

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:

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|---------------|------------------|------------------------------|
| PRESENT: | Jeanne Macko | Councilman |
| | Michael Schraft | Councilman |
| | Mary Hosler | Supervisor |
| ALSO PRESENT: | Lynn M. Krajacic | Town Clerk |
| | Sean Beiter | Counsel to the Town of Evans |
| | Doug Czora | Chief of Police |
| | Mary Holl | Supervisor's Office |

RESOLUTION 2019 #352 Approve Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the meeting of July 30, 2019 and August 7, 2019 be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

Supervisor Hosler reported that the Supervisor's June 2019 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

William Smith, Director of Planning & Community Development RE: Revisions to Town Code, Chapter 193 - Vehicles and Traffic, to address the ongoing issue of motor vehicles using and parking on sidewalks and shared-use paths in the Town of Evans.

RESOLUTION 2019 #353 Authorize Town Clerk to Advertise Public Hearing

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, in a letter dated August 16, 2019, the Planning Director of the Town of Evans has requested that the Evans Town Board set a public hearing to consider the adoption of Proposed Local Law #10 of 2019 regarding proposed amendments to Town Code Chapter 193, Vehicles and Traffic; and

WHEREAS, the purpose of the revisions is to address the ongoing issue of motor vehicles using and parking on sidewalks and shared-use paths in the Town.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorize the Town Clerk to advertise for a public hearing to be held on September 4, 2019 at 7:10pm for the consideration of said Rezoning request.

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

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

William Smith, Director of Planning & Community Development RE: Special Use Permit - for the operation of a used car lot in a defined area and a 180 sq. ft. office space within the existing building, located at 8555 Southwestern Blvd. (a.k.a. U.S. Route 20), Angola, NY, SBL# 221.00-3-16.2. Petitioner: Anthony Martorana, PO Box 25, 1061 Beach Rd., Angola, NY 14006

RESOLUTION 2019 #354 Authorize Town Clerk to Advertise Public Hearing

Councilman Schraft moved and Supervisor Hosler Macko seconded,

WHEREAS, in a letter dated August 16, 2019, the Planning Director has requested that the Town Board set a public hearing regarding the petition of Anthony Martorana for a Special Use Permit for the operation of used car lot in a defined area and a 180 sq. ft. office space within the existing building, located at 8555 Southwestern Blvd. (a.k.a. U.S. Route 20), Angola, NY, SBL# 221.00-3-16.2.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on September 18, 2019 at 7:10pm for the consideration of said special use permit, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Board for review and recommendation prior to the public hearing, and

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

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

William Smith, Director of Planning & Community Development RE: Special Use Permit - for the operation of a dog day care, training and grooming facility to be located at 6777 Erie Road

(a.k.a. NYS Route 5) Derby, NY 14047, SBL# 192.20-6-1.1. Petitioner: Catalano Motors/Michael Argentieri, 8327 Erie Rd., Angola, NY 14006.

RESOLUTION 2019 #355 Authorize Town Clerk to Advertise Public Hearing

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, in a letter dated August 16, 2019, the Planning Director has requested that the Town Board set a public hearing regarding the petition of Louis Catalano of Catalano Motors for a Special Use Permit for the operation of a dog day care, grooming and training facility to be located at 6777 Erie Road, Angola, NY 14006, SBL# 192.20-6-1.1.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on September 18, 2019 at 7:10pm for the consideration of said special use permit, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Board for review and recommendation prior to the public hearing, and

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

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

RESOLUTION 2019 #356 Remove Items from Old Business

Supervisor Hosler moved and Councilman Schraft seconded to remove item #2 - Anti Harassment & Discrimination Police, item #3 Engineering Services for Marina Breakwall and item #4 Social Media Policy from Old Business

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

RESOLUTION 2019 #357 Anti-Harassment and Discrimination Policy

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans has established an Anti-Harassment and Discrimination Policy:

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the above referenced policy, effective immediately.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #358 Social Media Policy

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans has established an Social Media Policy:

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the above referenced policy, effective immediately.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #359 Engineering Services for Sturgeon Point Marina Breakwall Rehabilitation

Supervisor Hosler moved and Councilman Macko seconded,

BE IT RESOLVED, the Town of Evans hereby accepts the engineering services proposal from Clark Patterson Lee for the Sturgeon Point Marina Breakwall Rehabilitation, related to design and construction services, not to exceed \$374,000.

FURTHER BE IT RESOLVED, that Supervisor Mary Hosler is authorized to execute the above referenced proposal agreement, upon review of Counsel for the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #360 Comtel Agreement

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, that the Town of Evans renew and enter into a Maintenance & Service agreement for the Town of Evans telephone system with COMTEL located at 750 Ensminger

Road, Suite 100, Tonawanda, New York 14150 for the period of August 1, 2019 to July 31, 2020 in the amount of \$2,228.26 per said contract period, which is the New York State OGS pricing.

FURTHER, BE IT RESOLVED, that the Supervisor Hosler is hereby authorized to execute the contract, upon the approval of Counsel for the Town of Evans.

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

RESOLUTION 2019 #361 Change Broker of Record

Councilman Macko moved and Supervisor Hosler seconded to Table this resolution

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

RESOLUTION 2019 #362 Road Closures

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the residents of Iroquois, Mohawk, Tuscarora, Seneca, Mergenhagen roads desire to have a neighborhood block party on September 1, 2019; and

WHEREAS, the public safety responsibility for those people enjoying the celebration, those people residing in this celebration area, and the people who will transverse this area, are a responsibility that is best served through the following road closures;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the closing of Mohawk. from Mergenhagen to Iroquois, for the purpose of providing public safety to all participants, residents, and traffic beginning at 12:00 p.m. on September 1, 2019 and re-opening at 7:00 p.m. in addition to all other public safety measures as set forth under the Code of the Town of Evans; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish this resolution in The Observer, the official paper of the Town of Evans, and post on the Town’s website; and

BE IT FURTHER RESOLVED, that the above referenced roads shall be closed for pedestrian traffic, and no tents or other items shall be located in the roadways in order to maintain access for emergency vehicles; and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Police Department, Highway Department, and Town Clerk’s Office.

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

RESOLUTION 2019 #363 BENLIC

Councilman Schraft 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 property:

9579 Lake Shore Road , SBL# 250.09-3-1.11

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 BE 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 the Evans Town Board hereby agrees to the terms and conditions of the BENLIC Pay it Forward Policy, *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

9579 Lake Shore Road, SBL# 250.09-3-1.11

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 Macko Aye
 Councilman Schraft Aye
 Supervisor Hosler Aye

*Property currently on Erie County INREM 167 #1232

Resolution 2019 #364 Suspend the Rules of Order for Additional Resolutions

Supervisor Hosler moved and Councilman Schraft seconded to Suspend the Rules of Order for consideration of an additional resolution

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

RESOLUTION 2019 #365 Community Development Block Grant 2020-2021

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans will be applying for the Community Development Block Grant for the year 2020-2021, and

WHEREAS, the Evans Town Board authorizes the Town Clerk to advertise a public hearing on September 18, 2019 at 7:10pm for the purpose of eliciting citizen input regarding the Town's Community Development Block Grant,

AND BE IT FURTHER RESOLVED, that the Evans Town Board authorize the Supervisor and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Block Grant Program,

AND FURTHER BE IT RESOLVED, that a certified copy of this resolution be given to the Supervisor's Office.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #366 Part Time Clerk

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, due to the resignation of Lauren Hamm, there is an opening for a part-time Clerk in the Town Clerk's Department;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Ruth Davis to the position of part-time Clerk at a rate of \$12.00 per hour, effective immediately.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2019 #367 Town Licenses

Supervisor Hosler moved and Councilman Macko 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

Matt Shaw - Suncliff. - Fireworks - August 24, 2019

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye

Supervisor Hosler Aye

RESOLUTION 2019 #368 Audit of Bills

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

AUDIT OF BILLS

DATE	8/22/2019
ABSTRACT NO.	15
VOUCHER NO.	5316 - 5408
CHECK NUMBERS	79888 - 79958
APPROVED AT	Board Meeting
DATE	8/21/2019
GENERAL	\$68,007.73
PART TOWN	\$1,599.38
HIGHWAY DB	\$3,846.42
WATER	\$1,698.00
CAPITAL PROJECTS	\$0.00
SPECIAL DISTRICTS	\$104,636.50
DEBT SERVICE	\$0.00
TOTAL	\$179,788.03

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

RESOLUTION 2019 #369 Enter Executive Session

Supervisor Hosler moved and Councilman Macko 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 upon hereinafter specified subject matter.

The general nature of the subject matter to be discussed as follows: employment history of a particular person

NOW THEREFORE BE IT RESOLVED: Sean Beiter, Town Counsel is invited to attend the Evans Town Board Executive Session.

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