

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 M. Krajacic	Deputy Town Clerk
	Jennifer Farrell	Town Attorney
	Michael Franey	Dog Control Officer
	Mary Holl	Supervisor's Secretary
	Jeneen McSkimming	Assessor

RESOLUTION 2016 - 372 Approve the Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the meeting of July 27, 2016 and the Work Session of August 10, 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

Supervisor Hosler reported that the Supervisor's July 2016 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

Privilege of the Floor

Richard Ziolo spoke of concerns for noise pollution from the bars in Grandview Bay. He also submitted a resolution from the Grandview Bay Community Association asking the Town to replace a protective fence between the Park and Turtle Joes Sandbar.

Public Hearing & Bid Opening

7:10pm Public Hearing for Consideration of Proposed Local Law #5 of the Year 2016

Supervisor Hosler asked the Town Clerk to read the legal notices as follows:

**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 August 17, 2016 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 for the consideration of the adoption of Proposed Local Law #5 of the year 2016, which will amend Local Law #1 of the year 1993 commonly referred to as the Vehicles and Traffic Law and any amendments thereto for proposed revisions to the Town Code Chapter 193: Article II, Section 193-12 Stop intersections, and Article VIII, Section 193-43 Schedule IX: Stop Intersections. A draft copy of the proposed amendments 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.

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 -373 Open Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the: public hearing for the consideration of Proposed Local Law #5 of the year 2016.

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

There being nobody wishing to speak, the Public Hearing was closed.

RESOLUTION 2016-374 Close Public Hearing

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

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

RESOLUTION 2016-375 Adopt Local Law #4 of the Year 2016 Stop Intersections

Councilman Feldmann moved and Supervisor Hosler seconded,

BE IT RESOLVED, that Proposed Local Law #5 of the year 2016 be adopted as Local Law #4 of the year 2016.

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

Privilege of the Floor con't

Carol Meissner, announced the Meissner family has purchased signs showing appreciation to the Evans Police Department that are available in the Supervisor's Office and the Police Department.

Committee and Department Head Reports

Councilman Macko reported on the Point Breeze Chair event, Movie in the Park and the Fire Chiefs Council.

Supervisor Hosler read the monthly Police Activity Report from the Police Department and reported on the ongoing budget process.

RESOLUTION 2016-376 Town Clerks Reports

Councilman Feldmann moved and Supervisor Hosler seconded to accept the reports of the Town Clerk as presented for the month of July:

Town Clerk Report for July	\$58,025.39
Interest for July	6.35

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

Old Business

Proposed Local Law #3 of 2016 Miscellaneous Revisions to Chapter 200
 Proposed Local Law #4 of 2016 Amend Code Chapter #168 Solid Waste & 142 Parks

RESOLUTION 2016-377 Remove Proposed Local Law #3 of the Year 2016 from Old Business for Consideration

Supervisor Hosler moved and Councilman Feldmann seconded,

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

RESOLUTION 2016-378 Adopt Local Law #5 of the Year 2016 Miscellaneous Revisions to Chapter 200

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law No. 3 of the year 2016 regarding miscellaneous code revisions to Section 200 will correct redundancy, typographical errors, clarify interpretations and streamline processes in the codes; and

WHEREAS, the Supervising Code Enforcement Officer has recommended adoption of these proposed code amendments; and

WHEREAS, the Evans Town Board held a public hearing on the proposed code amendments on June 15, 2016; and

WHEREAS, the Town of Evans submitted Site Plan or Zoning Referral to County of Erie, New York on June 13, 2016 and received Reply to Municipality designating no recommendations; and

WHEREAS, in accordance with PART 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR (State Environmental Review), the Evans Town Board declared itself SEQR Lead Agency, and issued a Negative Declaration of Significance;

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law No. 3 of the year 2016 be and hereby is adopted as Local Law No. 5 of the year 2016; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Code Enforcement Office.

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

RESOLUTION 2016-379 Execute Agreement with Comtel for Telephone Equipment, Maintenance and Service

Councilman Macko moved and Councilman Feldmann seconded,

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Evans is authorized to execute an agreement with COMTEL, 750 Ensminger Road, Suite 100, Tonawanda, NY for the maintenance & service of the Town of Evans telephone equipment, upon the approval of the Town attorney.

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

RESOLUTION 2016-380 Appointment of Part Time Police Dispatcher

Supervisor Hosler moved and Councilman Macko seconded,

BE IS RESOLVED, that Ashley Kurucz is hereby appointed as part-time dispatcher at a rate of \$10/hour while in training and \$13.55 /hour upon completion of training and contingent upon results of background investigation.

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

RESOLUTION 2016-381 Land Bank - Lakecrest Drive

Councilman Macko moved and Councilman Feldmann seconded,

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an inter-municipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the **TOWN OF EVANS**, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT RESOLVED, that **TOWN OF EVANS** hereby officially requests that BENLIC acquire the following propert(y)ies:

0 Lakecrest Drive

SBL# 205.03-1-9

AND BE IT FURTHER RESOLVED, that the **TOWN OF EVANS** has completed the required Standardized Inspector's Reports and Maintenance, Disposition and Reuse Plans (SIR/MDR plans) each property listed above and has attached the SIR/MDR plans to this resolution; and be it further

RESOLVED, that the **TOWN OF EVANS** agrees to reimburse Erie County for the costs associated with foreclosure of this property; and be it further

RESOLVED, that the **TOWN OF EVANS** agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property; and be it further

RESOLVED, that **TOWN OF EVANS** hereby agrees to the terms and conditions of the BENLIC Pay it Forward Policy, *to be adopted October 23, 2015** and that pursuant to section 1610 of the New York Not-for-Profit Corporation Law will remit to BENLIC 50% of the real property taxes collected for a period of five years on all of the parcels identified herein for which, upon disposition of the parcel, net proceeds are negative

0 Lakecrest Lane

SBL# 205.3-1-9

AND BE IT FURTHER RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

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

RESOLUTION 2016-382 Land Bank - 76 Chestnut Lane

Councilman Feldmann moved and Supervisor Hosler seconded,

WHEREAS, in July 2011 in recognition of the growing problem of distressed, vacant, abandoned, and tax-delinquent properties, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any Foreclosing Governmental Unit (FGU) to create a land bank to strategically acquire, improve, assemble, and sell these properties; and

WHEREAS, under this law, the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) was formed in May 2012 via an intermunicipal agreement among the county's four FGUs: Erie County and the Cities of Buffalo, Lackawanna, and Tonawanda; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by supporting municipal and regional revitalization efforts by strategically acquiring, improving, assembling, and selling these properties; and

WHEREAS, BENLIC (the land bank) seeks to work collaboratively with the cities, towns, and villages within Erie County to address the growing problem of distressed, vacant, abandoned, and tax-delinquent properties; and

WHEREAS, the **TOWN OF EVANS**, Erie County, has recognized the need to address the growing issues of distressed, vacant, abandoned, and tax-delinquent properties and is desirous of partnering with BENLIC to address this problem.

NOW, THEREFORE, BE IT

RESOLVED, that **TOWN OF EVANS** hereby officially requests that BENLIC acquire the following propert(y)ies:

76 CHESTNUT LANE

SBL# 249.20-2-1

; and be it further

RESOLVED, that the **TOWN OF EVANS** has completed the required Standardized Inspector's Reports and Maintenance, Disposition and Reuse Plans (SIR/MDR plans) each property listed above and has attached the SIR/MDR plans to this resolution; and be it further

RESOLVED, that the **TOWN OF EVANS** agrees to reimburse Erie County for the costs associated with foreclosure of this property; and be it further

RESOLVED, that the **TOWN OF EVANS** agrees to maintain each property selected by BENLIC during the time in which BENLIC holds title to the property; and be it further

RESOLVED, that ***TOWN OF EVANS*** hereby agrees to the terms and conditions of the BENLIC Pay it Forward Policy, *to be adopted October 23, 2015** and that pursuant to section 1610 of the New York Not-for-Profit Corporation Law will remit to BENLIC 50% of the real property taxes collected for a period of five years on all of the parcels identified herein for which, upon disposition of the parcel, net proceeds are negative

76 CHESTNUT LANE

SBL# 249.20-2-1

; and be it further

RESOLVED, that certified copies of this resolution will be sent to the Executive Director of the Buffalo Erie Niagara Land Improvement Corporation; the Commissioner of the Erie County Department of Environment and Planning; the Director of the City of Buffalo's Office of Strategic Planning; and the Mayors of the cities of Lackawanna and Tonawanda.

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

RESOLUTION 2016-383 Appointment of Economic Development Committee Member

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, effective immediately, that Jeneen McSkimming be appointed to the Economic Development Advisory Committee, term to expire December 31, 2016

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

RESOLUTION 2016-384 Suspend the Rules

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

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

RESOLUTION 2016-385 Marine Law Enforcement Training

Councilman Macko moved and Councilman Feldmann seconded,

RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Masullo for Patrolman Thomas Crupe to attend Marine Law Enforcement Training from September 12-16, 2016 in Lake George, NY, with lodging and meals to be paid for by the N.Y.S. Parks, Recreation and Historic Preservation;

AND FURTHER BE IT RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Masullo for Patrolman Ralph Maslach to attend Marine Law Enforcement Training from October 3-7, 2016 in Lake George, NY, with lodging and meals to be paid for by the N.Y.S. Parks, Recreation and Historic Preservation.

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

RESOLUTION 2016-386 Set 2nd Public Hearing for Proposed Local Law #4 of the Year 2016, Miscellaneous Code Revisions

Councilman Feldmann moved and Councilman Macko seconded

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, September 7, 2016 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #4 regarding miscellaneous Code Revisions.

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

RESOLUTION 2016-387 Approve Town Licenses

Supervisor Hosler moved and Councilman Macko seconded,

Licenses:

Paul J. McNaughton - Live Band Special Event License, August 14, 2016

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 Feldmann - AYE
 Councilman Macko-AYE
 Supervisor Hosler- AYE

RESOLUTION 2016-388 Audit of Bills

Councilman Macko moved and Councilman Feldmann seconded that all properly audited bills be paid out of their respective accounts per abstract #15 dated August 18, 2016 brought forth in the amount of \$116,333.26.

**DATE: 8/18/2016
 ABSTRACT NO. 15
 VOUCHER NO. 1410 - 1464
 CHECK NUMBERS 75216 - 75264**

Approved as per Board meeting 8/17/16 audit of bills

GENERAL	30,429.50
PART TOWN	3,939.07
HIGHWAY DA	
HIGHWAY	42,930.56
WATER	6,987.09
CAPITAL PROJECTS	
SPECIAL DISTRICTS	32,047.04
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	\$ 116,333.26

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

RESOLUTION 2016-389 Adjournment

Supervisor Hosler moved and Councilman Feldmann seconded to adjourn to a Work Session on Wednesday, August 24, 2016 at 6pm then to Wednesday, September 7, 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