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 #185 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of April 21, 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

RESOLUTION 2021 #186 Set Public Hearing for Special Use Permit - Sills

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated May 3, 2021, the Planning Director has requested that the Town Board set a public hearing regarding the petition of Jessica Sills for a Special Use Permit for the operation of a Speech-Language Pathology Office to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33; and

WHEREAS, the Planning Board unanimously recommended approval of the Special Use Permit at their GoTo Planning Board meeting held on April 28, 2021.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on May 19, 2021 at 7:10pm for the consideration of said special use permit; and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning and Code Enforcement Offices.

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

RESOLUTION 2021 #187 Supervisor's Monthly Report

Supervisor Hosler moved and Councilman Schraft seconded that the Supervisor's Monthly Report for March has been made to the Town Board and a copy was filed with the Town Clerk's office.

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

RESOLUTION 2021 #188 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 April 2021:

Town Clerk Report	$32,232.65
Interest	$ .55
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 2021 #189 CSEA Grievance Approval to Move to Next Step

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, absent of resolution, the Evans Town Board hereby grants approval to move the grievance filed by CSEA, on behalf of one its members, (Chipping Brush Grievance) to arbitration per the next step of the current collective bargaining agreement, if applicable based on the Union's response.

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

RESOLUTION 2021 #190 Energy Performance Contract with John W. Danforth Company

Councilman Schraft moved and Councilman George seconded,

WHEREAS, complying with NYS Energy Law, Section 9-102(4), J.W. Danforth Company has completed an energy audit for the Town of Evans; and

WHEREAS, the Town of Evans would like to enter into an energy performance contract with J.W. Danforth, to include LED lighting upgrades, installation of high efficiency HVAC systems and building air sealing, with future energy savings rebates and other associated savings of an estimated $1,082,903; and

WHEREAS, the Town of Evans would like to finance the cost of the above referenced project, in the amount not to exceed $600,000 paid by a bond (BAN), which will be presented for resolution to the Town Board at an upcoming Town Board meeting;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute any and all documents with J.W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, NY 14150 pursuant to this project, upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #191 Sale of Excess Millings

Councilman George moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans continues to generate a significant supply of millings from it highway operations, and

WHEREAS, the supply of millings requires the Town of Evans to allocate sufficient areas for storage of said millings, and to comply with guidelines established by the New York State Department of Environmental Conservation concerning the amount of millings that may be stored at a particular location, and

WHEREAS, the Town desires to sell the millings to residents of the Town of Evans, and

NOW, BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the sale of millings pursuant to the following terms:

1. Sale Price of $5.00 per cubic yard
2. Minimum quantity – three (3) cubic yards.
3. Purchaser must provide proof of residency in the Town of Evans.
4. Payment by check only, payable to the Town of Evans, memo on check should read purchase of millings.
5. An appointment is required prior to pick up. After payment is made, call the Highway Department at 549-3533 between 7:00 am – 3:00 pm Monday – Friday; and

BE IT FURTHER RESOLVED, that the sale of millings to town residents shall start on May 5, 2021, and continue until September 1, 2021 or until supplies last, whichever is earlier; and

BE IT FURTHER RESOLVED, that a Liability Waiver must be signed by the Purchaser prior to pick up of the millings; and

BE IT FURTHER RESOLVED, that all proceeds will be used for additional road improvements in the Town of Evans.

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

RESOLUTION 2021 #192 Amend Resolution 2021-104 Town Access Approval

Councilman Schraft moved and Councilman George 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 property owners; and

WHEREAS, these properties are located at 9630, 9634 and 9644 Lake Shore Road and 9596 and 9590 Point Breeze Drive; 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, Inc. may access the Lake Erie Beach Park pathway, owned by the Town of Evans, upon issuance of all necessary permits and approvals, and

BE IT FURTHER RESOLVED, that said access shall be allowed from February 15, 2021 through May 31, 2021 (due to weather conditions), solely to conduct the above referenced work.

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

RESOLUTION 2021 #193 Appointment of Seasonal Part Time Employee

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, effective May 10, 2021, James Bingenheimer is hereby appointed as a Part Time Seasonal Laborer, for a five (5) month period, working up to 39 hours per week, at a rate of $13.50 per hour.

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

RESOLUTION 2021 #194 Appointment of Seasonal Part Time Employee

Councilman George moved and Councilman Schraft seconded,

BE IT RESOLVED, effective May 10, 2021, Josh Geiser is hereby appointed as a Part Time Seasonal Laborer, for a five (5) month period, working up to 39 hours per week, at a rate of $13.50 per hour.

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

RESOLUTION 2021 #195 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 #196 Energy Performance

Councilman Schraft moved and Councilman George seconded,

WHEREAS, the Town of Evans Town Board (the "Board") has considered the impact to the environment of following Scope of Work to be completed:

1. Miscellaneous Rehabilitation at the following Facilities:
   - Municipal Building
   - Community Center
   - Highway Garage
   - Water Building
   - Town Park
   - Sturgeon Point Marina

WHEREAS, the Board has reviewed the Scope of Work set forth above as one Proposed Action, and has further consulted with its Engineer and legal counsel with respect to the potential for environmental impacts resulting from the Proposed Action,

WHEREAS, the Board has reviewed the Proposed Action with respect to the Type II criteria set forth in 6 NYCRR. Part 617 of the Environmental Conservation Law, Article 8 ("SEQRA") and concluded that the project involves:

- Maintenance or reconstruction involving no substantial changes in an existing facility, structure or infrastructure (6 NYCRR §617.5(c)(1));
- Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site;

LED Lighting

The LED retrofit scope includes removing the existing lamps and ballasts, rewiring the fixtures & replacing the tombstones, installing new socket bars and installing the new LED lamps with integrated drivers. A line-by-line survey of all fixtures by building is in Attachment 3

- Municipal Bldg.
- Highway Bldg.
- Water Bldg.
- Town Park
- Community Ctr.
- Sturgeon Pt. Marina

Building Envelope Improvements

Municipal Building

3 Single commercial doors to be weather-stripped, 2 to receive dark bronze anodized trim.
1 Single commercial interior door to be weather-stripped, 1 to receive dark bronze anodized trim.
5 Double commercial doors to be weather-stripped, 1 to receive dark bronze anodized trim.
6 Roof top ventilator units to be opened, dampers lubricated, and perimeters sealed 40 linear feet.
228' Roof wall joint to be sealed using 2-component fire rated foam.
37 Truss penetrations to be sealed using 2-component fire rated foam, 28 linear feet.
1 Bulkhead to be sealed using 2-component fire rated foam, 21 linear feet.
1 Door header to be sealed, 15 linear feet.

Community Center

2 Single commercial doors to be weather-stripped.
2 Double commercial doors to be weather-stripped.
2 Access panels to be installed at attic cupola, 8 square feet.
4 Unit ventilator wall openings to be insulated and sealed, 38 linear feet, 16 square feet.

Highway Garage
6 Single commercial doors to be weather-stripped, 5 to receive dark bronze anodized trim.
10 Overhead garage doors to be weather-stripped, 592 linear feet.
4 Roof top ventilator units to be opened, dampers lubricated, and perimeters sealed, 24 linear feet.
140' Roof wall joint to be sealed using 2-component fire rated foam.

Water Bldg.
3 Single commercial doors to be weather-stripped, 1 to receive dark bronze anodized trim.
2 Overhead garage doors to be weather-stripped, 64 linear feet.
1 Roof top ventilator unit to be opened, damper lubricated, and perimeter sealed, 8 linear feet.
406' Roof wall joint to be sealed using 2-component fire rated foam.
18' Interior caulking at window units located in garage.

Sturgeon Point Marina

Maintenance Building
3 Single commercial doors to be weather-stripped (kick plate to be installed on main entry single door prior to weather-stripping, bottom of door rotted).
3 Overhead garage doors to be weather-stripped, 159 linear feet.

Restaurant
3 Single commercial doors to be weather-stripped, 3 to receive dark bronze anodized trim.
1 Double commercial door to be weather-stripped, 1 to receive dark bronze anodized trim.

Bait Shop
1 Single commercial door to be weather-stripped, 1 to receive dark bronze anodized trim.

Parks Department

Garage 1
3 Single commercial doors to be weather-stripped.
1 Overhead garage door to be weather-stripped, 42 linear feet.
9 Duct penetrations to be sealed at perimeters, 30 linear feet.
2 Pipe penetrations to be sealed at perimeters, 1 linear foot.

Garage 2
2 Single commercial doors to be weather-stripped.
1 Overhead garage door to be weather-stripped, 42 linear feet.
9 Light fixtures to be insulated and sealed at attic surround.
15 Square feet of attic bypass (missing ceiling) to be sealed.

Install Condensing Boilers

Municipal Building

Demolition

- Remove and dispose of existing boilers including; boiler, burners, gas train, breeching, insulation, piping, wiring, controls, etc.
- Remove or reuse the existing boiler concrete housekeeping pads

Boiler Room

- Furnish and install gas fired condensing hot water boilers.
- Provide and install all necessary gas piping, boiler pumps, boiler vent and combustion air intake piping, pipe, valves, fittings, wiring, drains, etc.
- Install boiler exhaust vents and combustion air intake piping.
- Each boiler shall have separate intake and exhaust piping.
- Provide the services of a certified roofer to make the necessary flashing.
- A sample of the existing water/glycol solution would be taken and tested for proper chemistry, percentage of glycol, and inhibitors and corrected as needed.

Electrical:

- Provide and install all necessary electrical wiring to complete the boiler replacement.
- Include all power wiring to the new boilers and pumps
- Provide disconnects and motor starts are required.
- Temperature Control

Insulation:

- Provide and install pipe insulation on all new piping.
- Replace any existing pipe insulation disturbed during construction.
- Insulate all heating lines with fiberglass insulation per the NYS Energy Code.

Test, Adjust, and Balance:

- Provide a complete system start, test and balance of the new hot water boiler and pumps

Replace Chiller

Municipal Building

Installation of a Smardt chiller with oil-less magnetic bearing compressors. The chiller will be sized for the chilled water system load. The chiller will be a packaged air-cooled chiller that will be placed outside the mechanical room in the fenced in area.

Work will include the following:

- Install or reuse concrete pad outside of the mechanical room.
- Disconnect electrical to existing chiller.
- Remove and dispose of existing chiller.
- Install new chiller.
- Connect new chiller to existing chilled water system.
- Fill and vent system.
- Install power wiring for new chiller.

- Check, test, and start new chiller.
- Disconnect electrical to existing chillers.
- Remove and dispose of existing chillers.
- Connect new chiller to BAS.

Building Commissioning
Municipal Building
- BAS will be tested to insure control strategies are being utilized.
- Programming deficiencies will be corrected and tested.

Gravity Relief Damper Controls
Municipal Building
- Repair/reconnect the gravity relief damper for the police station.
- Insure controls system activates dampers per program.

Chilled Water pump Controls
Municipal Building
- Replace/repair the chilled water pump controller.

Vending Machine Occupancy Controls
Municipal Building
- Installation of one beverage and one snack vending machine occupancy control.

Domestic Hot Water Recirculation Controls
Municipal Building
- Extend DDC to domestic hot water pump.
- Operate pumps on building occupancy.

Install Programmable Thermostats
Highway Garage
- Installation of two programmable thermostats for infrared heaters.
- Program thermostats with schedule

THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The Proposed Action, individually and cumulatively, does not constitute substantial changes to the existing facilities or infrastructure and involves routine activities required for proper operation and maintenance of the previously listed miscellaneous facilities, and, therefore, does not exceed the thresholds for a Type II Action established under 6 N.Y.C.R.R. Part 617.

2. The Board hereby determines the Proposed Action is a Type II action in accordance with SEQRA regulations.

3. No further review of the Proposed Action is required under SEQRA.

4. This resolution shall be effective immediately.

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

RESOLUTION 2021 #197 LOSAP

Councilman Schraft moved and Councilman George seconded,

WHEREAS, As authorized by Article 11-A of the New York State General Municipal Law, the Town of Evans established a Service Award Program for active volunteer firefighter members of the Lake Erie Beach Volunteer Fire Company which contracts with the Town of Evans to provide fire protection services to Town Residents; and,

WHEREAS, Active volunteer firefighter members of the Lake Erie Beach Volunteer Fire Company earn Service Award Program service credit under the Point Systems adopted by the Town Board for the Lake Erie Beach Volunteer Fire Company Service Award Program; and,

WHEREAS, In response to the outbreak of Novel Coronavirus, COVID-19, NYS Governor Andrew Cuomo declared a STATE DISASTER EMERGENCY and issued EXECUTIVE ORDER 202 OF 2020. In response to the STATE DISASTER EMERGENCY New York State fire districts, towns, villages, cities and/or their volunteer fire department/company officials adopted Special Response Rules restricting volunteer firefighter responses to emergency responses and/or restricting the holding of activities for which points could be earned during the STATE DISASTER EMERGENCY; and,
WHEREAS, The adoption of the Special Response Rules has affected the ability of active volunteer firefighters to earn points in service award programs; and

WHEREAS; In recognition of the negative effect these Special Response Rules has on the ability of active volunteer firefighters to earn service credit during 2020 under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer firefighters who would have earned service award program service credit during 2020 and/or 2021 from failing to earn a year of service award program service credit during 2020 and/or 2021 due to the adoption of Special Response Rules; and,

WHEREAS, This legislation, Chapter 113 of the Laws of 2020 of the State of New York, authorizes the Town Board of the Town of Evans to adopt a resolution to amend Lake Erie Beach Volunteer Fire Company Service Award Program point system by adding a new category to such point system under which up to five (5) points per month (prorated for periods of less than one month)

may be awarded to active volunteer firefighters during the period when the Special Response Rules are in place; and

WHEREAS, Should the Town Board elect to adopt such a resolution, Chapter 113 of the Laws of 2020 of the State of New York, provide that the adoption of such resolution does not require approval of Town of Evans residents at a Town election.

Now, Therefore, BE IT RESOLVED, That: By adopting this resolution, the Town Board of the Town of Evans adds the following new category to the Lake Erie Beach Volunteer Fire Company Service Award Program Point System:

COVID-19 Pandemic of 2020

As a result of the COVID-19 Pandemic of 2020, the governing board of the Lake Erie Beach Volunteer Fire Company adopted Special Response Rules under which the activities for which active volunteer firefighter members of the Lake Erie Beach Volunteer Fire Company Service Award Program point systems were reduced effective as of April 1, 2020 through December 31, 2020. Such reduction in activities continued until the effective date the Special Response Rules were rescinded and all volunteer firefighter activities restored and/or restrictions in volunteer firefighter activities removed by the governing board. From the effective date of the adoption of the Special Response Rules to the effective date that such Rules are rescinded, all active volunteer firefighter members of the Lake Erie Beach Volunteer Fire Company shall be awarded 2 points per month with such number of points prorated for periods of less than a complete month. In no event shall points be awarded to active volunteer firefighters in accordance with Chapter 113, after March 28, 2021, unless NYS Governor Andrew Cuomo once again extends Executive Order 202 of 2020. (Note: This award of the above reference points will effect one member from the Lake Erie Beach Volunteer Fire Company)

As soon as administratively feasible after the adoption of this resolution by the Town Board, active volunteer firefighter members of the Lake Erie Beach Volunteer Fire Company shall be given a written Notice of Amendment announcing the adoption of and including an explanation of this additional category to the po0int system. As soon as administratively feasible, after the governing board of the Fire Company rescinds the Special Response Rules, a second Notice of Amendment shall be given to active volunteer firefighters stating the effective date that the Special Response Rules are rescinded and indicating the number of points to be awarded to each active volunteer firefighter during the period when the Special Response Rules were in effect.

Since this amendment to the Lake Erie Beach Volunteer Fire Company Service Award Program point systems is intended to prevent active volunteer firefighters who would otherwise have earned service award program credit under the point system during 2020 and/or 2021 from failing

to earn credit during 2020 and/or 2021, the adoption of this resolution is expected to have little if any effect on the annual cost of the Town of Evans sponsored Lake Erie Beach Volunteer Fire Company Service Award Programs.

All other provisions of the Lake Erie Beach Volunteer Fire Company Service Award Programs shall not change as a result of the adoption of this resolution and the programs shall continue to be administered by the Town of Evans in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

This resolution is hereby approved nunc pro tunc.

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

The resolution was thereupon declared duly adopted by a vote of 3 ayes and 0 nays. This resolution shall take effect immediately.

RESOLUTION 2021 #198 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	5/6/2021
ABSTRACT NO.	9
VOUCHER NO.	8653 - 8728
CHECK NUMBERS	82576 - 82628
APPROVED AT	Board Meeting
DATE	5/5/2021
GENERAL	$168,497.24
PART TOWN	$4,004.58
HIGHWAY DB	$20,831.31
WATER	$5,098.97
CAPITAL PROJECTS	$21,229.55
SPECIAL DISTRICTS	$130,921.33
DEBT SERVICE	
TOTAL	**$350,582.98**

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

RESOLUTION 2021 #199 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

Daniel A. Ranger D/B/A The shore House Bar & Grill – Refreshment
Newcomb Long American Legion Post 928 – Refreshment, Amusement & Live Band
Beach Party LLC D/B/A Stroh's – Refreshment, Amusement & Live Band Commercial
Christopher Roberts D/B/A Over Seats Vets of Evans – Refreshment & Live Band Commercial
Steven Meckes D/B/A Steveo's Tacos & Subs Inc.- Refreshment

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 Schraft Aye
Councilman George Aye
Supervisor Hosler Aye

RESOLUTION 2021 #200 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Wednesday, May 19, 2021 at 6:00pm Work Session and Board Meeting 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