

AGENDA

Evans Town Board
 Evans Town Hall, 8787 Erie Road, Angola, New York

| Item | Description | Disposition |
|------|---|-------------|
| I | Call the Meeting to Order | |
| II | Pledge of Allegiance | |
| III | Roll Call | |
| IV | Approval of the Minutes: November 2, 2016 & Work Session of November 9, 2016 | |
| V | Communications: | |
| VI | Privilege of the Floor on Meeting Agenda Items & Other Issues | |
| VII | Public Hearing & Bid Opening 7:10pm Public Hearing PLL #7 Override Tax Levy Limit 7:10pm Public Hearing PLL #8 Solar Moratorium | |
| VIII | Committee & Department Head Reports | |
| IX | Town Clerk Reports: | |
| X | Old Business: | |
| XI | Resolutions: 1.Amend Preliminary Budget 2.Adopt 2017 Budget 3.Appt of Chief of Police 4.Authorize Travel & Meeting Expenses for Police Dept Employees To Attend Law Enforcement Accreditation presentation | |
| XII | Licenses: | |
| XIII | Audit of Bills: | |
| XIV | Adjournment to: Wednesday, November 30, 2016 at 6pm for a Work Session and then to Wednesday December 7, 2016 for an Agenda meeting at 6pm and regular meeting at 7pm. | |

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 Newsletter Signup under the Quick Links and choose
 Town Board Agenda and Minutes.**

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 Jeanne Macko Mary Hosler | Councilman Councilman Supervisor |
| ALSO PRESENT: | Lynn Krajacic Jennifer Farrell Jeneen McSkimming Paul Ryerse Roberta Rappoccio Patrick Conrad Ernie Masullo Dennis Glascott Mary Holl | Town Clerk Town Attorney Assessor Code Enforcement Officer Community Dev./Planning Parks Crew Chief Police Chief Judge Supervisor's Department |

RESOLUTION 2016 #481 Approve the Minutes

Supervisor Hosler moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of October 19, 2016 and October 26, 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

The Supervisor's Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

Communication RE: Minor Subdivision Review - dividing a 0.39± acre parcel to create a 0.17± acre parcel and a 0.22± acre parcel located at 195 Humboldt Avenue, Angola, NY 14006, SBL# 250.17-3-5.1. Petitioner: Daniel & Sandra Clark, 3059 Niagara Falls Blvd., North Tonawanda, NY 14120.

RESOLUTION 2016 # 482 Adopt Findings of the Minor Subdivision Review Committee and Issue a SEQR Negative Declaration - Clark

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated October 26, 2016, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Daniel & Sandra Clark Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Daniel & Sandra Clark Minor Subdivision. (Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 250.17-3-5.1, dividing a 0.39± acre parcel to create:

1. a 0.17± acre parcel with 80.00± feet of frontage on Humboldt Avenue, and
2. a 0.22± acre parcel with 102.44± feet of frontage on Humboldt Avenue and 95.00± feet of frontage on Utica Street.

Petitioner: Daniel & Sandra Clark, 3059 Niagara Falls Blvd, North Tonawanda, NY 14120

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office.

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

RESOLUTION 2016 # 483 Approve Clark Minor Subdivision

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated October 26, 2016, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Daniel & Sandra Clark Minor Subdivision, a division of SBL# 250.17-3-5.1, dividing a 0.39± acre parcel to create:

1. a 0.17± acre parcel with 80.00± feet of frontage on Humboldt Avenue, and

- 2. a 0.22± acre parcel with 102.44± feet of frontage on Humboldt Avenue and 95.00± feet of frontage on Utica Street.

Petitioner: Daniel & Sandra Clark, 3059 Niagara Falls Blvd, North Tonawanda, NY 14120

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office, the Assessor's Office and the Code Enforcement Office.

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

PUBLIC HEARING

Notice of Public Hearing
Town of Evans

Notice is hereby given that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York at the Evans Town Hall, 8787 Erie Road, Angola, New York at 7:10 pm on Wednesday, November 2, 2016, in accordance with Section 184 of the Town Law and all other applicable statutes, for the purpose of considering proposed contracts with the Village of Angola and the Village of Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and Highland Hose Fire Company for fire protection and/or emergency ambulance service to be furnished by said fire departments to the Angola Fire Protection District established in the Town of Evans upon the following general term:

A.) The fire department shall answer and attend upon all calls in said Angola Protective Fire District.

B.) For such service said fire departments shall receive the following amount:

Angola Fire Company
 \$12,000 Emergency Ambulance Service
 \$35,000 Fire Protection

Lake Erie Beach Fire Company
 \$15,000 Emergency Ambulance Service
 \$242,570 Fire Protection

Evans Center Fire Company
 \$15,000 Emergency Ambulance Service
 \$242,570 Fire Protection

Highland Hose Fire Company
 \$15,000 Emergency Ambulance Service

The contract is for the period of January 1, 2017 through December 31, 2017 and such other incidental terms as may be necessary or proper in connection with such contract.

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 #484 Open the Public Hearing

Supervisor Hosler moved and Councilman Macko 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 in favor or opposed to the above subject at the Public Hearing.

RESOLUTION 2016 #485 Close the Public Hearing

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

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

RESOLUTION 2016 #486 Enter into Agreement with the Fire Departments

Supervisor Hosler moved and Councilman Feldmann seconded,

BE IT RESOLVED, that the Town Board enter into an agreement with the Angola Fire Company, Evans Center Fire Company, Highland Hose Fire Company and the Lake Erie Beach Fire Company for emergency services for the calendar year 2017 per advertised amounts.

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

PUBLIC HEARING

Town of Evans
Notice of Public Hearing
Preliminary Budget
Year 2017

Notice is hereby given that the Preliminary Budget of the Town of Evans, Erie County, New York for the fiscal year beginning January 1, 2017 has been completed and filed in the office of the Town Clerk at 8787 Erie Road, Angola, New York where it is available for inspection

by any interested person during regular business hours Monday, Tuesday, Thursday, Friday 8:00 a.m. to 4:00 p.m. and Wednesday from 9:00 a.m. to 5:00 p.m. Paper copies will be available at the Town Clerk’s Office at a cost of \$15.00 per Town Board resolution or can be viewed and printed out at no cost at www.townofevans.org.

Further notice is hereby given, that the Town Board of the Town of Evans, pursuant to all applicable statutes, will meet and review the Preliminary Budget at the Evans Town Hall, 8787 Erie Road, Angola, New York and hold a public hearing at 7:10 pm on Wednesday, November 2, 2016, and that at such hearing any person may be heard in favor or against the preliminary budget as compiled and for or against any item or items therein contained.

And further notice is given pursuant to Section 108, of the Town Law that the proposed salaries of the following Town Officers are hereby specified as follows, to wit:

| | |
|-------------------------------|-----------------|
| Supervisor | \$40,000 |
| Budget Officer | \$15,000 |
| Councilmen (2) each | \$15,300 |
| Town Clerk | \$56,365 |
| Registrar of Vital Statistics | \$7,935 |
| Superintendent of Highways | \$69,383 |
| DPW Superintendent | \$ 5,000 |
| Drainage Officer | <u>\$ 3,000</u> |
| Town Justices (2) each | \$22,819 |

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

RESOLUTION 2016 #487 Open the Public Hearing

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

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

The following spoke in opposition regarding the 2017 Preliminary Budget:
Stan Radwan Cheri Hahn Anita Burke Ed Schneider

RESOLUTION 2016 #488 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

PRIVILEGE OF THE FLOOR

Legislator Mills spoke about various programs that Erie County offers and the 2017 budget process.

Ed Schneider asked about the Land Attorney hired by the Town and questions related to Lake Erie Beach Park.

COMMITTEE AND DEPARTMENT HEAD REPORTS

Councilman Macko reported on the Sturgeon Point Advisory Board meeting and reported that they wanted to thank the Marina employees for all their work during the season.

Supervisor Hosler read the monthly report for the Police Department submitted by Chief Masullo.

RESOLUTION 2016 #489 Enter Into Agreement with Angola Public Library

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, the Angola Public Library provides a valuable service to the residents of the Town of Evans,

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Evans is authorized to execute an agreement with the Angola Public Library for the 2016 year, at a cost of \$2,250.00, upon the approval of the Town Attorney.

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

RESOLUTION 2016 #490 Advertise Public Hearing for Proposed Local Law #7 Override Tax Cap

Supervisor Hosler moved and Councilman Macko seconded,

BE IT RESOLVED that the Town Clerk be authorized to advertise for a public hearing on Proposed Local Law #7 of 2016. The proposed local law seeks to override the tax levy limit established in General Municipal Law §3-c. The hearing is to be scheduled for November 16, 2016, at 7:10 p.m. local time.

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

RESOLUTION 2016 # 491 Revenue Anticipation Note (RAN)

Councilman Feldmann moved and Councilman Macko seconded,

REVENUE ANTICIPATION NOTE RESOLUTION AUTHORIZING THE ISSUANCE OF NOTES OF THE TOWN OF EVANS (THE "TOWN") IN AN AMOUNT NOT TO EXCEED \$900,000 IN ANTICIPATION OF REVENUES OTHER THAN REAL PROPERTY TAXES OR ASSESSMENTS DUE AND PAYABLE IN THE FISCAL YEAR ENDING DECEMBER 31, 2016, SUCH REVENUES BEING IN THE FORM OF (i) WATER RATES AND CHARGES AND (ii) DISTRIBUTIONS OF THE COUNTY SALES AND COMPENSATING USE TAXES

BE IT RESOLVED, by the Town Board (the "Board") of the Town of Evans, Erie County, New York (the "Town") AS FOLLOWS:

Section 1. In anticipation of the collection of revenues other than real estate taxes and assessments, in the form of water rates and charges due and payable in the current fiscal year ending on December 31, 2016, and pursuant to the Local Finance Law of the State of New York (the "Law"), the Town is hereby authorized to issue and sell one or more revenue anticipation notes in an aggregate principal amount not to exceed \$900,000. The amount of the such revenues collected by the Town in the Fiscal Year ended December 31, 2015 was \$887,923, the amount of such revenues set forth in the Town's budget for the fiscal year ending December 31, 2016 is \$950,000, and the amount of such revenues which remain uncollected as the date of this resolution (as measured against the lesser of the amount of such revenues collected in the prior fiscal year and the amount of such revenues budgeted for the current fiscal year) is \$418,139.

Section 2. In anticipation of the collection or receipt of revenues other than real estate taxes and assessments in the form of distributions by Erie County (the "County") of County sales and compensating use taxes due and payable in the current fiscal year ending on December 31, 2016, and pursuant to the Law, the Town is hereby authorized to issue and sell one or more revenue anticipation notes in an aggregate principal amount not to exceed \$900,000. The amount of the such revenues collected by the Town in the Fiscal Year ended December 31, 2015 was \$1,787,393, the amount of such revenues set forth in the budget for the fiscal year ending December 31, 2016 is \$1,795,000, and the amount of such revenues which remain uncollected as the date of this resolution (as measured against the lesser of the amount of such revenues collected in the prior fiscal year and the amount of such revenues budgeted for the current fiscal year) is \$643,017.

Section 3. Subject to and in accordance with subdivision of Section 25.00 of the Law, the revenue anticipation notes authorized by Sections 1 and 2 of this Resolution may be issued as single issue of revenue anticipation notes (the "Notes"). The date of maturity of the Notes shall not extend beyond the applicable period approved by Section 25.00 of the Law for the maturity of the Notes, within one year from the date of issuance.

Section 4. Subject to the provisions of this Resolution and the Law, pursuant to the provisions of Sections 30.00, 50.00 and 56.00 of the Law, the powers and duties of the Board to issue and to sell the Notes, including any renewals thereof, and the authorization of the terms,

form and content thereof, are hereby delegated to the Supervisor of the Town as the chief fiscal officer of the Town (the "Supervisor"). The Supervisor is authorized and directed to execute and deliver the Notes to the purchaser thereof and the Clerk of the Town is authorized and directed to attest the Notes.

Section 5. The full faith and credit of the Town are and shall be pledged to the punctual payment of principal of and interest on the revenue anticipation notes authorized herein.

Section 6. The Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Notes as excludable from gross income from federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the Notes, if applicable, as qualified tax-exempt obligations in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 7. This resolution shall take effect immediately.

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

RESOLUTION 2016 # 492 Approve Deduct Change Order #3 for Contract 15-2 Roadway Project Phase 3

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, New Frontier Excavating and Paving, Inc. was retained by the Town of Evans to complete Contract No. 15-2, Roadway Project, Phase 3, and

WHEREAS, New Frontier Excavating and Paving, Inc. has completed the project in general conformance with the Contract Plans and Specifications,

WHEREAS, Wendel and New Frontier Excavating and Paving, Inc. have finalized and agreed to all contract pay item quantities,

NOW THERE FOR BE IT RESOLVED, that the Evans Town Board authorizes Change Order No. 3 for a deducted amount of \$118,008.01.

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

RESOLUTION 2016 #493 Final Closeout Roadway Access Improvements Contract 15-2

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, New Frontier Excavating & Paving, Inc. was retained by the Town of Evans to complete Contract No. 15-2, Roadway Access Improvements, and

WHEREAS, Wendel, the Town Engineer, has determined that New Frontier Excavating & Paving, Inc. has completed the project in general conformance with the Contract Plans and Specifications,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans accepts the final pay request and Release of Liens provided by New Frontier Excavating & Paving, Inc.

BE IT FURTHER RESOLVED, that the Town of Evans authorizes full contract payment and release of all retained monies.

BE IT FINALLY RESOLVED, that the Maintenance Bond will remain in effect for a two (2) year period from September 20, 2016.

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

RESOLUTION 2016 #494 Dedication of Roads Laurel St., Lancaster Ave., Theodore Ave., Walden Ave. and Lake Breeze Rd.

Councilman Feldmann moved and Councilman Macko seconded,

WHEREAS, that the Town of Evans has completed roadway improvements on:

1. Laurel Street - 595 LF west from Waterman Street to turn around, and
2. Lancaster Avenue - 1,230 LF east from Lake Shore Road to Redwing Road, and
3. Theodore Avenue - 630 LF east from NY Route 5 to turn around, and
4. Walden Avenue - 640 LF east from NY Route 5 to turn around, and
5. Lake Breeze Road - 1,550 LF from Old Lakeshore Rd to Central Avenue, and

WHEREAS, these roads have been constructed to New York State Department of Transportation and Town of Evans design standards,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans Highway Superintendent is authorized to maintain these roads and add them to the Town of Evans roadway inventory, and

BE IT FURTHER RESOLVED, that the Town of Evans Supervisors office is authorized to inform the following agencies of these improvements, the Town of Evans Police Department, the Lake Erie Beach Fire Company, the Angola Fire Company, US Post Office, Erie County Emergency Services and the refuse and recycling companies currently under contract with the Town of Evans.

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

RESOLUTION 2016 # 495 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Feldmann 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 #496 Tax Anticipation Note (TAN)

Councilman Feldmann moved and Supervisor Hosler seconded,

TAX ANTICIPATION NOTE RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE TOWN OF EVANS (THE "TOWN") IN AN AMOUNT NOT TO EXCEED \$995,000 IN ANTICIPATION OF THE COLLECTION OF REAL ESTATE TAXES OR ASSESSMENTS TO BE LEVIED IN THE FISCAL YEAR ENDING DECEMBER 31, 2017

BE IT RESOLVED, by the Town Board (the "Board") of the Town of Evans, Erie County, New York (the "Town") AS FOLLOWS:

Section 1. In anticipation of the collection of real estate taxes or assessments to be levied in the fiscal year ending December 31, 2017, and pursuant to Section 24.00 of the Local Finance Law of the State of New York (the "Law"), the Town is hereby authorized to issue and sell one or more tax anticipation notes in an aggregate principal amount not to exceed \$995,000 (the "Notes").

Section 2. The maturity date of the Notes, including renewals thereof, shall not extend beyond the close of the applicable period provided by Section 24.00 of the Law.

Section 3. Subject to the provisions of this Resolution and the Law, pursuant to the provisions of Sections 30.00, 50.00 and 56.00 of the Law, the powers and duties of the Board to issue and to sell the Notes, including any renewals thereof, and the authorization of the terms, form and content thereof, are hereby delegated to the Supervisor of the Town as the chief fiscal officer of the Town (the "Supervisor"). The Supervisor is authorized and directed to execute and deliver the Notes to the purchaser thereof and the Clerk of the Town is authorized and directed to attest the Notes.

Section 4. The full faith and credit of the Town are and shall be pledged to the punctual payment of principal of and interest on the Notes authorized herein.

Section 5. The Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Notes as excludable from gross income from federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the Notes, if applicable, as qualified tax-exempt obligations in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 6. This resolution shall take effect immediately.

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

RESOLUTION 2016 #497 Advertise Public Hearing for Proposed Local Law #8 Extend Moratorium

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, the Town Board of the Town of Evans passed Local Law #3 of the year 2016 on May 18, 2016 that no new application shall be issued and no applications or permits, licenses or approvals shall be granted by any officer, department, board or agency of the Town of Evans with respect to the erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures within the Town of Evans and,

WHEREAS, the Town requires additional time to complete its implementation of appropriate ordinances and regulations regarding erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures within the Town of Evans and,

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to post and publish the needed legal notices for a public hearing to be held November 16, 2016 at 7:10pm in the Evans Town Hall on a Proposed Local Law extending the temporary moratorium for a period of six (6) months on the issuance of applications and the granting of applications, permits, licenses or approvals for the erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures.

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

RESOLUTION 2016 #498 Audit of Bills

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract #19A dated October 26, 2016.

DATE: 10/26/16
ABSTRACT NO. 19A
VOUCHER NO. 1867-1869
CHECK NUMBERS 75548-75550
Approved as per Resolution 2016-236 audit of bills

| | |
|-------------------|--------------------|
| GENERAL | 69.68 |
| PART TOWN | |
| HIGHWAY DA | |
| HIGHWAY | |
| WATER | 1,307.86 |
| CAPITAL PROJECTS | |
| SPECIAL DISTRICTS | |
| DEBT SERVICE | |
| COMM DEVELOPMENT | |
| TOTAL | \$ 1,377.54 |

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

RESOLUTION 2016 #499 Audit of Bills

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract #20 dated November 3, 2016.

DATE: 11/3/16
ABSTRACT NO. 20
VOUCHER NO. 1805-1866; 1870-1875
CHECK NUMBERS 75551-75610

Approved as per Board meeting 11/2/2016 audit of bills

| | |
|------------------|------------|
| GENERAL | 128,224.05 |
| PART TOWN | 13,798.00 |
| HIGHWAY DA | |
| HIGHWAY | 31,232.54 |
| WATER | 27,657.28 |
| CAPITAL PROJECTS | |

| | |
|-------------------|----------------------|
| SPECIAL DISTRICTS | 21,076.12 |
| DEBT SERVICE | |
| COMM DEVELOPMENT | |
| TOTAL | \$ 221,987.99 |

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

RESOLUTION 2016 #500 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to a Work Session on Wednesday, November 9, 2016 at 6pm then to Wednesday, November 16, 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

Evans Town Board

At a Work Session 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 Stoessel Deputy Town Clerk
 Jennifer Farrell Town Attorney
 Mary Holl Supervisor's Department

Supervisor Hosler opened the Work Session at 6pm.

RESOLUTION 2016-501 Sign Fee Waived for Boys & Girls Club of Lake Shore

Councilman Feldmann moved and Councilman Macko seconded,

BE IT RESOLVED, that per Town of Evans Code 200.29 Sign Regulations, Fee Schedule, that the Town Board does hereby grant a waiver of the signage fee to the Boys & Girls Club of Lake Shore to have a double-sided interchangeable letter message board sign (4ft L x 2ft W x 3.5ft H) in front of TOPS Friendly Markets (6914 Erie Road, Derby, New York) for the Club's Fall Meat Raffle fundraiser, effective immediately through the day of the event, Saturday, November 19, 2016.

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

RESOLUTION 2016-502 Amend Resolution 2016 #474 Labor Relations Consultant Rate of Pay

Councilman Feldmann moved and Councilman Macko seconded,

BE IT RESOLVED, that Thomas Dziedzic is hereby retained as the Labor Relations Consultant for the Town of Evans effective November 1, 2016 through December 31, 2017, at a rate of \$2,000 per month, payable in two separate disbursements of \$16,000 on or about July 1, 2017 and \$12,000 on or about January 15, 2018.

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

RESOLUTION 2016-503 Enter into Executive Session

Supervisor Hosler moved and Councilman Feldmann seconded,

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

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

NOW THEREFORE BE IT RESOLVED: Jennifer Farrell, Town Attorney was invited to attend the Evans Town Board Executive Session on November 9, 2016 and the option to attend given to Lynn Stoessel, Deputy Town Clerk and Mary Holl, Secretary to the Supervisor.

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

Supervisor Hosler reopened the Work Session.

At 9:05 pm Deputy Town Clerk Stoessel was excused from the Work Session as no other action was going to be taken.

Respectfully Submitted,

Lynn R. Stoessel
Deputy Town Clerk

Lynn M. Krajacic
Town Clerk

**TOWN OF EVANS
NOTICE OF PUBLIC HEARING**

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on November 16, 2016 at 7:10 PM, at the Town Hall, 8787 Erie Road, Angola, New York 14006, to hear all interested parties and citizens for or against the adoption of Proposed Local Law # 7 for the year 2016. The Proposed Local Law seeks to override the tax levy limit established in General Municipal Law Sec 3-c. A copy of the Proposed Local Law will be available at the Town Clerk's Office to review or pick up during normal business hours, Monday, Tuesday, Thursday, and Friday from 8am-4pm and Wednesday from 9am-5pm or it can be viewed or printed out at www.townofevans.org on and after Monday, November 7, 2016.

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

**TOWN OF EVANS
PROPOSED LOCAL LAW #7
OF THE YEAR 2016**

DRAFT

DRAFT

A Local Law of the Town of Evans to override the tax levy limit established in General Municipal Law Section 3-c, as follows:

Be it enacted by the Town Board of the Town of Evans:

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Evans to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of no less than sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Evans, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability

If a court determines that any, clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

DRAFT

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 November 16, 2016 at 7:10pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #8 of the year 2016 which will extend the temporary moratorium implemented by Local Law #3 of year 2016 on the issuance of applications and the granting of applications, permits, licenses or approvals for the erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures for a period of 6 months from the expiration of the moratorium implemented by Local Law #3 of year 2016.

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 the Town's website www.townofevans.org on and after Monday, November 7, 2016.

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

TOWN OF EVANS
PROPOSED LOCAL LAW #8 OF CALENDAR YEAR 2016

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Extend the term of the moratorium on the issuance of applications and the granting of application, permits, licenses or approvals for the erection, establishment, siting, location, construction or development of any solar farms, non-residential solar electric generating systems, or related facilities or structures, as enacted by Local Law #3 of the year 2016, for a period of six (6) months from the expiration of the moratorium implemented by Local Law #3 of year 2016.

DRAFT

Res #3

RESOLUTION – CHIEF OF POLICE

WHEREBY, on December 10, 2016, a vacancy will exist in the position of Town of Evans Chief of Police by reason of the retirement of Chief of Police Ernest Masullo;

NOW, THEREOFRE, BE IT RESOLVED, that on 12:01am on December 10, 2016, _____ will be temporarily appointed Chief of Police for the Town of Evans.

BE IT, FURTHER, RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service law.

ROLL CALL VOTE:

Councilman Feldmann

Councilwoman Macko

Supervisor Hosler

Res #4

RESOLUTION – New York State Law Enforcement Accreditation

BE IT RESOLVED, that Chief Masullo, Lieutenant Masullo, Officer Crupe and Officer LaRosa are authorized to attend the New York State Law Enforcement Accreditation Council meeting, to receive the Certificate of Accreditation award. This meeting will be held on December 8, 2016 at the Division of Criminal Justice Services, Alfred E. Smith State Office Building in Albany, New York;

BE IT FURTHER RESOLVED, all reasonable expenses incurred being a town charge be paid in accordance with the rules and regulations governing travel and education.

Vote Result:

Councilman Feldmann _____

Councilwoman Macko _____

Supervisor Hosler _____