, that any full-time elected official or full-time employee who is not a member of a collective bargaining unit, and who retires from the Town under a New York State *bona fide* retirement plan, normal retirement plan or a disability retirement plan with more than twenty-four (24) years of full-time service ("Retired Full-Time Official or Full-Time Appointed employee") with the Town, shall be eligible to receive:

a. health insurance coverage for the benefit of the Retired Full-Time Official or Full-Time Appointed employee and the Retired Full-Time Official or Full-Time Appointed employee's eligible dependents, provided that the Retired Full-Time Official or Full-Time Appointed employee contributes 10% of the premiums or premium equivalents of such health insurance coverage; and

b. And it is understood, at retirement, dental insurance coverage and the term life insurance ceases upon retirement date; and

BE IT FURTHER RESOLVED, that upon becoming eligible for Medicare, the Retired Full-Time Official or Full-Time Appointed employee and the Retired Full-Time Official or Full-Time Appointed employee's spouse, as applicable, shall be required to enroll in Medicare Parts A, B, and D at the Retired Full-Time Official or Full-Time Appointed employee's own expense, and the Town will provide to the Retired Full-Time Official or Full-Time Appointed employee and the Retired Full-Time Official or Full-Time Appointed employee's spouse a Medicare Advantage health insurance plan, with the Retired Full-Time Official or Full-Time Appointed employee responsible for 20% of the cost of such Medicare Advantage health insurance and the Town responsible for 80% of the cost of such Medicare Advantage health insurance, and such health insurance coverage, including but not limited to insurance plans carriers, co-payments, deductibles, limits, benefits, as well as the Town's contribution toward the cost of such coverage are all subject to change by the Town at any time; and

BE IT FURTHER RESOLVED, that the Town may only make health insurance available to the spouse of a Retired Full-Time Official or Full-Time Appointed employee provided that the spouse was married to the Retired Full-Time Official or Full-Time Appointed employee at the time that the Official retired from the Town; and

BE IT FUTHER RESOLVED, that the Town shall have the option of providing any tier of coverage, whether multiple single policies, employee plus spouse policy, or employee plus children policy, instead of a family plan if such results in reduced costs to the town, for example, the Town shall have the option

of providing two (2) single policies or an employee plus spouse policy, instead of a family plan for married full-time elected officials not members of a collective bargaining unit who have no dependent children; or an employee plus children policy instead of a family plan for unmarried full-time elected officials not members of a collective bargaining unit who have dependent children, all of which shall apply both pre and post Medicare eligibility, as well as pre-retirement, and post-retirement, where applicable; and

BE IT FURTHER RESOLVED, that the Town shall select and secure the health and dental insurance coverages provided to eligible Full-Time and Retired Full-Time Official or Full-Time and Retired Appointed employees and their eligible dependents, and that said health and dental insurance coverage, including but not limited to insurance plans, carriers, co-payments, deductibles, limits, benefits, as well as the Town's contribution toward the cost of such coverage are all subject to change by the Town at any time; and

BE IT FURTHER RESOLVED, that the Town shall establish procedures and requirements for eligible Full-Time and Retired Full-Time Official or Full-Time and Retired Appointed employees to contribute their share of health and dental insurance coverage, including but not limited to payroll deduction, deduction from New York State Retirement benefits if available, and direct pay; and

BE IT FURTHER RESOLVED, that it is also understood that all elected officials or full-time employees not covered under a collective bargaining agreement will be offered the same dental coverage that is being offered to bargaining unit employees along with a twenty thousand ($20,000) term life insurance policy at no cost to the employee, and it is also understood that such coverage shall cease upon severance of the elected official or full-time employment with the Town.

BE IT FURTHER RESOLVED, that this resolution shall in no way be construed to be a contract between the Town and any elected or appointed officials, and the Town hereby reserves all rights to modify, revoke, suspend, terminate, or change the health and dental insurance coverages offered to Full-Time and/or Retired Full-Time Official, or Full-Time and/or Retired Appointed employees, in whole or in part, at any time, including but not limited to insurance plans carriers, co-payments, deductibles, limits, benefits, as well as the Town's contribution toward the cost of such coverage, as all are subject to change by the Town at any time.

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

RESOLUTION 2020 #116 Human Resources Consultant

AMENDED
2020-02-26
#128
pg. 66

Supervisor Hosler moved and Councilman George seconded,

BE IT RESOLVED, that the Town Supervisor is authorized to enter into an agreement, for the calendar year of 2020, with Nancy Tucker, 8818 Lake Shore Road, Angola, New York 14006, to provide Human Resource consulting and payroll services at the contract rate of $65.00 per hour, to provide a minimum of 16 hours per week.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman George Aye
Councilman Schraft Nay

Supervisor Hosler Aye

RESOLUTION 2020 #117 Accept Membership List for Fire Companies

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans contracts with Lake Erie Beach and Evans Center Volunteer Fire Companies for Fire and EMS protection; and

WHEREAS, the fire protection contracts between the Town of Evans and the aforementioned fire companies state that each fire company must provide the Town of Evans with a current and valid membership list for the contracted year;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board hereby acknowledges receipt of and accepts the lists as submitted by the respective companies.

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

RESOLUTION 2020 #118 Authorization to Attend Conference

Councilman George moved and Councilman Schraft seconded,

WHEREAS; the Town Clerk requests permission to attend the New York State Town Clerk Association 2020 Conference, and

WHEREAS; said training will be held in Albany, New York April 26th through April 29th; and

NOW THEREFORE BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Lynn Krajacic, Town Clerk, to attend said training and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

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

RESOLUTION 2020 #119 Town to Acquire BENLIC Properties

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) exists to work with all Erie County municipalities to strategically acquire tax-delinquent and abandoned property for future use, therein supporting regional and municipal revitalization efforts; and

WHEREAS, BENLIC, through state enabled legislation, acquired certain properties in the Town of Evans at the 2019 tax foreclosure auction using a "Super Bid"; and
WHEREAS, the Town of Evans wishes to acquire certain properties from BENLIC for the purposes of public enjoyment, providing recreational opportunities, local tourism development, and promoting environmental conservation; and

WHEREAS, BENLIC has agreed to convey both 0 Lake Crest Road (SBL# 205.03-1-9) and 0 South Creek (SBL# 193.13-2-1) to the Town of Evans, for the disposition value of $500.00 per parcel on the condition that the Town shall use, maintain and/or develop the site for permeant public use; and

WHEREAS, BENLIC has also agreed to convey 9579 Lake Shore Rd (SBL# 250.09-3-1.11) to the Town of Evans for $2,900.00 on the condition that the Town shall use, maintain and/or develop the site for the purposes of park improvements and/or community and economic development in accordance with the recommendations of the 2017 Lake Erie Beach Commercial District Revitalization Strategy as well as the ongoing Local Waterfront Revitalization Program Update; and

WHEREAS, the Town of Evans has considered the value and/or appraisals of the aforementioned-parcels and finds it desirous to acquire the same, including but not limited to the consideration of the economic, cultural, pleasure, and general welfare of the public.
NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby officially requests to acquire from BENLIC for a total amount not to exceed $3,900.00 the following three properties:

0 Lake Crest Road; SBL# 205.03-1-9
0 South Creek; SBL# 193.13-2-1
9579 Lake Shore Rd; SBL# 250.09-3-1.11

AND BE IT FURTHER RESOVED, that the Town of Evans agrees to accept a transfer of title to the above property by quit claim deed for the limited purposes of public enjoyment, providing recreational opportunities, local tourism development, and promoting environmental conservation.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #120 Audit of Bills

Councilman George moved and Councilman Schraft seconded that all properly audited bills be paid out of their respective accounts as follows:

AUDIT OF BILLS

DATE	2/13/2020
ABSTRACT NO.	3
VOUCHER NO.	6361 - 6387

CHECK NUMBERS	80698 - 80722
APPROVED AT	Board Meeting
DATE	2/12/2020
GENERAL	$44,638.98
PART TOWN	$3,357.26
HIGHWAY DB	$30,208.20
WATER	
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$126,738.74
DEBT SERVICE	
TOTAL	**$204,943.18**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #121 Adjournment

Supervisor Hosler moved and Councilman George seconded to adjourn to February 26, 2020 at 6pm for a Work Session and a Town Board Meeting immediately to follow.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	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