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 |
| ALSO PRESENT: | Lynn Krajacic | Town Clerk |
| | Kenneth Farrell | Counsel to the Town of Evans |
| | Doug Czora | Chief of Police |
| | Mary Holl | Supervisor's Office |
| ABSENT: | Michael Schraft | Councilman |

***RESOLUTION 2020 #123 Accept Minutes***

Supervisor Hosler moved and Councilman George seconded that the reading of the minutes of meeting of February 12, 2020 be dispensed with and accepted as submitted by the Town Clerk.

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

***RESOLUTION 2020 #124 Approve 2020 Parks Fees***

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Shelter/Pavilion Reservation day has been established as Saturday, March 7, 2020 by Town Board resolution;

BE IT RESOLVED, that the attached rates be approved for the calendar year 2020 for the Town of Evans Parks Department regarding pavilion and shelter fees, and activity fees.

FURTHER BE IT RESOLVED, that effective immediately, the Parks & Recreation Department is hereby directed to advertise the 2020 Parks Fees;

BE IT FURTHER RESOLVED, that Shelter/Pavilion Reservation day shall be March 7, 2020.

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

***RESOLUTION 2020 #125 Request to Attend Training***

Councilman George moved and Supervisor Hosler seconded,

RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Douglas Czora to reimburse Police Chaplain Michael Trippett the amount of $250.00 for attending a Chaplains Training Conference on April 26, 2020 to April 28, 2020 in Jackson, New Jersey.

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

***RESOLUTION 2020 #126 Execute Contract - Angola Public Library***

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Angola Public Library provides a valuable service to the residents of the Town of Evans; and

WHEREAS, to help defray costs of the same, the Angola Public Library has sought and the Town in consideration of such continued service, is willing to contribute the sum of $2,500.00 towards the operational costs incurred by the Library for 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town shall contribute the amount of $2,500.00 to the Angola Public Library for 2020 and that the Supervisor of the Town of Evans is authorized to execute an agreement with the Angola Public Library, upon the approval of the Counsel for the Town.

FURTHER, BE IT RESOLVED, that per mutual consent of the parties (Village of Angola, Angola Public Library and the Town of Evans), the Town will pay the sum of $2,500.00 for 2020, directly to the Village of Angola.

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

***RESOLUTION 2020 #127 Execute Contract - Boys & Girls Club of Eden-Lake Shore***

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Boys & Girls Club of Eden-Lake Shore provides a valuable service for the youth of the Town of Evans; and

WHEREAS, to help defray costs of the same, the Boys & Girls Club of Eden - Lake Shore has sought and the Town in consideration of such continued service, is willing to contribute the sum of $5,000.00 towards the operational costs incurred by the Club for 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town shall contribute the amount of $5,000.00 to the Boys & Girls Club of Eden - Lake Shore for 2020 and that the Supervisor of the Town of Evans is authorized to execute an agreement with the Boys & Girls Club of Eden - Lake Shore, upon the approval of the Counsel for the Town.

VOTE RESULT: ADOPTED BY ROLL CALL

| | |
|---|---|
| Councilman George | Aye |
| Councilman Schraft | Absent |
| Supervisor Hosler | Aye |

***RESOLUTION 2020 #128 Amend Resolution 2020-116***

Supervisor Hosler moved and Councilman George seconded,

BE IT RESOLVED, that Resolution 2020-116 be amended to reflect the name pursuant to the consulting agreement as "Thelma and Louise Consulting LLC" to provide Human Resource consulting and payroll services.

VOTE RESULT: ADOPTED BY ROLL CALL

| | |
|---|---|
| Councilman George | Aye |
| Councilman Schraft | Absent |
| Supervisor Hosler | Aye |

***RESOLUTION 2020 #129 Award Bid for Splash Pad***

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, bids were solicited for the Splashpad at South Creek Park Pool in the Town of Evans; and

WHEREAS, bids were received and opened on January 14, 2020 at 2:00 P.M., in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by Poplar Associated Contractors, 12310 Cary Road, Alden, NY 14004; and

WHEREAS, Clark Patterson Lee has reviewed and discussed the bid from Poplar Associated Contractors and have confirmed the company's understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by Poplar Associated Contractors. Was $268,900.00.

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Splashpad at South Creek Park Pool to Poplar Associated Contractors, 12310 Cary Road, Alden, NY 14004, contingent upon Counsel to the Town of Evans review of the Contractor's Bonds and Insurance; and

BE IT FURTHER RESOLVED, that Supervisor Mary Hosler is authorized to execute any necessary contract documents regarding said bid award upon the approval of the Town Counsel.

VOTE RESULT: ADOPTED BY ROLL CALL

| | |
|---|---|
| Councilman George | Aye |
| Councilman Schraft | Absent |
| Supervisor Hosler | Aye |

***RESOLUTION 2020 #130 Water Utility Permanent Easement***

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, Grantor, Duncan Jewitt, is the owner of certain real property situated in the Town of Evans with the address of 1348 Eden Evans Center Road (SBL No. 221.00-5-41); and

WHEREAS, Grantee, Town of Evans, is conducting necessary Water System Improvements which include the construction of a new Pump Station on an approx. 6,000 square feet plot of land at the southeast corner of the 1348 Eden-Evans Center Road property; and

WHEREAS, an appraisal for said property was conducted by a 3rd party appraiser whom estimated the value of the Water Utility Permanent Easement at $9,150.00; and

WHEREAS, both the Grantor and Grantee have reviewed said appraisal and deemed the valuation to be fair and accurate; and

WHEREAS, attached to this Resolution is a Water Utility Permanent Easement Agreement defining the terms and conditions of both Grantor and Grantee regarding the Permanent Easement; and

WHEREAS, a diagram of the Easement is included as Exhibit A to the attached Agreement.

NOW THEREFORE BE IT RESOLVED, the Town hereby accepts the Easement described in Exhibit A of the Water Utility Permanent Easement Agreement attached hereto and the Town further agrees to the terms and conditions of the attached Agreement; and

BE IT FURTHER RESOLVED, the Town hereby authorizes Supervisor Mary K. Hosler to execute the Easement Agreement on behalf of the Town.

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

VOTE RESULT: ADOPTED BY ROLL CALL

| | |
|---|---|
| Councilman George | Aye |
| Councilman Schraft | Absent |
| Supervisor Hosler | Aye |

**AMENDED 2020-03-25 #168 pg 89**

*RESOLUTION 2020 #131 Appointment of Town* Engineer

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, Section 20(2)(a) of the NYS Town Law gives the Town Board of every Town the authority to establish the office of Town Engineer; and

WHEREAS, the Town Board has established the office and position of Town Engineer;

NOW, THEREFORE, BE IT RESOLVED, that Andrew Lloyd is hereby appointed as Town Engineer for the Town of Evans at a salary of $70,000 yearly, payable bi-weekly and benefits as set forth in the employment agreement for the calendar year of 2020 renewable each year; and

BE IT FURTHER, RESOLVED, the Town of Evans hereby creates a Department of Buildings & Grounds and the Town Engineer will have oversight of this Department and;

BE IT FURTHER, RESOLVED, that the Town Engineer will have oversight over the Code Enforcement Department and is hereby appointed as our MS4 officer and Floodplain Manager effective on his completion of any additional necessary training and;

BE IT FURTHER, RESOLVED, all relative issues, rules and regulations will be understood to all parties' subject to Civil Service Law and the employment agreement between the Town and employee as executed, subject to review by Counsel for the Town.

VOTE RESULT: ADOPTED BY ROLL CALL

| | |
|---|---|
| Councilman George | Aye |
| Councilman Schraft | Absent |
| Supervisor Hosler | Aye |

*RESOLUTION 2020 #132 Suspend the Rules of Order*

Supervisor Hosler moved and Councilman George seconded to suspend the rules of order for the consideration of an additional resolution,

VOTE RESULT: ADOPTED BY ROLL CALL

| | |
|---|---|
| Councilman George | Aye |
| Councilman Schraft | Absent |
| Supervisor Hosler | Aye |

*RESOLUTION 2020 #133 Elected Official Health Insurance*

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, on February 12, 2020, the Town Board adopted a resolution #2020-115 addressing health insurance coverage for 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 accepted by the Town Board ("Full-Time Official or Full-Time Appointed employee"), and

WHEREAS, the effective date stated in said resolution was ambiguous due to the need to coordinate the proper reporting of payroll,

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned healthcare resolution shall take effect on February 12, 2020.

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

***RESOLUTION 2020 #134 Approve Town Licenses***

Supervisor Hosler moved and Councilman George seconded,

Thomas Eoannou D/B/A Point Breeze RV Resort - Live Band Commercial

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 George | Aye |
| | Councilman Schraft | Absent |
| | Supervisor Hosler | Aye |

***RESOLUTION 2020 #135 Audit of Bills***

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

| AUDIT OF BILLS | |
|---|---|
| DATE | 2/27/2020 |
| ABSTRACT NO. | 3A |
| VOUCHER NO. | 6389 - 6431 |
| CHECK NUMBERS | 80723 - 80758 |
| APPROVED AT | Board Meeting |
| DATE | 2/26/2020 |
| GENERAL | $815,723.55 |
| PART TOWN | |
| HIGHWAY DB | $30,654.02 |
| WATER | $4,830.09 |

| | |
|---|---|
| CAPITAL PROJECTS | |
| SPECIAL DISTRICTS | $144,131.76 |
| DEBT SERVICE | |
| **TOTAL** | **$995,339.42** |

VOTE RESULT: ADOPTED BY ROLL CALL

| | |
|---|---|
| Councilman George | Aye |
| Councilman Schraft | Absent |
| Supervisor Hosler | Aye |

***RESOLUTION 2020 #136 Adjournment***

Supervisor Hosler moved and Councilman George seconded to adjourn to March 4, 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 | Absent |
| 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

February 26, 2020

# ON SALE NOW
# 2020 SEASON PRICES
## TOWN OF EVANS
### Parks Department
8787 Erie Road, Angola, NY 14006
(716)549-0970



## MARINA – BOAT SLIPS

| | |
|---|---|
| 18 ft. Slip | $ 735.00 |
| 20 ft. Slip | $ 798.00 |
| 22 ft. Slip | $ 1003.80 |
| 24 ft. Slip | $ 1102.00 |
| 28 ft. Slip (with electric) | $ 1430.00 |
| 30 ft. Slip (with electric) | $ 1600.00 |
| 40 ft. Slip (with electric) | $ 2167.00 |
| Jet Ski only (based on slip price) | $ varies |
| Extra Jet Ski (in slip 20ft or larger) | $ 100.00 |
| Dry Dock (price per foot) | $ 24.00 |

## MARINA – LAUNCH, GAS, BAIT, ECT.

| | |
|---|---|
| Daily Launch Pass | $ 11.00 |
| Season Launch Pass | $155.00 |
| Senior/Veteran Season Launch Pass | $105.00 |
| Senior/Veteran Daily Launch Pass | $ 9.00 |
| Overnight Wet Slip | $ 50.00 |
| Overnight Dry Slip | $ 25.00 |
| Bait | $ varies |
| Ice - 8 lb. bag | $ varies |
| Gas | $ varies |
| Waitlist (per boat length) | $ 25.00 |

**MARINA IS OPEN FROM MAY 15TH – OCTOBER 15TH**

## TOWN PARK – PAVILLIONS & SHELTERS

| | |
|---|---|
| Pavillion #1 (Parkside) | $ 100.00 |
| Pavillion #2 (Beachside) | $ 200.00 |
| Small Shelters | $ 30.00 |
| Two Small Shelters | $ 55.00 |
| Three Small Shelters | $ 75.00 |

**Our town park is for residents only, non-residents are welcomed when accompanied by a town resident or are attending an event hosted by the town or a resident, and parking fees still apply**

## TOWN PARK – STICKERS & PARKING

| | |
|---|---|
| Yearly resident sticker (under 65) | $ 5.00 |
| Senior yearly sticker (65 or older) | FREE |
| Non-Residents Daily (all ages) | $ 10.00 |
| Special Events as determined by town | |
| Holidays (Memorial Day, 3rd & 4th of July and Labor Day) | |
| • Residents with yearly sticker | FREE |
| • Residents without yearly sticker | $ 5.00 |
| • Non-Residents | $ 20.00 |

**Town Park is open year round**
**Park stickers are good for the entire year**

## POOL – RESIDENTS

| | |
|---|---|
| Season Family Pass (up to 4 family members) | $ 80.00 |
| Each additional family Member | $ 20.00 |
| Tots (5 and under) w/ paying adult | $ 10.00 |
| Youth (6 to 17) | $ 25.00 |
| Adults (18-64) | $ 40.00 |
| Seniors (65 & over) | $ 25.00 |
| **Daily** - Main Pool | $ 5.00 |

## POOL – NON-RESIDENTS

| | |
|---|---|
| Season Family Pass (up to 4 family members) | $160.00 |
| Each additional family Member | $ 40.00 |
| Tots (5 and under) w/ paying adult | $ 40.00 |
| Youth (6 to 17) | $ 50.00 |
| Adults (18-64) | $ 60.00 |
| Seniors (65 & over) | $ 45.00 |

***Note: Children under 5 years of age must be accompanied at the pool by an adult, at least 18 years of age.**

## SENIOR AEROBICS – Residence have preference

(Held at South Creek Pool)

| | |
|---|---|
| Residents | $ 35.00 |
| Non-Residents | $ 75.00 |

**Seniors are considered 65 years or older & must provide proof of age.**
**Veterans must provide proof (one of the following):**
- **Driver's license indicating veteran status**
- **DD-214 indicating honorable discharge**
- **Erie County veteran's card**
- **VA Healthcare Card**

## SOFTBALL LEAGUE FEES

(Mens', Womens', Boys' & Girls')
$100.00 per team per season

## VOLLEYBALL LEAGUE FEES

(Mens', Womens', Boys' & Girls')
$80.00 per team per season

**NOTE TO ALL LEAGUES & PLAYERS: Insurance certificates and a waiver for each player are required prior to the season beginning.**

# WATER UTILITY PERMANENT EASEMENT

Parcel No. 221.00-5-41.1

This Easement witnesseth that DUNCAN JEWITT, with an address of 1348 Eden Evans Center Road, Angola, New York 14006, hereinafter referred to as "Grantor", in consideration of the sum of One Dollar and no more, receipt of which is hereby acknowledged, hereby grants unto the TOWN OF EVANS, a municipal corporation organized and existing under the laws of the State of New York, with offices at 8787 Erie Road, Evans, New York 14006, hereinafter referred to as "Grantee", its successors and assigns, for the purposes of Town of Evans Water Department, the right, privilege and authority to construct a water pump station with related utilities, and when necessary, the privilege and authority to replace, reconstruct, relocate, operate, repair, maintain, inspect and, at its pleasure, add to and remove sanitary sewers, and all other appurtenances thereto, in, upon, under and across the following described land:

ALL THOSE TRACTS OR PARCELS OF LAND, situated in the Town of Evans, County of Erie and State of New York, being parts of Lot No. 47, Township 8, Range 9, of the Holland Land Survey, and more particularly described in a deed filed in the Erie County Clerk's Office at Liber 10915 of Deeds at page 6043, with the right of ingress and egress thereto; said portion of land covered by this easement shall be no greater than 50 feet by 120 feet of the south east corner of the subject parcel, and as shown on the attached 8 ½" x 11" drawing and as more particularly described on **Schedule A** attached hereto,

The Grantee hereby agrees that any structure installed or constructed by Grantee shall not interfere with the minimum setback requirements otherwise outlined by the applicable zoning requirements, including front setback, side yards, rear yards. Grantor shall measure such setbacks from the original aforementioned property lines.

The Grantor hereby agrees that no permanent structure may be built within the permanent easement except where said easement is within a dedicated right-of-way and said structure is necessary for the construction, operation, and/or maintenance thereof; and except where prior written permission is obtained from the Grantee. The Grantor also agrees that no utilities or pipelines shall be placed within five (5) feet of and parallel with the pump station itself within the permanent easement area.

Together with all the right, title and interest of Grantor in the improvements now situated therein, or installed hereafter as approved by the Grantee, including without limitation, all pipes, valves and all other appurtenances related to the water system.

This Easement shall apply to all interest now owned or hereafter acquired by Grantor in the above described property.

Grantor agrees to indemnify and save harmless the Grantee, its officers, employees, agents successors and assigns from all claims, liability, costs and expense including reasonable attorney's fees in the defense of same for loss or damage to property and for injuries to or deaths of persons arising out of the construction or presence of said improvement.

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February 26 2020

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal on this ___ day of _____, 2020.

_____

Name: DUNCAN JEWITT

STATE OF NEW YORK )

COUNTY OF ERIE ) SS:

On the ___ day of _____ in the year 2020, before me, the undersigned, a notary public in and for said state, personally appeared, DUNCAN JEWITT, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

_____

Notary Public

February 26 2020

WATER UTILITY PERMANENT EASEMENT

Parcel No. 221.00-5-41.1

# SCHEDULE A

