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
	Michael Schraft	Councilman
	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

RESOLUTION 2020 #138 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of meeting of February 12, 2020 and February 26, 2020 as amended 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

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 March 4, 2020 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 #1 of the year 2020, which will amend the Town Code to add Chapter 17: Residency of Town Attorney.

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, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and on 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 RMC
Town Clerk

RESOLTUION 2019 #139 Open the Public Hearing PLL #1 of 2020

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

Ed Schneider spoke in opposition

RESOLUTION 2019 #140 Close the Public Hearing

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

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

RESOLUTION 2020 #141 Adopt PLL #1 as LL #1 of 2020 Residency of Town Attorney

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Evans Town Board held a Public Hearing regarding Residency of Town Attorney on March 4, 2020, which was properly advertised by the Town Clerk;

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law #1 of the year 2020 be and hereby is adopted as Local Law Number #1 of the year 2020; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Town Clerk's Office.

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

Communications

Supervisor Hosler reported that the Supervisor's Monthly Reports, as follows, have been made to the Town Board and a copy was filed with the Town Clerk's Office.

June 2019	October 2019
July 2019	November 2019
August 2019	December 2019
September 2019	

William Smith, Director of Planning & Community Development RE: Amend Section 200-22(B)(1) of the Town of Evans Code so that any structure and/or use permitted within the General Business (GB) District is also permitted within the Motor Vehicle Services (MS) District.

RESOLUTION 2020 #142 Authorize Town Clerk to Advertise Public Hearing for PLL #2 of 2020

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Evans Planning Board held a public meeting on February 26, 2020 and voted to recommend for approval a Zoning Amendment to Section 200-22(B)(1) of the Town of Evans Code so that any structure and/or use permitted within the General Business (GB) District is also permitted within the Motor Vehicle Services (MS) District; and

WHEREAS, in a letter dated February 27, 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 # 2 of the year 2020, to be held on March 18, 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

William Smith, Director of Planning & Community Development 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 #143 Authorize Town Clerk to Advertise Public Hearing for PLL #3 of 2020

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 February 27, 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 March 18, 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 #144 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 February 2020:

Town Clerk Report	$19,081.66
Interest for	$1.19
Greenspace Fee	$ 0
Petty Cash	$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #145 Town Highway Funds

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Town Board and the Superintendent of Highways are required by Highway Law Section 284 to enter into a written agreement stating the places ad manner in which the Highway Fund appropriations for repairs and improvements are to be expended: and

WHEREAS, in conjunction with the estimate submitted by the Highway Superintendent, the Highway Superintendent has submitted a proposed Highway Law Section 284 agreement to spend Town Highway Funds; and

WHEREAS, the Highway Superintendent has prepared an agreement to spend Town Highway Funds for the fiscal year commencing January 1, 2020, for general repairs and primary work, and permanent improvements subject to limitations set by NYS Capital Highway Improvement Program (CHIPS) funding;

NOW, BE IT RESOLVED, that the Town Board hereby approves said agreement to spend Town Highway Funds therefore, the Town Supervisor and Town Board Members are authorized and directed to execute said agreement as required by law in substantially the same form as annexed hereto.

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

RESOLUTION 2020 #146 Advertise Bid for Dredging

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town Engineer is hereby authorized to prepare an invitation to bid for Dredging Services for the Sturgeon Point Marina; and

WHEREAS, the specifications for the invitation to bid shall be available at the Office of the Engineer, Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203, beginning Thursday, March 12, 2020;

NOW, BE IT RESOLVED, the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that the bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Thursday, April 2, 2020, at which time the bids will be publicly opened and read aloud.

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

RESOLUTION 2020 #147 Employment Agreement for Director of Planning & Community Development

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, effective February 29, 2020, William Smith, Director of Planning and Community Development for the Town of Evans, salary is $70,000 yearly, payable bi-weekly per the employment agreement with the Town of Evans; and

FURTHER, BE IT RESOLVED, that Supervisor Hosler is authorized to execute the renewed agreement, subject to review by the Counsel for the Town.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #148 Oppose Renewable Energy Budget

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS: On February 21, 2020, Governor Cuomo submitted a 30-day budget amendment entitled "Accelerated renewable energy growth and community benefit act" for the purposes of meeting the Governor's goals for renewable energy, and

WHEREAS: This amendment would establish a new system for permitting and siting renewable projects, setting aside the current "Article 10 Siting Board" process, and

WHEREAS: Permitting will now be under the jurisdiction of a new entity - Office of Renewable Energy Siting (ORES), and

WHEREAS: the powers assigned to ORES will totally usurp and diminish local home rule, local zoning codes, local planning and Local Waterfront Revitalization Plans when permitting and siting renewable energy projects, and

WHEREAS: ORES will now have the power to

- Make available to developers "build - ready" sites
- Develop "uniform permitting standards" - coordinate, approve, evaluate, issue, amend, transfer and enforce siting permits"
- Limit the ability of local governments to raise objections to proposed projects
- Direct local appeals to ORES decisions to litigation through the Article 78 process
- Prohibit local governments from requiring any additional approvals or permits

WHEREAS: By filling this action as a 30-day budget amendment, is ignoring and bypassing the legislative process of formulating policy through public input, public hearings and public debate in favor of a rushed and secretive process, and

WHEREAS: This amendment represents a blatant attempt to usurp local government's historical and constitutionally power of home rule in the areas of planning, zoning and land use,
Now therefore be it resolved that the Town Board of the Town of Evans does hereby go on record strongly opposing this Governor's attempt to dilute and usurp the roles and powers of local governments in New York State, and

FURTHER BE IT RESOLVED that the Town Board of the Town of Evans urges State Legislators to oppose this amendment and have it removed from the final budget document and,

FURTHER BE IT RESOLVED that a copy of this resolution be transmitted to the Governor, Lieutenant Governor, Speaker of the Assembly and Majority Leader of the Senate and Western New York Delegation.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #149 Rescind Resolution 2019-337 Position of Town Attorney Re-Established & Appt of Town Attorney & Deputy Town Attorney

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans abolished the Office of Town Attorney by resolution #2019-337 adopted August 7, 2019; and

WHEREAS, the Town of Evans has enacted Local Law #1 of 2020, expanding the required residency for the Office of Town Attorney from the Town of Evans to the County of Erie;

NOW, THEREFORE, BE IT RESOLVED, that upon the effective date of Local Law #1 of 2020, the aforementioned resolution #2019-337 adopted on August 7, 2019, abolishing the Office of Town Attorney is hereby rescinded and the Office of Town Attorney for the Town of Evans is hereby re-established.

FURTHER, BE IT RESOLVED, that upon the effective date of Local Law #1 of 2020, Kenneth Farrell, Esq is hereby appointed Town Attorney and Brittanylee Penberthy, Esq., is appointed Deputy Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Nay
Supervisor Hosler	Aye

RESOLUTION 2020 #150 Village of Angola Lake Street Water Project

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Village operates a water system that services the Village residents as well as some Town residents residing outside the Village, and

WHEREAS, there is an existing water main owned by the Village located in the right of ways of Lake Street and Old Lake Shore Road, County of Erie Highways, [Existing Line] and connected to the Existing Line are fire hydrants owned by the Town which are located within and service the Town fire protection District [Existing Hydrants], and

WHEREAS, because of leaks in the Existing Line, the Village is desirous of replacing a portion of the Existing Line; and

WHEREAS, with the construction of the Replacement Line, six hydrants, tees, blocking, six inch connecting pipe and gate valves owned by the Town shall be installed on the Replacement Line ["Replacement Hydrants"], and

WHEREAS, the parties are desirous of entering into an intermunicipal agreement determining their respective rights and responsibilities regarding The Project.

WHEREAS, the Town shall pay that portion of the Total Project Cost equal to the cost of installation of 6 hydrants, up to a maximum cost of $35,400.00;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Evans is authorized to execute the aforementioned agreement with the Village of Angola, upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #151 Award Bid for Sturgeon Point Concessions

Councilman Schraft moved and Councilman George seconded,

WHEREAS, the Evans Town Board authorized the Town Clerk to advertise for proposals for restaurant concessions at the Sturgeon Point Marina, Town of Evans, New York; and

WHEREAS, said proposals were opened on February 28, 2020 at 11:00am in the office of the Town Clerk; and

WHEREAS, T.E. Connors, Inc., d/b/a Connors Hot Dog Stand, 8905 Lake Shore Road, Angola, New York 14006 submitted the lone responsible bid satisfactorily meeting specifications as advertised,

NOW, THEREFORE, BE IT RESOLVED, that the sole responsible bid be and hereby is accepted by the Town of Evans in the following amounts:

2020 Season - $6,300.00
2021 Season - $6,600.00
2022 Season - $6,900.00

AND BE IT FURTHER RESOLVED, that Supervisor Mary K. Hosler is hereby authorized to execute an agreement regarding same, upon the approval of Town Attorney.

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

RESOLUTION 2020 #152 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 George Aye
Councilman Schraft Aye
Supervisor Hosler Aye

RESOLUTION 2020 #153 Auditing Services Agreement

Councilman George moved and Councilman Schraft seconded,

WHEREAS, as per resolution 2017-509, adopted on November 29, 2017 accepted and awarded the bid for outside auditing services to Drescher & Malecki, LLP for the years ending December 31, 2017 through December 31, 2021;

BE IT RESOLVED, that the Town Board authorizes Supervisor Hosler to sign the engagement letter with Drescher & Malecki, LLP to provide financial audits for the Town for the years ending December 31, 2019, December 31, 2020 and December 31, 2021, upon review and approval of the Town Attorney.

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

RESOLUTION 2020 #154 Advertise Invitation to Bid for Commercial Tractor

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Town of Evans is prepared to purchase a commercial tractor for the Town of Evans Buildings and Grounds Department (Parks); and

WHEREAS, and invitation to bid, including specifications, for the commercial tractor has been prepared and will be advertised in the Dunkirk Observer, the official newspaper of the Town of Evans; and

NOW, BE IT RESOLVED, the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that sealed bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Friday, March 13, 2020, at which time the bids will be publicly opened and read aloud.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #155 PBA Memorandum of Understanding

Supervisor Hosler moved

ACTION FAILED FOR LACK OF A SECOND

RESOLUTION 2020 #156 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	3/5/2020
ABSTRACT NO.	4
VOUCHER NO.	6432 - 6511
CHECK NUMBERS	80759 - 80820
APPROVED AT	Board Meeting
DATE	3/4/2020
GENERAL	$168,869.59
PART TOWN	$4,836.72
HIGHWAY DB	$47,140.78
WATER	$1,946.34
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$551,420.00
DEBT SERVICE	
TOTAL	**$774,213.43**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #157 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to March 11, 2020 at 6pm for a Work Session and then to March 18, 2020 for a Work Session at 6pm and a Town Board Meeting at 7pm. This meeting was adjourned in Memory of Terry Cooke Life Member of Highland Hose Fire Company, Commissioner of North Evans Fire District and Veteran.

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

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 **March 4, 2020 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 #1 of the year 2020, which will amend the Town Code to add Chapter 17: Residency of Town Attorney.

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, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and on 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 RMC
Town Clerk

O-166458 February 17, 2020-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

February 17, 2020

Signed: Sheila McWillson

Sheila McWillson

Signed before me this 17th day of February 2020

Barbara J. Musso

Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/23