Evans Town Board

At a meeting of the Town Board of the Town of Evans held by conference call due to COVID-19 Pandemic the following were present:

PRESENT:	Mary Hosler	Supervisor
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney
	Jeneen Hill	Assessor
	Bill Smith	Director of Planning & Community Development
	Doug Czora	Chief of Police
	Ed Michalski	Highway Superintendent

RESOLUTION 2020 #244 Accept Minutes

Supervisor Hosler moved and Councilman George seconded that the reading of the minutes of meeting of May 20, 2020 and May 27, 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

Communications

Rezone - Proposed rezone of a 15.97± acre parcel from Recreational Facility (RF) to Residential Two-Family (R-2) for a proposed subdivision to be located at 8462 Lake Shore Road, Angola, NY 14006, SBL# 220.00-1-22. Petitioner: Eagle Associates of Niagara Frontier, Inc., 4155 Walden Avenue, Lancaster, NY 14086

RESOLUTION 2020 #245 Advertise for Public Hearing for Proposed Local Law #4

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, Eagle Associates of Niagara Frontier, Inc. has requested that the Town Board of the Town of Evans rezone a 15.97± acre parcel located at 8462 Lake Shore Road, Angola, NY, SBL#220.00-1-22 from Recreational Facility (RF) to Residential Two-Family (R-2) for a proposed subdivision, and

WHEREAS, in a letter dated ~~March 26, 2020~~ May 29, 2020, the Evans Planning Board unanimously recommended approval of the above-referenced petition for rezone at their March 25, 2020 Planning Board meeting, and

WHEREAS, any future development of this parcel to be rezoned is subject to a full site plan application submittal, review and approval by the Planning Board and any landscaping, drainage, parking, lighting, setback, building heights and any other design elements shall follow the requirements of Evans Town Code, and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Eagle Associates of Niagara Frontier, Inc.

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 #4 of the year 2020, to be held on June 17, 2020 at 7:10pm for the consideration of said rezoning,

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	Aye
Supervisor Hosler	Aye

RE: Amend Chapter 200, Article XIII Solar Energy Systems, Attachment 3, Solar Overlay Map of the Town of Evans Code to include parcel (SBL No. 221.00-4-1) at the corner of Delamater and Burns Roads to the Solar Overlay District Map.

RESOLUTION 2020 #246 Advertise for Public Hearing for Proposed Local Law #3

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Evans Planning Board held a public meeting on February 26, 2020 and voted to recommend for approval a Zoning Amendment to Chapter 200, Article XIII Solar Energy Systems, Attachment 3, Solar Overlay Map of the Town of Evans Code to include parcel (SBL No. 221.00-4-1) at the corner of Delamater and Burns Roads to the Solar Overlay District Map; and

WHEREAS, in a letter dated May 29, 2020, the Evans Planning Board unanimously recommended approval of the above-referenced Zoning Amendment; and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

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 # 3 of the year 2020, to be held on June 17, 2020 at 7:10p.m. for the consideration of said Zoning Amendment,

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 Aye
Supervisor Hosler Aye

RESOLUTION 2020 #247 Town Clerk's Reports

Supervisor Hosler moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of May 2020:

Town Clerk Report	$12,213.59
Interest for	$.58
Greenspace Fee	$1,400.00
Petty Cash	$650.00

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

RESOLUTION 2020 #248 Contractors for Property Maintenance

Councilman George moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans Code Enforcement Office is responsible for the inspection of various properties within the Town of Evans to ensure compliance with residential and commercial property maintenance codes; and

WHEREAS, the Town of Evans Code Enforcement Office determines from time to time that certain properties are not in compliance with local and/or state laws, ordinances, codes, and regulations concerning the safety, condition and maintenance of said properties; and

WHEREAS, when violations are noted, property owners are notified to safeguard their property by cutting high grass, closing up inground pools, repairing and/or removing hazardous conditions and/or boarding-up their properties and

WHEREAS, in the event the owners of such properties fail to bring them into compliance with local and/or state laws, ordinances, codes, and regulations, and public safety requires that action be taken immediately, it is necessary that the Code Enforcement Office retain a private contractor to perform the necessary work on such property; and

WHEREAS, the Town adopted rates of compensation for such work by Resolution 2020-170, adopted March 25, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans is hereby authorized to retain any of the qualified contractors appearing on the attached list to perform such work at designated properties in the Town of Evans during calendar year 2020, at the rates of

compensation stated in Resolution 2020-170, adopted March 25, 2020, upon execution of a written Agreement with the Town and approval of the contractor's Certificates of Insurance, and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute such Agreements.

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

RESOLUTION 2020 #249 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 Aye
Supervisor Hosler Aye

RESOLUTION 2020 #250 Award Contract - Fern Brook Mouth H & H Study

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the mouth of Fern Brook was rerouted by the Town through Evans Town Park and redirected westward to Lake Erie in 1987; and

WHEREAS, prior to 1987 the mouth of Fern Brook ran parallel to Lake Shore Rd and traversed portions of various private properties through a series of makeshift culverts before entering the Lake; and

WHEREAS, despite the rerouting of the Fern Brook channel, the FEMA Floodplain Maps were never updated to reflect the new location of the stream; and

WHEREAS, in order to update the Floodplain Maps to reflect the actual location of Fern Brook, a Letter of Map Change (LOMC) and/or Letter of Map Revision (LOMR) must be provided by FEMA; and
WHEREAS, in order to receive a LOMC/LOMR from FEMA, the Town must first conduct a Hydrologic and Hydraulic Study (H&H Study) in order to accurately remap the floodplain to its current location; and

WHEREAS, the Town has solicited three competitive proposals from qualified engineering firms to conduct the H&H Study and obtain the requisite LOMC and/or LOMR from FEMA; and

WHEREAS, the Town and Clark Patterson Lee have reviewed and discussed the proposal from C&S Companies and have confirmed the company's understanding of the requirements of the project; and

WHEREAS, the cost for the proposal submitted by C&S Companies was $19,850.00.

NOW, THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes the award of contract for the Fern Brook Mouth H&H Study, as well as management of the LOMC/LOMR application process, to C&S Companies, 499 Col. Eileen Collins Blvd., Syracuse, NY 13212.

BE IT FURTHER RESOLVED, that Supervisor Mary Hosler is authorized to execute any necessary contract documents.

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

RESOLUTION 2020 #251 Amended Marina Prices

Councilman Schraft moved and Councilman George seconded,

WHEREAS, on February 5, 2020, the Evans Town Board adopted resolution #2020-06 establishing fees for the Sturgeon Point Marina, including without limitation, fees for launch permits;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board amends the prior resolution as follows:

Daily Launch Pass	$ 15.00
Season Launch Pass	$175.00
Senior/Veteran Season Launch Pass	$110.00
Senior/Veteran Daily Launch Pass	$ 10.00

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

RESOLUTION 2020 #252 Appointment of Part Time Seasonal Employees

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, effective Friday, June 5, 2020, the following individuals be appointed to the titles and salaries listed below:

Name	Title	Salary
Zachary Byrne	Part Time Seasonal Laborer B	$11.80 per hour
Robert Watts	Part Time Seasonal Laborer B	$11.80 per hour

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

RESOLUTION 2020 #253 Approve Town Licenses

Supervisor Hosler moved and Councilman Schraft seconded,

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

1.)TE Connors Inc. D/B/A Connors Hot Dog Stand - Marina - Refreshment

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

RESOLUTION 2020 #254 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	5/21/2020
ABSTRACT NO.	9
VOUCHER NO.	7023 - 7042
CHECK NUMBERS	81234 - 81252
APPROVED AT	Board Meeting
DATE	5/20/2020
GENERAL	$29,695.16
PART TOWN	$230.19
HIGHWAY DB	$2,546.00
WATER	$1,184.00
CAPITAL PROJECTS	$427.00
SPECIAL DISTRICTS	$106,887.00
DEBT SERVICE	
TOTAL	$140,969.35

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

RESOLUTION 2020 #255 Adjournment

Supervisor Hosler moved and Councilman George seconded to adjourn to June 10, 2020 at 10am for a Work Session then to June 17, 2020 for a Work Session at 6pm and a Town Board meeting at 7pm.

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

June 3, 2020
Attachment

2020 Property Maintenance Contractors

Grass cutting:
McMillan's Landscaping
Empire Lawncare & Hardscapes
Todd's Landscaping Inc.

Clean up/Board up:
Empire Lawncare & Hardscapes
Todd's Landscaping Inc.

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 17, 2020 at 7:10 P.M. via a GoTo Public Meeting to consider the adoption of Proposed Local Law #3 of the year 2020, which will amend Local Law #5 of the year 2019 entitled Solar Energy Systems Law and any amendments thereto, Town Code Chapter 200, Article XIII, Section 200-70.D.(1)(a)[1] Permitted Use and Locations. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday through Friday from 8am – 4pm and the Town's website www.townofevans.org on or after June 3, 2020. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the GoTo Town Board Public Hearing to be held aforesaid.

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

By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk
166856 June 5, 2020

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Jan Harrington , 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:

6-5-2020
Signed: Jan Harrington
Jan Harrington, Account Clerk

Signed before me this 8th day of June 2020.

Notary Public

SEAN M. SPRING, #01SP6214631
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires Dec. 14, 2021

AFFIDAVIT OF PUBLICATION

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TOWN OF EVANS

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By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk
166955 June 5, 2020