

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:      | Michael Schraft  | Councilman             |
|               | Jeanne Macko     | Councilman             |
|               | Mary Hosler      | Supervisor             |
| ALSO PRESENT: | Lynn Krajacic    | Town Clerk             |
|               | Jennifer Farrell | Town Attorney          |
|               | Jeneen Hill      | Assessor               |
|               | Brittany Gloss   | Director of Finance    |
|               | Mary Holl        | Supervisor's Secretary |
|               | Ed Michalski     | Highway Superintendent |
|               | James Guarino    | Water Department       |
|               | Patrick Conrad   | Parks Crew Chief       |
|               | Douglas Czora    | Police Chief           |

**RESOLUTION 2019 #63 Approve Minutes**

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the Agenda Meeting and the Regular Meeting of December 19, 2018 and Work Session of December 27, 2018 be dispensed with and accepted as submitted by the Town Clerk.

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

**RESOLUTION 2019 #64 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 December 2018:

Town Clerk Report December	\$12,456.68
Interest for December	\$1.48
Greenspace Fee	\$700.00

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

**RESOLUTION 2019 #65 Remove Comprehensive Plan from Old Business**

Supervisor Hosler moved and Councilman Schraft seconded to remove the Joint Comprehensive Plan from Old Business.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #66 Comprehensive Plan - Amendment**

Councilman Macko moved and Councilman Schraft seconded to amend the Comprehensive Plan as reflected in updated draft copy.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #67 Adopt Joint Comprehensive Plan**

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Town Board of the Town of Evans (the “Board”) is responsible for the preparation and adoption of the Town of Evans-Village of Angola Comprehensive Plan (the “Plan”), pursuant to Section 272-a of the New York State Town Law; and

WHEREAS, the Plan was funded by Erie County through the Community Development Block Grant program; and

WHEREAS, a steering committee (the “Committee”) of volunteers, including Town and Village residents, elected officials, local Board members, and other representative stakeholders was created and charged with the update to the Plan together with the planning consultant, Clark Patterson Lee; and

WHEREAS, numerous committee meetings, public meetings and workshops, and other avenues for community outreach were held through the duration of the project to receive public input on the update to the Plan; and

WHEREAS, the Committee and the planning consultant undertook a comprehensive study of the historic and existing conditions in the Town and Village; identified issues and opportunities; analyzed numerous topics and potential options; and developed goals, objectives, policy recommendations and implementation strategies which resulted in the Comprehensive Plan Update; and

WHEREAS, the Committee provided the Board with the final draft of the Plan prior to the regular Board meeting on November 7, 2019 for review and consideration of adoption pending a public hearing; and

WHEREAS, on August 31, 2019 the Board referred the Plan to Erie County Department of Planning under Section 239m of the General Municipal Law; and

WHEREAS, Erie County Department of Planning reviewed the Plan and provided minor comments including the addition of other County-level plans that are pertinent for reference in the Plan and general comments on future infrastructure and implementation, which were incorporated accordingly into the Plan; and

WHEREAS, pursuant to Section 272-a.6 of Town Law of the State of New York, the Board did hold public hearings on August 15, 2019 and December 5, 2019 at Town Hall to provide an opportunity for citizen comment prior to final adoption; and

WHEREAS, the Board, as the designated Lead Agency, conducted an environmental review under the State Environmental Quality Review Act and issued a Negative Declaration on December 19, 2019.

WHEREAS, the Town Board, after having reviewed the comprehensive plan further and considering public comment from the above referenced public hearings, made modifications to certain portions of the comprehensive plan, specifically the future land use map of the Town, based upon the following justification:

Recent trends in land use show towns are moving away from Light Industrial (even though our future land use map increased in size). With this comprehensive plan, the Town of Evans must look at trends to best move the Town forward to create a sound tax base and employment. There are many towns and cities with streets lined with empty commercial buildings that need to be repurposed. The Town of Evans has empty buildings on Hardpan Road that need to be rejuvenated as they generate the greatest tax base from our industrial zone as these properties are in the Lake Shore Central School District. Just recently, a local manufacturing plant closed stating the trend in manufacturing is to move away from facility ownership. The Framework for Regional Growth Plan is to restrict "strip" commercial and industrial development along arterials and highways, and to minimize conversion of significant open space and agricultural lands in developing areas.

A goal of the Erie County Farm Protection Plan-2012 is establishing an Agribusiness in the Town that will stimulate economic growth. The Town believes it is an investment to support agriculture and open space preservation that coincides with Goal #4 of the Town's Comprehensive Plan. The former airport site was found to be the best location because of the direct support of local farmers which allows for "direct from the farm" products. The primary agriculture on Eden Evans Center Road directly supports the initiative of the project by retaining the best farmland in Town. The lands are in the Erie County Agricultural district and creates a good buffer between industry and residential along with protecting larger lot sizes. With cooperation between the new Agribusiness and local farmers, tourism to our Town can be increased by implementing Agritourism through the "Sowing the Seeds for Southtowns

Agribusiness” Plan, which enables people to see how their food is grown and prepared, using local crops, from start to finish.

Categorizing the south side of Eden Evans Center Road as Ag-Industrial mimics the uses of the Agricultural and Open Space zoning but draws more attention to the commercial aspects of the zone. It protects the lands, allows future agriculture development, and directly supports the development of the new Agribusiness to ensure its success.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans does hereby adopt and place on file the update to the Comprehensive Plan, as an important planning tool for the future of the community which identifies a wide range of issues, initiatives, studies, projects and programs which can be undertaken by various entities in the short- and long-term.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #68 Appointment of Part Time Police Officer**

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, there is an opening for a part-time Police Officer in the Evans Police Department; and

WHEREAS, Peter Randall meets the requirements needed to become a part-time police officer; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Peter Randall to the position of part-time police officer with the Evans Police Department, effective immediately; and

FURTHER, BE IT RESOLEVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the Evans Police Benevolent Association collective bargaining agreement.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #69 Authorize Town Board to Attend NYS Association of Towns Training**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town Supervisor and Councilmen request permission to attend the annual Association of Towns training; and

WHEREAS, said training will be held in New York City on February 17-20, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Town Supervisor Mary Hosler, Councilman Jeanne Macko and Councilman Schraft to attend said training and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #70 Authorize Town Attorney to Attend NYS Association of Towns Training**

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS; the Town Attorney requests permission to attend the Annual Association of Towns' training; and

WHEREAS; said training will be held in New York City on February 17-20, 2019; and

NOW, THEREFORE BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Jennifer S. Farrell, Esq., Town Attorney, to attend said training and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #71 Appointment of New York State Association Delegate**

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans is a member of the NYS Association of Towns; and

WHEREAS, the Association of Towns will hold its' 2019 Training School and Annual Meeting from February 17-20, 2019; and

WHEREAS, the Annual Business Session will be held on February 20; and

WHEREAS, pursuant to Section 6 of Article III of the Constitution and Bylaws of the NYS Association of Towns;

NOW, THEREFORE BE IT RESOLVED, that Town of Evans Supervisor Mary Hosler has been designed Delegate for voting purposes.

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

**RESOLUTION 2019 #72 Discharge of New Era PILOT Mortgage**

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Erie County Industrial Development Agency and New Era Cap Co. entered into a certain PILOT Agreement on February 1, 2011, and to secure the receipt of such PILOT payments to be paid by New Era Cap Co., the Erie County Industrial Development Agency and New Era Cap Co. also entered into a PILOT Mortgage Agreement on February 1, 2011, giving a mortgage to the County of Erie and Town of Evans, and

WHEREAS, all payments have been wholly and timely made to the Town of Evans under the terms of said PILOT Agreement and PILOT Mortgage Agreement,

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Hosler is authorized to execute a Discharge of Mortgage regarding said PILOT Agreement and PILOT Mortgage Agreement.

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

**RESOLUTION 2019 #73 Authorize Assess to Attend NYS Assessor Association Executive Board 2019 Sessions**

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans Assessor Jeneen Hill requests permission to attend the New York State Assessor’s Association of Towns Executive Board Session; and

WHEREAS, said 2019 sessions will be held as follows:

- January 11-12, 2019, Middletown, New York
- April 11-12, 2019, Cazenovia, New York
- July 12-15, 2019, Ithaca, New York
- And
- September 22-25, 2019, Lake Placid, New York

NOW, THEREFORE BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Town of Evans' Assessor Jeneen Hill, to attend the above referenced 2019 sessions with all expenses being paid for by the New York State Assessor's Association.

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

**RESOLUTION 2019 #74 Declare Surplus Police Equipment**

Supervisor Hosler moved and Councilman Schraft seconded,

RESOLVED, that the following police equipment is hereby declared surplus equipment and will be sold with proceeds being deposited in the Town's General Fund account:

- 1 Kenwood TK-260-K Portable Radio with accessories, serial number: 21201576.
- 6 Kenwood TK-2160-K Portable Radios with accessories, Serial Numbers:

- 80802375
- A9200918
- A9200919
- A9603576
- A9801174
- A9801175

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

**RESOLUTION 2019 #75 Declare Surplus Police Vehicles**

Councilman Schraft moved and Supervisor Hosler seconded,

RESOLVED, that the following police vehicles are hereby declared surplus equipment and will be sold at auction with proceeds being deposited in the Town's General Fund account:

- 2005 Ford Crown Victoria VIN: 2FAFP71W75X102850
- 2011 Ford Econoline Van VIN: 1FTNE1EW1BDA38570

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

**RESOLUTION 2019 #76 Authorize Supervisor to Execute an Engagement Letter for Deferred Comp Audit**

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, Section 9005 of State Finance Law § 5; L. 1982, chapter 547 states that the Board, with respect to the Town’s deferred compensation plan, shall be responsible for causing such plan to be in compliance with Section 9005 for each plan year; and

WHEREAS, for a plan year, if the plan has fewer than 100 participants as of the last day of the plan year the Town Board shall engage a certified public accountant to conduct a review of the plan’s activities during the plan year and to produce an agreed-upon procedures report for the plan year, which report shall specify the procedures and the results of the procedures by such firm of certified public accountants in the review of each item; and

WHEREAS, Drescher & Malecki, LLP is currently the Town’s engaged certified public accountants; and

WHEREAS, prior to the execution of the engagement agreement, the Town Attorney will review the engagement agreement for approval as to the legal form, language and compliance; and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to sign an engagement letter with Drescher & Malecki, LLP to provide an agreed upon procedures report of the Town’s deferred compensation plan for the fiscal year ended December 31, 2018.

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #77 Advertise Public Hearing for Proposed Local Law #1 of 2019 - Marina Permits**

Supervisor Hosler moved and Councilman Schraft 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, February 13, 2019 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #1 of 2019 regarding code revisions to Evans Town Code Chapter 132: Marinas, Section 132-3, Permits.

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye



**RESOLUTION 2019 #78 Advertise Public Hearing for Proposed Local Law #2 of 2019 - Ethics**

Councilman Schraft 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, February 13, 2019 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #2 of 2019 regarding code revisions to Evans Town Code Chapter 16: Ethics.

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #79 Refund of Fees VFW**

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, VFW Post #5798, Angola, New York submitted paperwork and a \$75.00 fee for a Live Band Special Event License on November, 21, 2018; and

WHEREAS, said license was not needed;

THEREFORE, BE IT RESOLVED, the Evans Town Board authorizes the refund of the \$75.00 to VFW Post #5798, Angola, New York

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #80 Suspend the Rules for Consideration of Additional Resolutions**

Supervisor Hosler moved and Councilman Macko seconded,

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #81 Disciplinary Charges - Town Employee**

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Town Board of the Town of Evans, New York, has determined that there is probable cause to prefer disciplinary charges against employee Steven Bremer for incompetence and misconduct under section 75 of the Civil Service Law; and

WHEREAS, the Town Board of the Town of Evans, New York, wishes to delegate Town Supervisor, Mary K. Hosler, and hereby authorizes her to prefer disciplinary charges against employee Steven Bremer for incompetence and misconduct under section 75 of the Civil Service Law; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of Evans hereby designates and authorizes Town Supervisor, Mary K. Hosler, to prefer disciplinary charges against employee Steven Bremer for incompetence and misconduct under section 75 of the Civil Service Law, including the authority to amend, supplement, and otherwise revise said charges, and

BE IT FURTHER RESOLVED THAT the Town Board of the Town of Evans hereby designates and authorizes Town Supervisor, Mary K. Hosler, to suspend employee Steven Bremer under Civil Service Law section 75 pending disposition of charges.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #82 Advertise for Director of Planning & Community Development**

Supervisor Hosler moved and Councilman Macko seconded,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to advertise for the Director of Planning and Community Development position in the Dunkirk Observer, Town of Evans website and Indeed.com with resumes due by 11:00am on Tuesday, January 29, 2019 to the Supervisor’s Office at 8787 Erie Road, Angola, New York 14006.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2019 #83 Town Licenses**

Supervisor Hosler moved and Councilman Schraft seconded,

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

Licenses

J.J. Parks D/B/A Castaways Bar & Grill - Refreshment & Amusement

Gary T. Ballowe D/B/A Turtle Joe’s Sand Bar - Refreshment, Amusement & Live Band

Hospitality West LLC D/B/A Pizza Hut - Refreshment

Robert J. Pasinski D/B/A Jovial Bar II, Inc. - Refreshment & Amusement

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

**RESOLUTION 2019 #84 Audit of Bills**

Councilman Macko moved and seconded Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts per abstract

<u>AUDIT OF BILLS</u>	
DATE	1/10/2019
ABSTRACT NO.	1
VOUCHER NO.	4041 - 4108
CHECK NUMBERS	78912 - 78967
APPROVED AT	Board Meeting
DATE	1/9/2019
GENERAL	\$46,390.56
PART TOWN	\$2,966.75
HIGHWAY DB	\$63,823.14
WATER	\$0.00
CAPITAL PROJECTS	\$29,882.53
SPECIAL DISTRICTS	\$25.00
DEBT SERVICE	
TOTAL	\$143,087.98

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

**RESOLUTION 2019 #85 Audit of Bills**

Councilman Macko moved and seconded Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts per abstract

<u>AUDIT OF BILLS</u>	
DATE	1/10/2019
ABSTRACT NO.	1A
VOUCHER NO.	4109 - 4120
CHECK NUMBERS	78971 - 78981

APPROVED AT	Board Meeting
DATE	1/9/2019
GENERAL	\$140,161.23
PART TOWN	\$2,204.89
HIGHWAY DB	\$30,523.07
WATER	\$4,697.92
CAPITAL PROJECTS	\$0.00
SPECIAL DISTRICTS	\$0.00
DEBT SERVICE	
TOTAL	\$177,587.11

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

**RESOLUTION 2019 #86 Adjournment**

Supervisor Hosler moved to adjourn to Wednesday, January 16, 2019 at 6pm for a Work Session and 7pm for a Regular Town Board Meeting.

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

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, RMC  
 Town Clerk