

Evans Town Board

At a regular 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:      | Dennis Feldmann   | Councilman              |
|               | Jeanne Macko      | Councilman              |
|               | Mary Hosler       | Supervisor              |
| ALSO PRESENT: | Lynn Krajacic     | Town Clerk              |
|               | Jennifer Farrell  | Town Attorney           |
|               | Paul Ryerse       | Code Enforcement        |
|               | Roberta Rappoccio | Community Dev./Planning |
|               | Edward Michalski  | Highway Superintendent  |
|               | Ernie Masullo     | Chief of Police         |
|               | Theodore Catalano | Planning Board Chairman |

**RESOLUTION 2016 #439 Approve the Minutes**

Supervisor Hosler moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of September 21, 2016 and the Work Session of September 28, 2016, be dispensed with and approved as submitted by the Town Clerk.

- |              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Feldmann  | AYE |
|              | Councilman Macko     | AYE |
|              | Supervisor Hosler    | AYE |

**Communications**

Roberta Rappoccio, RE: Minor Subdivision Review - dividing a 30.57± acre parcel to create a 29.3± acre parcel and a 1.0± acre parcel located at 7532 Lake Shore Rd., Derby, NY 14047, SBL# 205.00-4-18.111. Petitioner: Peter Bogulski, 665 Larkin Road, Derby, NY 14047.

**RESOLUTION 2016 # 440 Table The Peter Bogulski Minor Subdivision**

Supervisor Hosler moved and Councilman Feldmann seconded to Table the Peter Bogulski Minor Subdivision for further review.

- |              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Feldmann  | AYE |
|              | Councilman Macko     | AYE |
|              | Supervisor Hosler    | AYE |

**Communications (con't)**

Chief Ernie Masullo, Letter of Recognition to Lieutenant Michael E. Masullo, Patrolman Thomas Crupe, Patrolman Joseph LaRose and Junior Administrative Assistant Sandy Smaldino for the role they played in securing the Reaccreditation of the Town of Evans Police Department.

Chief Ernie Masullo, Letter of Recognition to Lieutenant Peter Smith, Detective Bruce Green Jr., Patrolman Patrick Adler, Patrolman Nathan Miller, Patrolman Kenneth Kloss and Dispatcher Amy Valenti for the outstanding effort put forth in diffusing a situation involving a barricaded person in his residence.

**PRIVILEGE OF THE FLOOR**

Guy Cannonico Jr. spoke of his concerns regarding a 3 man Town Board. He is requesting the Board go back to a 5 person Town Board by referendum.

**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 October 5, 2016 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the consideration of the Empire State Development 2016 Restore NY Grant Application and Property Assessment List for the Point Breeze At-Risk Property Demolitions project.

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  
Town Clerk

**RESOLUTION 2016 # 441 Close the Public Hearing**

Supervisor Hosler moved and Councilman Feldmann seconded to open the Public Hearing.

VOTE RESULT:           ADOPTED  
                                  AYES - Feldmann, Macko, Hosler  
                                  NAYS - none

There was no one signed in or present wishing to speak on the Grant application and Property Assessment List.

**RESOLUTION 2016 # 442 Close the Public Hearing**

Supervisor Hosler moved and Councilman Macko seconded to close the Public Hearing.

VOTE RESULT:           ADOPTED  
                                  AYES - Feldmann, Macko, Hosler  
                                  NAYS - none

**RESOLUTION 2016 # 443 Approve 2016 Restore NY Lake Erie Beach Demolition Project**

Councilman Macko moved and Councilman Feldmann seconded,

BE IT RESOLVED, that the Town Board finds that the proposed 2016 Restore NY Lake Erie Beach Demolition Project is consistent with the Town of Evans 1999 Master Plan and the 2013 Local Waterfront Revitalization Plan; that the Restore NY funding and the Town contribution of a 10% match in cash is appropriate for the Point Breeze Demolition Project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources;

VOTE RESULT:	ADOPTED BY ROLL CALL
	Councilman Feldmann     AYE
	Councilman Macko         AYE
	Supervisor Hosler        AYE

**PRIVILEGE OF THE FLOOR (con't)**

Darlene Loretto, spoke in favor of the Wojda project in Point Breeze. She questioned which meeting she should attend to ask questions. She has concerns about park land being sold.

John O'Donnell, asked about public hearings for the proposed restaurant and spoke about concerns he had about park land being sold illegally and the delineation of Lake Erie Beach Park.

Ed Schneider, spoke out against a 5 person Board. He also spoke in favor of the restaurant project in Lake Erie Beach and is against any park land being used. He spoke of accidents that happened in that area.

**COMMITTEE AND DEPARTMENT HEAD REPORTS**

Councilman Macko announced a tree planting ceremony on October 27, 2016 at the Senior Center in honor of Julie Roach

Supervisor Hosler reported on the Tentative Budget that has been submitted and the spoke of the budget process and the Shred It event to be held on October 29, 2016 from 10am to 1pm.

**RESOLUTION 2016 #444 Town Clerk's Reports**

Supervisor Hosler moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of September 2016:

Town Clerk Report for September	\$32,276.52
Interest for September	\$3.97
Greenspace Fees transferred to Trust & Agency Account	\$0.00

VOTE RESULT: ADOPTED BY ROLL CALL  
Councilman Feldmann - AYE  
Councilman Macko - AYE  
Supervisor Hosler - AYE

**RESOLUTION 2016 # 445 Set Public Hearing for Community Development Block Grant**

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS: the Town of Evans will be applying for the Community Development Block Grant for the year 2016-2017, and

WHEREAS: the Evans Town Board authorizes the Town Clerk to advertise a public hearing on October 19, 2016 at 7:10pm for the purpose of eliciting citizen input regarding the Town’s Community Block Development Grant,

AND BE IT FURTHER RESOLVED: that the Evans Town Board authorize the Supervisor and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Grant Program

AND FURTHER BE IT RESOLVED: that a certified copy of this resolution be given to the Supervisor’s Office

VOTE RESULT: ADOPTED BY ROLL CALL  
Councilman Feldmann AYE  
Councilman Macko AYE  
Supervisor Hosler AYE

**RESOLUTION 2016 # 446 Recognize Erie County Yellow Dot Program**

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, the New York State Sheriff’s Association Yellow Dot Program was designed to help first responders provide life-saving medical attention during the “golden hour” after a crash or emergency event; and

WHEREAS, the Yellow Dot decal adhered to the driver’s side rear window of a vehicle will alert first responders that vital medical information for the driver and/or passenger is stored in the in the vehicle’s glove compartment; and

WHEREAS, the Yellow Dot Program can be also be utilized at a residence by placing the decal on an entry door(s) of a dwelling as to alert first responders that important medical information for one or more of the residents, within the dwelling, can be located in a clear plastic bag in the freezer compartment of the refrigerator; and

WHEREAS, Erie County Sheriff Timothy B. Howard and the sheriff’s office has staff and resources dedicated to raising the awareness of the Yellow Dot program in the towns, villages and communities throughout Erie County; and

WHEREAS, the sheriff’s office has encountered situations where a Yellow Dot decal has been helpful to first responders at the scene of an incident and contributed to the fast and proper triage of a victim.

NOW, THEREFORE, BE IT RESOLVED, the Town of Evans does hereby recognize the live-saving potential of the Yellow Dot program; and be it further

RESOLVED, that this Honorable Body declares the Town of Evans as a Yellow Dot community and encourages all citizens to sign-up for and participate in the live-saving program Yellow Dot Program.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
  Councilman Feldmann - AYE  
  Councilman Macko - AYE  
  Supervisor Hosler - AYE

**RESOLUTION 2016 # 447 Temporarily Add a Signature on the Evans Senior Activity Fund Account**

Supervisor Hosler moved and Councilman Macko seconded to rescind this resolution

VOTE RESULT:                   ADOPTED BY ROLL CALL  
  Councilman Feldmann - AYE  
  Councilman Macko - AYE  
  Supervisor Hosler - AYE

**RESOLUTION 2016 # 448 Declare Surplus Vehicles**

Councilman Macko moved and Councilman Feldmann seconded,

RESOLVED, that the following vehicles are hereby declared surplus equipment and will be sold at auction with proceeds to be deposited into the Town of Evans Savings Account;

- 2000 International Dump Truck - VIN #1HTGKAHR8YH276900
- 2002 Ford Explorer - VIN #1FMZU72K12ZD00630

FURTHER, BE IT RESOLVED the revenues associated with the sale of the above referenced equipment to be recognized into the appropriate general ledger account

VOTE RESULT:                   ADOPTED BY ROLL CALL  
  Councilman Feldmann - AYE  
  Councilman Macko - AYE  
  Supervisor Hosler - AYE

**RESOLUTION 2016 # 449 Suspend the Rules of Order**

Supervisor Hosler moved and Councilman Macko seconded to suspend the rules of order for the conduct of business for Evans Town Board meetings for the consideration of adoption of additional resolutions.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
  Councilman Feldmann - AYE  
  Councilman Macko - AYE  
  Supervisor Hosler - AYE

**RESOLUTION 2016 #450 Authorized Signer for Town of Evans Bank Accounts**

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, two signatures are required on all Town of Evans bank accounts for security and procedural purposes,

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary K. Hosler and Deputy Supervisor Lynn Krajacic are designated as said signatories on all Town of Evans bank accounts

VOTE RESULT:                   ADOPTED BY ROLL CALL  
  Councilman Feldmann - AYE  
  Councilman Macko - AYE  
  Supervisor Hosler - Abstain

**RESOLUTION 2016 #451 Grant Permission to Evans Justice to Submit Justice Court Assistance Program Grant**

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, the Town Justices request permission to submit the Justice Court Assistance Program grant to the New York Unified Court System for the year 2016-2017.

NOW THEREFORE BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to the Evans Justice Court to submit said grant application.

VOTE RESULT:                   ADOPTED BY ROLL CALL  
  Councilman Feldmann - AYE  
  Councilman Macko - AYE  
  Supervisor Hosler - AYE

**RESOLUTION 2016 #452 Establish Bank Accounts for Senior Citizen Meal Monies and Fundraising**

Supervisor Hosler moved and Councilman Feldmann seconded,

BE IT RESOLVED, that the Town of Evans shall establish a bank account for the collection of senior citizens meal monies for payment of meal services pursuant to the contract with Erie County; and

BE IT FURTHER RESOLVED, that the Town of Evans shall establish a bank account for collection of monies from senior fundraising efforts for senior events.

VOTE RESULT: ADOPTED BY ROLL CALL  
Councilman Feldmann - AYE  
Councilman Macko - AYE  
Supervisor Hosler - AYE

**RESOLUTION 2016 #453 Audit of Bills**

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract #18 dated October 5, 2016 brought forth in the amount of \$104,739.35.

**DATE: 10/6/16**  
**ABSTRACT NO. 18**  
**VOUCHER NO. 1649-1655, 1665-1719,1723-1725,1727-1735**  
**CHECK NUMBERS 75422-75487**  
**Approved as per Board meeting 10/5/16 audit of bills**

GENERAL	56,626.50
PART TOWN	3,934.13
HIGHWAY DA	
HIGHWAY	5,376.20
WATER	14,748.55
CAPITAL PROJECTS	3,837.18
SPECIAL DISTRICTS	20,216.79
DEBT SERVICE	
COMM DEVELOPMENT	
<b>TOTAL</b>	<b>\$ 104,739.35</b>

VOTE RESULT: ADOPTED BY ROLL CALL  
Councilman Feldmann - AYE  
Councilman Macko - AYE  
Supervisor Hosler - AYE

**RESOLUTION 2016 #454 Executive Session**

Supervisor Hosler moved and Councilman Feldmann 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: litigation and the employment history of a particular employee

NOW THEREFORE BE IT RESOLVED: Jennifer Farrell, Town Attorney and Lynn Krajacic, Town Clerk are invited to attend the Evans Town Board Executive Session.

VOTE RESULT:                   ADOPTED  
  AYES: Feldmann, Macko, Hosler  
  NAYS:

**RESOLUTION 2016 #457 Adjournment**

Councilman Macko moved and Councilman Feldmann seconded to adjourn to a Work Session on Wednesday, October 19, 2016 at 6pm then to Wednesday, October 26, 2016 at 6pm for an Agenda Meeting and Town Board meeting at 7pm.

VOTE RESULT:                   ADOPTED  
  AYES - Feldmann, Macko, Hosler  
  NAYS - none

**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  
Town Clerk