

Evans Town Board

At a meeting of the Town Board of the Town of Evans held by conference call due to COVID-19 Pandemic the following were present:

- PRESENT: Mary Hosler Supervisor
 Michael Schraft Councilman
 Thomas George Councilman
- ALSO PRESENT: Lynn Krajacic Town Clerk
 Kenneth Farrell Town Attorney

RESOLUTION 2020 #217 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of meeting of April 22, 2020 be dispensed with and accepted as submitted by the Town Clerk.

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

RESOLUTION 2020 #218 Town Clerk's Reports

Supervisor Hosler moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of April 2020:

Town Clerk Report	\$21,799.38
Interest	\$1.11
Greenspace Fee	\$1,400.00
Petty Cash	\$650.00

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

OLD BUSINESS

RESOLUTION 2020 #219 Remove Item From Old Business

Councilman Schraft moved and Supervisor Hosler seconded to remove Item #2 Agriculture Committee Appointment from Old Business.

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

RESOLUTION 2020 #220 Agriculture Committee Appointments

Councilman Schraft moved and Supervisor Hosler seconded,

Resolved: that the Town of Evans AG Board will consist of the following members for the 2020 calendar year:

- William Smith- Director of Planning & Community Development
- Paul Michalec-
- Russel Barten
- Joe Kwilos Sr
- Vicky Kurek
- Gary Sager

Alternate- Joe Kwilos Jr, Jeanne Ebersole

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

RESOLUTION 2020 #221 Remove Item From Old Business

Councilman George moved and Supervisor Hosler seconded to remove Item #3 Award Bid for Sturgeon Point Dredging from Old Business.

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

RESOLUTION 2020 #222 Award Bid for Sturgeon Point Marina Dredging

Councilman George moved and Councilman Schraft seconded,

WHEREAS, bids were solicited for the Sturgeon Point Marina Dredging for the Town of Evans; and

WHEREAS, bids were received and opened on April 2, 2020 at 2:00pm, in accordance with the Notice to Bidders previously authorized and the extension thereof; and

WHEREAS, the lowest responsible bid was submitted by Ingalls Site Development, Inc., 297 Meyer Road, West Seneca, NY 14224; and

WHEREAS, Clark Patterson Lee has reviewed the proposal from Ingalls Site Development, Inc. and held a conference call with the project manager, and confirmed his understanding of the requirements of this project; and

WHEREAS, the corrected bid for the project submitted by Ingalls Site Development, Inc., was \$90,000.00, due to a mathematical error; and

WHEREAS, the Town of Evans has the authority to waive this and any and all informalities in the bid;

BE IT RESOLVED, that the Evans Town Board deems the Sturgeon Point Marina Dredging project essential; and

FURTHER, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Sturgeon Point Marina Dredging in the Town of Evans, New York to Ingalls Site Development, Inc., and authorizes Supervisor Mary Hosler to execute all necessary contract documents regarding same, contingent upon approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Nay
Councilman Schraft	Aye
Supervisor Hosler	Nay

RESOLUTION 2020 #223 Amend Resolution 2020 #114

Supervisor Hosler moved and Councilman Schraft 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:

- 138 Lancaster Avenue, SBL# 250.17-9-54
- 39 Long Beach Lane SBL# 249.20-3-13
- 6884 Revere Drive, SBL# 192.20-6-21
- 0 Rosewood Avenue, SBL# 250.17-7-4
- 0 South Creek Road SBL# 193.13-2-13 was previously known as SBL# 193.00-1-17
- 9838 Utica Street SBL# 250.17-4-30
- 0 Poplar Avenue SBL# 250.07-3-51
- 0 Poplar Avenue SBL# 250.07-3-52
- 146 Potomac Avenue SBL# 250.17-7-18.1
- 273 Dawn Avenue SBL# 250.14-2-21

; 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 maintain each property selected by BENLIC during the time in which BENLIC holds title to the property; and be it further

RESOLVED, that the Town of Evans agrees to reimburse Erie County for the cost associated with foreclosure of this property when the property has not been in a prior In Rem action; 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

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- 273 Dawn Avenue SBL# 250.14-2-21

; 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 George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #224 Authorize Settlement of Litigation

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Town Board of the Town of Evans, New York determined that there was probable cause to prefer disciplinary charges against employee Steven Bremer; and

WHEREAS, Local 41 of the International Brotherhood of Electrical Workers has filed a grievance and demand for arbitration over this action and the parties have been in arbitration over this grievance; and

WHEREAS, the Town and Local 41 have agreed upon mutual terms and conditions of Bremer’s separation from employment, wherein Mr. Bremer has agreed to resign from employment with the Town and to waive and release the Town from any claims that he may have against it; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to enter into this settlement agreement in order to conserve further litigation costs and in the interest of harmonious labor relations;

NOW THEREFORE BE IT RESOLVED THAT the Town Board of the Town of Evans hereby authorizes the Supervisor to execute the settlement agreement with Local 41 of the International Brotherhood of Electrical Workers and Steven Bremer; and

BE IT FURTHER RESOLVED THAT the Town Board of the Town of Evans hereby authorizes the expenditure of \$7,500.00 in consideration for Mr. Bremer’s resignation as well as his waiver and release of all claims that he may have against the Town.

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

RESOLUTION 2020 #225 Declare Surplus Equipment - Police

Councilman Schraft moved and Supervisor Hosler seconded,

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

- (5) Star Sabre lightbars

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

RESOLUTION 2020 #226 Declare Surplus Equipment - Police

Councilman Schraft moved and Supervisor Hosler seconded,

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

- (2) Kenwood TK-2180-K Portable Radios with accessories, serial numbers:
 - B4800106
 - B4800110

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

RESOLUTION 2020 #227 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Schraft seconded to suspend the rules of order for the consideration of an additional resolution

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

RESOLUTION 2020 #228 Refund of Fees - Sturgeon Point Marina

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town has been accepting payment of fees and/or deposits for various uses of town-owned property, including Boat Slips, Drydocks, and Seasonal Launch Permits at the Sturgeon Point Marina, and Shelters, intended to be valid for the season starting May 15, 2020 and ending October 15, 2020, and

WHEREAS, the Town of Evans previously received bids to dredge the significant sand and other sediment deposited in and near the mouth of the Sturgeon Point Marina (“Marina”), and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) has advised the Town of Evans that awarding a contract to dredge the Marina before FEMA conducts and evaluates its Site Inspection could jeopardize the Public Assistance (PA) grant funding needed to repair the Marina, and

WHEREAS, FEMA has further advised the Town of Evans that the Governor’s Declaration of a Disaster Emergency in the State of New York, resulting from the covid-19 pandemic, has indefinitely delayed the completion of the FEMA Site Inspection of the Marina, and

WHEREAS, the accumulation of sand and other sediment inside the Marina and at the mouth of the Marina prevent boats and other marine vehicles from safely entering and exiting the Marina and traveling inside the Sturgeon Point Marina,

WHEREAS, the Governor’s Executive Orders may delay or prevent the opening of town parks, and the extent of social distancing required by such Orders may impede their full use,

NOW, THEREFORE BE IT RESOLVED, that upon the request of the applicant, the Town of Evans shall return any and all fees and/or deposits received for various uses of town-owned property during the 2020 season, including Boat Slips, Drydocks, and Seasonal Launch Permits at the Sturgeon Point Marina, and Shelters and such refund only applies to 2020 and shall not be precedent setting.

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

RESOLUTION 2020 #229 Audit of Bills

Councilman George moved and Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts as follows:

<u>AUDIT OF BILLS</u>	
DATE	5/7/2020
ABSTRACT NO.	8
VOUCHER NO.	6733 - 6783
CHECK NUMBERS	80994 - 81034
APPROVED AT	Board Meeting
DATE	5/6/2020
GENERAL	\$109,918.44
PART TOWN	\$9,212.96
HIGHWAY DB	\$26,585.75
WATER	\$5,069.86
CAPITAL PROJECTS	\$0.00
SPECIAL DISTRICTS	\$69,345.16
DEBT SERVICE	
TOTAL	\$220,132.17

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

RESOLUTION 2020 #230 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to May 13, 2020 at

10am for a Work Session then to May 20, 2020 for a Work Session at 10am and a Town Board meeting to follow.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman George 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