

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
	Doug Czora	Police Chief

RESOLUTION 2017 #144 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the Agenda Meeting and the Town Board Meeting of March 1, 2017 and the Work Session of March 8, 2017 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

Supervisor Hosler read a communication from Roberta Rappoccio, Director of Community Development and Planning regarding Tower Special Permit and Site Plan Review - Tower Special Permit and Site Plan Review - for a 145'± cellular telecommunication tower, plus a 4' lightning rod, to be located at 7929 Dennis Rd., Angola, NY (Robert & Linda McFarland property), SBL# 220.00-2-11.21. Petitioner: Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless, One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920.

RESOLUTION 2017 #145 Set Public Hearing for a Proposed Telecommunication Tower to be located at 7929 Dennis Road, Angola NY

Supervisor Hosler moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated March 10, 2017, the Evans Planning Board has requested that the Town Board set a public hearing regarding the petition of Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless, One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920, for a 145' cellular telecommunication tower, plus a 4' lightning rod, to be located at 7929 Dennis Rd., Angola, NY (Robert & Linda McFarland property), SBL# 220.00-2-11.21.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on April 5, 2017 at 7:10pm for the consideration of said tower special permit.

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

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

Privilege of the Floor

Cheryl St. George requested documents submitted to the Board at meetings become part of the official minutes, she also questioned if the town is currently participating in shared services and asked when the results will be released on the cable and internet survey conducted by Erie County.

Barb McGowan asked if there will be another large tax increase this year and had questions about the proposed cell tower on Dennis Road.

Marie O'Connor requested the Board Table resolution #6 to set a public hearing for zoning changes on Erie Road.

Patrick Zydel requested a hearing device in the court room, discussed an issue he had with the Highway Department regarding a water issue and snow plowing issue on Hillside Drive. He expressed how proud he is of the current Board and thanked them for all the work they have been doing to help the Town.

Committee & Department Head Reports

Councilman Macko announced the Easter Egg Hunt will be held on April 1, 2017 with a rain date of April 8, 2017 at the Evans Town Park and the Lake Erie Beach Clean Up will be held on April 22, 2017 at 8am at the Lake Erie Beach Fire Hall. Volunteers are needed.

Supervisor Hosler will hold a meeting with Senator Jacobs regarding funding and grant assistance for the Marina.

Councilman Feldmann met with the Seneca Nation of Indians and discussed future funding of the School Resource Officer (SRO).

Supervisor Hosler spoke about the School Resource Officer (SRO), congratulated Councilman Feldmann on his appointment as Officer in Charge for the Gowanda Police Department and announced the Senior Center Meet and Greet with the new Director Veronica Sullivan on March 25 from 2-4pm.

RESOLUTION 2017 #146 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 February 2017:

Town Clerk Report for February	\$77,461.09
Interest for February	\$7.03
Greenspace Fees transferred to Trust & Agency Account	\$ 0

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

Old Business

RESOLUTION 2017 #147 Remove Item from Old Business

Supervisor Hosler moved and Councilman Feldmann seconded to remove 1 item from Old Business.

VOTE RESULT: ADOPTED
 AYES: Feldman, Macko, Hosler
 NAYS: None

RESOLUTION 2017 #148 Appointment of Zoning Board of Appeals Member

Councilman Feldmann moved and Supervisor Hosler seconded,

NOW, BE IT RESOLVED, that upon the recommendation of Supervising Code Enforcement Officer Paul Ryerse, Vincent Gugliuzza is hereby appointed to the Zoning Board of Appeals to a three (3) year term, to expire December 31, 2019

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

RESOLUTION 2017 #149 Waive Signage Fee for Easter Egg Hunt

Supervisor Hosler moved and Councilman Feldmann 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 Town of Evans Parks Department to have a double-sided interchangeable letter message board sign (4ft L x 2ft W x

3.5ft H) at the Evans Senior Center to advertise the Annual Easter Egg Hunt to be held on Saturday, April 1, 2017.

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

RESOLUTION 2017 #150 Authorize Supervisor to Enter Agreement with Erie County for the 2016-2017 CDBG Project Agreement for Comprehensive Master Plan Update

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans was awarded a Community Development Block Grant (CDBG) to update the Town's Comprehensive Master Plan;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary K. Hosler is hereby authorized to execute the CDBG Project Agreement, upon the approval of the Town Attorney, to update the Town's Comprehensive Plan in conjunction with the CDBG.

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

RESOLUTION 2017 #151 Authorize Supervisor to Enter Agreement with Erie County for the 2016-2017 CDBG Project Agreement for SMART Growth (Kennedy Ave Sidewalks)

Councilman Feldmann moved and Councilman Macko seconded,

WHEREAS, the Town of Evans was awarded a Community Development Block Grant (CDBG) for the CDBG Year 2016 Project - Smart Growth - Kennedy Avenue Sidewalks, to install sidewalks on Kennedy Avenue, Town of Evans, New York, from Ivanhoe, east, to Ellicott;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary K. Hosler is hereby authorized to execute the CDBG Project Agreement, upon the approval of the Town Attorney, for the CDBG Year 2016 Project - Smart Growth - Kennedy Avenue Sidewalks.

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

RESOLUTION 2017 #152 Authorize Supervisor to Enter Into Extension

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Contract for services between the Town of Evans and American Medical Response (AMR) will expire on April 30, 2017; and

WHEREAS, pursuant to the terms of the aforementioned Contract, it may be extended for a period of one (1) year;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary K. Hosler is hereby authorized to execute any documents necessary to extend the above referenced agreement for a period of one (1) year from its expiration, as per the terms and conditions of the current agreement.

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

RESOLUTION 2017 #153 Authorize Town Officials to Attend Evans Brant Chamber of Commerce President’s Award and Recognition Dinner

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS; Supervisor Mary Holser, Councilman Dennis Feldmann, Town Clerk Lynn Krajacic, Director of Finance Brittany Gloss, Assessor Jeneen McSkimming, and Secretary to the Supervisor Mary Holl request permission to attend the Evans-Brant Chamber of Commerce Annual President’s Award and Recognition Dinner to be held at the Evans Center Banquet & Conference Facility, Saturday, March 25, 2017; and

NOW THEREFORE BE IT RESOLVED, that Supervisor Mary Holser, Councilman Dennis Feldmann, Town Clerk Lynn Krajacic, Director of Finance Brittany Gloss, Assessor Jeneen McSkimming, and Secretary to the Supervisor Mary Holl be granted permission to attend said dinner and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

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

RESOLUTION 2017 #154 Advertise for Public Hearing for Proposed Local Law #3 of the Year 2017, Rezoning of 3 Properties on Route 5

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated February 16, 2017, the Planning Office has requested that the Town Board set a public hearing regarding the petition of the Town of Evans Planning Board, to

recommend a corrective action for the purpose of rezoning the properties located at 8996 Erie Road (SBL# 235.00-2-9) and 0 Erie Road (SBL# 235.00-2-8) from Rural Residential (RR) to General Business (GB); and 0 Erie Road (SBL# 235.00-2-3.11) from Residential Two-Family (R-2) to General Business (GB).

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to post and publish the needed legal notice for a public hearing to be held Wednesday, April 5, 2017 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #3 of 2017 regarding revisions to Town Code Chapter 200: Zoning.

BE IT FURTHER RESOLVED, the Planning Board Secretary is hereby authorized to notify, by mail, adjacent property owners of said Public Hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #155 Suspend the Rules

Supervisor Hosler moved and Councilman Feldmann seconded to suspend the rules of order for consideration of additional resolutions.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #156 Authorize Finance Department to Make Budget Transfers to Reclass Previously Budgeted Amounts

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Finance Department to make the following budget transfers to reclass previously budgeted amounts:

Transfer From:

SF.3410.400.02	Hydrant	\$10,000.00
SF.3410.230.00	Infrastructure	\$21,000.00

Transfer To:

SF.3410.400.05	Service Contract	\$31,000.00
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VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Macko Aye
 Supervisor Hosler Aye

RESOLUTION 2017 #157 Signage Fee Waiver Senior Center Advisory Board

Councilman Macko moved and Supervisor Hosler 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 Evans Senior Center Advisory Board to have a double-sided interchangeable letter message board sign (4ft L x 2ft W x 3.5ft H) in front of the Town of Evans Senior Center (999 Sturgeon Point Road, Derby, New York) for the Senior Center Meet and Greet. The sign will be displayed Sunday, March 19, 2017 through Saturday, March 25, 2017.

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

RESOLUTION 2017 #158 Cancelation of Invitation to Bid for Dredging for Sturgeon Point Marina

Councilman Feldmann moved and Councilman Macko seconded,

WHEREAS, the Town of Evans previously authorized preparation of an invitation to bid for dredging services for Sturgeon Point Marina with bids due on March 14, 2017;

NOW, THEREFORE, BE IT RESOLVED, that the invitation to bid for dredging for Sturgeon Point Marina in which bids were due on March 14, 2017 is hereby cancelled.

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

RESOLUTION 2017 #159 Authorize the Preparation of an Invitation to Bid for Dredging Services for Sturgeon Point Marina

Councilman Feldmann moved and Councilman Macko seconded,

RESOLVED, that the Town Engineer is hereby authorized to prepare an invitation to bid for the dredging of Sturgeon Point Marina, Town of Evans, New York, and

BE IT FURTHER RESOLVED, that 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 Monday, March 20, 2017; and

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

BE IT FURTHER RESOLVED that the bids are due to the Town Clerk’s office by 2:00 p.m. local time on Friday, March 31, 2017, at which time the bids will be publicly opened and read aloud.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Feldmann	Aye
Councilman Macko	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #160 Audit of Bills

Councilman Macko moved Councilman Feldmann seconded that all properly audited bills be paid out of the respective accounts per the following abstract:

<u>AUDIT OF BILLS</u>	
DATE	3/16/2017
ABSTRACT NO.	6
VOUCHER NO.	176 - 264
CHECK NUMBERS	76001 - 76064
APPROVED AT	Board Meeting
DATE	3/15/2017
GENERAL	\$228,317.19
PART TOWN	\$13,908.15
HIGHWAY DA	
HIGHWAY DB	\$48,480.16
WATER	\$9,175.41
CAPITAL PROJECTS	
SPECIAL DISTRICTS	\$654,374.78
DEBT SERVICE	
TA FUND	
SUBTOTAL	\$954,255.69
ACH EXXON MOBILE	8,117.92
TOTAL	\$962,373.61

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

RESOLUTION 2017 #161 Enter 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 hereinafter specified subject matter:

The general nature of the subject matter to be discussed as follows:

Litigation

THEREFORE BE IT RESOLVED Jennifer Farrell, Town Attorney and Lynn Krajacic, Town Clerk are invited to attend the Evans Town Board Executive Session. This resolution shall take effect immediately.

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

RESOLUTION 2017 #162 Close Executive Session

Councilman Macko moved and Supervisor Hosler seconded to close Executive Session.

VOTE RESULT: ADOPTED
 AYES: Feldmann, Macko, Hosler
 NAYS: None

RESOLUTION 2017 #163 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, March 22, 2017 at 6 pm for a Work Session and then to April 5, 2017 at 6pm for an Agenda Meeting, and then 7pm for the Town Board Meeting to follow.

VOTE RESULT: ADOPTED
 AYES: Feldman, Macko, Hosler
 NAYS: None

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
Town Clerk