

Evans Town Board

At a meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, October 7, 2015 there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	J. Grant Zajas	Town Attorney
	Charles LaBarbera	Building Inspector
	Sandra Brant	Planning Department
	Ernie Masullo	Chief of Police
	Diana Cafferty	Supervisor Department
	Rob Klavoon	Wendel

RESOLUTION 2015 #274 Approve Minutes

Councilman Cooper moved and Councilman Feldmann seconded that the reading of the minutes of the meeting of September 16, 2015 and September 30, 2015 be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

Communications

Supervisor Dash has submitted the Supervisor's Monthly report for the month of August to the Town Board and filed a copy with the Town Clerk in accordance with Town Law.

Privilege of the Floor on Agenda Items and Other Issues

Bill Henry 1456 Pontiac Road, Angola New York thanked the Town Attorney for writing the resolutions being passed at this meeting and spoke about the different aspects of Geo Thermal Energy.

Committee and Department Head Reports

Councilman Feldmann reminded that volunteers are needed for construction of the new playground at the Town Park will start on Saturday at 8am.

Supervisor Dash announced that Wesley Hicks Jr. MD, Town of Evans resident was named to Newsweek's 2015 list of Top Cancer Doctors. More than 100,000 nominations were received. Supervisor Dash read a letter from WM Schutt Associates informing the Town that The Woods at Grey Cliff Subdivision construction has been delayed due to the presence of the endangered northern long eared bat.

RESOLUTION 2015 #275 Town Clerks Reports

Supervisor Dash moved and Councilman Feldmann seconded to accept the reports of the Town Clerk as presented for the month of September 2015:

Town Clerk & Water receipts September	\$26,793.50
Interest September	\$ 3.61

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015 #276 Authorize Supervisor to Enter into Agreement with Penflex for the LOSAP Program

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the Town Board of the Town of Evans adopted a resolution regarding participation of certain volunteer firefighters in the Service Award Program; and

WHEREAS, a Plan Document regarding such Service Award Program was adopted in 1997; and

WHEREAS, continued investigation into the terms and provisions of such Service Award Program has been undertaken by the Town; and

WHEREAS, in light of such investigation and review it is deemed appropriate that such Plan Document governing such Service Award Program be updated and revised; and

WHEREAS, in consequence of the above the Town of Evans has engaged the services of Penflex, Inc. to review and prepare such Plan Document and the same has been presented to the Town Board, being dated September, 2015; and

WHEREAS, in consideration of the same it is deemed prudent, reasonable and advisable to adopt such Plan Document so prepared and dated, as well as a Summary of Program Provisions to be made available to those who participate or may participate in such Service Award Program governed and described in the afore said Plan Document; and

WHEREAS, in connection with the foregoing, Penflex, Inc. has submitted a Service Fee Agreement covering the services by them to be provided for the period of November 1, 2015 and continuing through October 31, 2016; and

WHEREAS, the proposal for such services to be provided and which have been provided by Penflex, Inc. is hereby deemed reasonable and the provision of such proposed service prudent;

NOW THEREFORE BE IT RESOLVED, that the aforesaid Plan Document dated September, 2014 and the said Summary of Program Provisions above, a copy of which shall be retained by the Town Clerk, are hereby adopted for the governance of such Service Award Program; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes and directs the Supervisor of the Town of Evans, Keith E. Dash or his designee to execute and deliver such Service Fee Agreement, a copy of which is to be held on file with the Town Clerk, and to deliver an executed copy of the same, in as many counterparts as deemed by the supervisor to be appropriate to Penflex, Inc. and to direct and facilitate the payment of such sums as may become due to Penflex, Inc., pursuant to the terms of such Agreement.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015 #277 Declare Surplus Vehicle

Councilman Feldmann moved and Councilman Cooper seconded,

RESOLVED that the Evans Town Board declare the following item as surplus equipment to be sold at public auction:

- 1) One (1) 1998 Ford L 95 Dump Truck with Plow Equipment
 Vin# FDYS92PXWVA30822

This equipment is no longer of use to the Town and the cost of repairs is more than the vehicle is worth.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015 #278 Support Legislation for the Exemption of Sales tax for Retail Sale of Geothermal Heat Pump Systems

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Town of Evans supports and commends the New York State Legislature for passing into law Bill A-05508 and Bill S-04279 exemption from tax retail

sale of residential and commercial geothermal heat pump systems equipment and the service of installing such systems; and

WHEREAS the Town of Evans also supports and commends the New York State Legislature for passing into law Bill A-02177 and Bill S-02905 establishing a tax credit for qualified geothermal energy system expenditures, as more fully defined and specified in such legislation; and

WHEREAS it is understood that such legislation has been presented to the Governor of the State of New York for signature to enact the same into law;

WHEREAS the Town of Evans views such legislation as responsible, progressive and beneficial to the environment and to the residents of the State of New York;

NOW THEREFORE BE IT RESOLVED THAT the Town of Evans supports such legislation and urges the Governor of the State of New York to take all steps necessary for the prompt adoption and implementation of such legislation

AND BE IT FURTHER RESOLVED that a copy if this resolution be presented to the Governor of the State of New York as evidence of such support and encouragement of such action.

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2015 #279 Support Legislation for the Exemption of Erie County Sales Tax for Retail Sale and Installation of Geothermal Heat Pump Systems

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, the Town of Evans supports and commends the passage by the New York State Legislature(A05508 & S04279) into law the exemption for the removal of the States portion of sales tax imposed upon the retail sale of residential and commercial geothermal heat pump systems equipment and the service of installing such systems; and

WHEREAS, the Town of Evans also recognizes Erie County as a leader in Renewable Energy and should be at the forefront of removing the counties portion of said Sales tax for geothermal systems, as such being one of the first counties to do so; and

WHEREFORE the Town Board of the Town of Evans recognizes such legislation passed by the Senate and Assembly of the State of New York as appropriate and to the preservation of the environment, reduction of fossil fuels, to the conservation of natural resources and that all forms of renewable energy are needed to stop Global warming and Climate Change.

RESOLVED, that the Town of Evans hereby formally requests and petitions the County of Erie to remove their portion of the local sales and use tax on the retail sale of residential and commercial geothermal heat pump systems equipment and the service of installing such systems;

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Legislator John Mills, Legislator Lynne Dixon and to the Legislature of the County of Erie for the consideration of, and action upon, the same.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015 #280 Celebration of Halloween

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the Evans Town Board declares the celebration of Halloween in the Town of Evans for Saturday, October 31, 2015: and

WHEREAS, the citizens of the Town of Evans are hereby requested to leave an outside light on during the hours of 6:00 pm to 8:00 pm to insure the safety of the children in their Trick or Treat travels and show willingness to participate in the celebration of Halloween with the children of our community,

NOW THEREFORE BE IT RESOLVED, that a copy of this resolution be published by the Town Clerk in the Angola Pennysaver.

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2015 #281 Engineering Services for Kennedy Avenue Greenway Path Phase 2 Contract 15-1

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C, dated September 21, 2015 for services during construction, subject to the approval of the Town Attorney.

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2015 #282 Engineering Services for Town Hall Electrical

Councilman Cooper moved and Councilman Feldmann seconded,

RESOLVED, that Supervisor of the Town of Evans is hereby authorized to sign the agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C. dated September 21, 2015 for design and services during construction for the repairs to the Town Hall Electrical Service, subject to the approval of the Town Attorney.

VOTE RESULT: ADOPTED
AYES - Feldmann, Cooper, Dash
NAYS - none

RESOLUTION 2015 #283 Change Order #1 for Contract 1 Kennedy Avenue Greenway Path Phase 2

Councilman Feldmann moved and Supervisor Dash seconded,

WHEREAS, the Town of Evans awarded a bid to M.E.R. Services of WNY, LLC to complete Contract 15-1, Kennedy Avenue Greenway Path Phase 2, and

WHEREAS, the Contractor has requested an extension of time to complete this project,

NOW THEREFORE BE IT RESOLVED, that the Town of Evans Town Board authorizes Change Order No.1 that changes the contract completion dates as follows:

- Substantial Completion: November 15, 2015
- All Work Complete: May 1, 2016

VOTE RESULT: ADOPTED
AYES - Feldmann, Cooper, Dash
NAYS - none

RESOLUTION 2015 #284 Change Order #1 for Contract 1 Roadway Project Phase 3 Contract 15-2

Supervisor Dash moved and Councilman Cooper 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, due to unforeseen field conditions, additional materials and labor are needed in order to facilitate repair of waterlines,

NOW THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes Change Order No. 1 as outlined in their proposal dated September 22, 2015

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2015 #285 Advertise for Bids Town Hall Electrical Upgrades Contract 15-3

Councilman Cooper moved and Councilman Feldmann seconded,

Whereas, the Town of Evans has authorized Wendel WD Architecture, Surveying & Landscape Architecture, PC to complete the plans and specifications for the repairs to the Town Hall Electrical Service project (Contract 15-3), and

Whereas, Wendel has completed the plans and specifications and has received the necessary approvals from the reviewing agencies.

Now, therefore be it resolved, that the Evans Town Board authorizes the Town Clerk to advertise for said bids as follows:

- Contract Documents Available: October 15, 2015
- Open Bids: October 29, 2015 at 11:00 AM

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2015 #286 Advertise for Bids for Historical Building Roof Repair Contract 15-4

Councilman Feldmann moved and Supervisor Dash seconded,

Whereas, the Town of Evans has authorized Wendel WD Architecture, Surveying & Landscape Architecture, PC to complete the plans and specifications for the structural repairs for the Town of Evans Historical Building project within the (Contract 15-4), and

Whereas, Wendel has completed the plans and specifications as required,

Now, therefore be it resolved, that the Evans Town Board authorizes the Town Clerk to advertise for said bids as follows:

- Contract Documents Available: October 15, 2015
- Open Bids: October 29, 2015 at 11:30 AM

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2015 #287 Permission for the Justice Court to Submit Grant Application

Supervisor Dash moved and Councilman Cooper seconded,

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

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.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015 #288 Suspend the Rules

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

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2015 #289 Adopt Preliminary Budget

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, on September 30, 2015 the Supervisor of the Town of Evans duly filed the tentative budget for the fiscal year beginning January 1, 2016 and ending December 31, 2016 with the Town Clerk; and

WHEREAS, the Town Clerk of the Town of Evans duly presented said tentative budget to the Town Board on or before October 5, 2015;

NOW THEREFORE BE IT RESOLVED that in accordance with Section 106 of Town Law, the tentative budget as revised, amended or modified by the Town Board shall constitute the Preliminary Budget of the Town of Evans for the fiscal year beginning January 1, 2016 and ending December 31, 2016; and

BE IT FURTHER RESOLVED that the Preliminary Budget shall be filed in the Office of the Town Clerk of the Town of Evans and said Town Clerk is hereby authorized and directed, on or after October 21, 2015, to reproduce copies for public distribution at a cost of \$15.00 per copy and to also place the budget on the Town of Evans Website where there will be no cost to the public.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015-290 Set Public Hearing for 2016 Preliminary Budget

Supervisor Dash moved and Councilman Cooper seconded,

RESOLVED, that in accordance with Article 8, Section 108 of Town Law, that a public hearing be held to hear those people wanting to discuss the Preliminary Budget on November 4, 2015 at 7:10 pm at the Evans Town Hall; and

BE IT FURTHER RESOLVED, THAT THE Town Clerk advertise said Public Hearing in accordance with Town Law.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015-291 Set Public Hearing for Angola Fire Protective District

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, the Angola Protective Fire District has been duly established as a Fire Protection District within the Town of Evans; and

WHEREAS, Town Law requires the Town of Evans to provide fire protection within said Fire District;

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 184 of Town Law that a public hearing be held with reference to the furnishing of such fire protection for the Angola Fire Protective District which shall be held on the 4th day of November, 2015 at 7:10 pm and that notice of such hearing shall be published in the official newspaper of the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015 #292 Audit of Bills

Councilman Cooper moved and Councilman Feldmann seconded,

BE IT RESOLVED, that all properly audited bills be paid out of their respective accounts per abstract brought forth:

DATE: 9/23/2015
ABSTRACT NO. 19
VOUCHER NO. 1645-1737

GENERAL	176,247.13
PART TOWN	36,220.03
HIGHWAY DA	
HIGHWAY	156,414.42
WATER	8,765.49
CAPITAL PROJECTS	330.00
SPECIAL DISTRICTS	38,895.95
DEBT SERVICE	
COMM DEVELOPMENT	
TOTAL	\$ 416,873.02

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann - AYE
 Councilman Cooper-AYE
 Supervisor Dash- AYE

RESOLUTION 2015 #293 Adjournment

Supervisor Dash moved and Councilman Cooper seconded to adjourn to Wednesday, October 14, 2015 @ 6:15pm for a Work Session and then to Wednesday, October 21, 2015 at 6:30pm for an Agenda Meeting and 7:00pm for the Town Board Meeting.

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 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