Evans Town Board

At a meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:	Mary Hosler	Supervisor
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2021 #94 Accept Minutes

Supervisor Hosler moved and Councilman George seconded that the reading of the minutes of January 20, 2021 be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

William B. Smith Director of Planning & Community Development RE: Proposed rezone of a 3.9± acre parcel from Rural Agriculture (RA) to Motor Service (MS) for the purpose of operating a Motor Vehicle Sales business located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12. Property Owner: Frank Gugino, 512 SE 9th Place, Cape Coral, FL 33990. Petitioner: Christian D. DelPrince, 11 Rosalind Dr., Angola, NY 14006.

RESOLUTION 2021 #95 Advertise for Public Hearing - Delprince

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, Christian D. DelPrince has requested that the Town Board of the Town of Evans rezone a 3.9± acre parcel from Rural Agriculture (RA) to Light Industrial (LI) for the purpose of operating a Motor Vehicle Sales business to be located at 1621 Eden Evans Center Road, Angola, NY, SBL# 236.00-1-12 and

WHEREAS, in a letter dated January 28, 2021 the Evans Planning Board did not recommend the above-referenced petition for rezone from Rural Agriculture (RA) to Motor Service (MS) at their January 27, 2021 Planning Board meeting, rather they voted unanimously to recommend rezone from Rural Agriculture (RA) to Light Industrial (LI) keeping more consistent with the Future Land Use of the parcel in accordance with the 2019 Evans-Angola Comprehensive Plan, and

WHEREAS, Christian DelPrince has a contract of sale with the current landowner, Mr. Frank Gugino, contingent upon his ability to rezone the property, 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, setbacks, building heights and any other design elements shall follow the requirements of Evans Town Code, and

WHEREAS, the applicant must apply for a Special Use Permit prior to utilizing the parcel as a Motor Vehicle Sales business and should one be approved the applicant must follow any and all conditions set forth on said Special Use Permit, and

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

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 #1 of the year 2021, to be held on February 17, 2021 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 Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

RESOLUTION 2021 #96 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 January 2021:

Town Clerk Report	$20,928.62
Interest	$.84
Greenspace Fee	$700.00
Petty Cash	$650.00

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

RESOLUTION 2021 #97 Declare Surplus Equipment - Highway Department

Councilman Schraft moved and Supervisor Hosler seconded,

RESOLVED, that the following highway equipment is hereby declared surplus equipment and will be sold "as is" at public auction with proceeds being deposited in the General Fund.

1) 2002 Dodge Ram 2500 4x4 VIN # 3B7KF26Z62M309139

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #98 Advertise for Seasonal Property Maintenance Services

Councilman George moved and Councilman Schraft seconded,

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 regarding the lack of upkeep of said properties; and

WHEREAS, certain work is needed on such properties (i.e. seasonal clean-up, grass cutting, board-up, etc.) when the owners of such properties fail to bring them into compliance with local and/or state laws, ordinances, codes, and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby establishes payment rates for such work for various properties in the Town of Evans for the calendar year 2021 as set forth in the attached Schedule; and

BE IT FURTHER RESOLVED that the Code Enforcement Office is hereby authorized to advertise through the Town of Evans Facebook, Town of Evans Website and the Dunkirk Observer for interested parties for such seasonal property maintenance services for the calendar year 2021.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #99 Human Resources Consultant Agreement Extension

Supervisor Hosler moved and Councilman George seconded,

BE IT RESOLVED, that the Town Supervisor is authorized to enter into an extension agreement, (February 7, 2021 to December 31, 2021), with Nancy Tucker dba Thelma and Louise Consulting, LLC, 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, for project work on an as needed basis.

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

RESOLUTION 2021 #100 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 Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2021 #101 Execute Sale and Easement Agreements for Town Water System Project

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans is undertaking a major Water System Improvements Project to address the current lack of adequate water capacity to meet peak demands, to provide sufficient fire protection, and to promote economic and community development in the Town; and

WHEREAS, the Water System Improvements Project involves the engineering and construction of a 1.5-million-gallon water storage tower; and

WHEREAS, the aforementioned water tower project involves the acquisition of a certain parcel from the Buffalo and Erie County Industrial Land Development Corporation, specifically located at 1526 Eden Evans Center Road, in Evans, and estimated at 1.85 acres; and

WHEREAS, Buffalo and Erie County Industrial Land Development Corporation further offers the Town access to the subject parcel via intended easements for the Town's use and benefit, including a certain shared access drive to the proposed parcel; and

WHEREAS, the project in question shall mutually benefit both the Town and Buffalo and Erie County Industrial Land Development Corporation, including providing access to water for the benefit of both Town residents and customers of the Agri-Business Park Project; and

WHEREAS, in consideration of the combined access of water for the Agri-Business Park Project, Buffalo and Erie County Industrial Land Development Corporation imposes a purchase price of one dollar ($1.00) for the subject water tower parcel, but shall include certain closing costs and any taxes due and owing; and

WHEREAS, the Town of Evans has considered the value of the aforementioned parcel for the Town's Water System Project and finds it desirous to acquire the same, including but not limited to the consideration of the economic and general welfare of the public.

WHEREAS, the Town has sufficient funds available for any anticipated closing costs and expenses related to the acquisition of the subject parcel, due in part to significant grant funds made available specifically to the project.

NOW THEREFORE, BE IT RESOLVED the Town Board does hereby approve and authorize the Supervisor to execute all documents and enter into any agreements necessary to the acquisition of the Evans Water System Project land parcel, and related easements for access to the subject parcel; and

BE IT FURTHER RESOLVED that this resolution is conditioned upon receiving approvals from the Attorney for the Town before the execution of any contracts and/or agreements referenced herein.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #102 Approve Transfer of 2020 Budgeted Funds

Councilman Schraft 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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the redirection of unused funds from the 2020 budget from the Joint Youth Programs general fund appropriations in the amount of $39,100 to the Boys & Girls Club of Eden-Lake Shore, to be utilized for the Clubs virtual learning center supporting the students educational virtual learning during the ongoing COVID-19 pandemic.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #103 WNY Imaging Copier Agreements

Councilman Schraft moved and Councilman George seconded,

BE IT RESOLVED, that the Town of Evans enter into a renewal Lease/Maintenance agreement for the Town of Evans copiers located in the Building Department and Court Clerk's offices with WNY Imaging located at 411 Maryvale Drive, Buffalo, New York 14225 for the period of 60 months.

FURTHER, BE IT RESOLVED, that the Supervisor Hosler is hereby authorized to execute the agreement, upon the approval of the Town Attorney.

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

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RESOLUTION 2021 #104 Town Access Approval for Work at 9608 and 9640 Lake Shore Road

Councilman George moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans Code Enforcement Office has received a request for access to a portion of the Lake Erie Beach Park pathway in order to secure retaining walls, based on the safety concerns of the three property owners; and

WHEREAS, these properties are located at 9608, 9610 and 9640 Lake Shore Road; and

WHEREAS, the contractor has provided the Town of Evans a current certificate of liability insurance naming the Town of Evans as additional insured;

NOW, THEREFORE, BE IT RESOLVED, that Michael Serafini may access the Lake Erie Beach Park pathway, owned by the Town of Evans, and

BE IT FURTHER RESOLVED, that said access shall be allowed from February 15, 2021 through May 31, 2021 (due to weather conditions), and when all appropriate permits are obtained and signed off by code enforcement officials, solely to conduct the above referenced work.

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

RESOLUTION 2021 #105 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	2/4/2021
ABSTRACT NO.	3 (2020 bills)
VOUCHER NO.	8264 - 8273
CHECK NUMBERS	82258 - 82268

APPROVED AT	Board Meeting
DATE	2/3/2021
GENERAL	$41,675.01
PART TOWN	
HIGHWAY DB	$10,752.68
WATER	
CAPITAL PROJECTS	$0.00
SPECIAL DISTRICTS	
DEBT SERVICE	
TOTAL	**$52,427.69**

difference is because 1 voucher totaling $1,887.00 was removed

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #106 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	2/4/2021
ABSTRACT NO.	3 - A (2021 bills)
VOUCHER NO.	8275 - 8302
CHECK NUMBERS	82269 - 82289
APPROVED AT	Board Meeting
DATE	2/3/2021
GENERAL	$107,387.70
PART TOWN	$5,877.92
HIGHWAY DB	$21,220.60
WATER	$4,966.68
CAPITAL PROJECTS	$0.00
SPECIAL DISTRICTS	$169,861.49
DEBT SERVICE	$23,964.42

TOTAL $333,278.81

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

RESOLUTION 2021 #107 Enter Executive Session

Supervisor Hosler moved and Councilman George seconded,

WHEREAS: the Evans Town Board wishes to enter Executive Session, and;

BE IT RESOLVED: that the public shall be excluded from discussion of and action upon hereinafter specified subject matter.

The general nature of the subject matter to be discussed as follows: employment history of a particular Individual and litigation.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney and Doug Czora, Chief of Police are invited to attend the Evans Town Board Executive Session.

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

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 2-9-2021

LEGAL NOTICE
TOWN OF EVANS

Once again the Town of Evans is seeking eligible contractors to participate in the Town's Property Maintenance Program. The pricing was approved by the Evans Town Board on February 3, 2021.

All contractors interested in providing any of the following type of Property Maintenance services (Grass cutting, seasonal clean-up, Board –up, Emergency Board-Up, Close Up of In-Ground Pool and Close-up/removal of above ground pools and decks for the Town of Evans shall fill out the property maintenance application no later than March 1, 2021. Please call 549-5763 between 8am and 4pm if you have any questions.

167526 February 9, 2021

Jan Harrington, Account Clerk

Signed before me this 9th day of February 2021

Barbara J Musso

Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 3/4/23

February 03 2021

SEASONAL CLEAN-UP 2021 PURPOSED PRICING	Amount
Per 1/2 man hour	$20.00
Per man hour	$40.00
per ton- material, garbage, and debris disposal	$125.00
Close-up/removal of above ground pool and decks	
per cubic yard - clean fill material	$35.00
per cubic yard - top soil and seed material	$65.00
BOARD UP OPENING	
Labor	
Per Half -Man Hour	$20.00
Per Man Hour	$40.00
1 sheet of 1/2 inch CDX Plywood, painted with all necessary accessories	$50.00
framing per discretionary of the building inspector	
Install Padlock and Latches Labor & Material	
1 Padlock and Latches	$35.00
Close Up of In-Ground Pool	
Labor	
Per-Half Man Hour	$20.00
Per Man Hour	$40.00
1/2 inch CDX Plywood, painted with all necessary accessories	$50.00
GRASS CUTTING	
Lot Size	
8,000 sqft	$75.00
11,000 sq ft	$90.00
15,000 sqft	$120.00
22,000 sq ft	$135.00
** lot over 22,000sqft -lot size will be determined by Code Enforcement Officer for cuttable area	