

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          |
|               | Doug Czora        | Police Chief           |
|               | Roberta Rappoccio | Director of Planning   |
|               | Brittany Gloss    | Director of Finance    |
|               | Mary Holl         | Supervisor's Secretary |

**RESOLUTION 2018 #269 Approve Minutes**

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the meeting of the May 16, 2018 and May 23, 2018 meeting 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 |

**Communications**

Supervisor Hosler read a communication from Roberta Rappoccio, Director of Community Development and Planning regarding Roy Emerling, d/b/a Buffalo Auto Auction (a.k.a. Southtowns Auto Auction, Inc.), has requested renewal of their Special Use Permit for the purpose of continued operation of a Auto Vehicle Auction Facility, located at 8418 Southwestern Boulevard (a.k.a. US Route 20), Angola, NY 14006, SBL# 221.00-3-22.1. Therefore, per § 200-45 of the Town Code, the Town Board is required to review this permit for renewal and set a public hearing. Furthermore, it is recommended that you refer this matter to the Planning Office to determine the need for Planning Board review and recommendation prior to the public hearing.

**RESOLUTION 2018 #270 Authorize Town Clerk to Advertise Public Hearing**

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, in a letter dated May 29, 2018 the Planning Office has requested that the Town Board set a public hearing regarding the petition of Roy Emerling, d/b/a Buffalo Auto Auction (a.k.a. Southtowns Auto Auction, Inc.), for a Special Use Permit renewal for the purpose of continued operation of a Auto Vehicle Auction Facility located at 8418 Southwestern Boulevard, NY 14006, SBL# 221.00-3-22.1;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on June 20, 2018 at 7:10p.m. for the consideration of said Special Use Permit renewal, and

BE IT FURTHER RESOLVED, that this matter be referred to the Planning Office to determine the need for Planning Board 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

Supervisor Hosler reported that the Supervisor’s April 2018 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk’s Office.

**PUBLIC HEARING**

**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 June 6, 2018, at 7:10 pm at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #2 of the year 2018, which will amend the following Sections of Town Code: Section 182-5 Taxation; Section 200-15E(2) Mobile Home Residential District 5 (MHR-5); Section 200-30E Cessation – Non-confirming lots, structure and uses; and Section 200-31 Minimum building lines on major streets.

A copy of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4 pm, Wednesday from 9am - 5pm and on the Town’s website at [www.townofevans.org](http://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 2018 #271 Open the Public Hearing**

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Macko	Aye

Councilman Schraft	Aye
Supervisor Hosler	Aye

The following spoke in opposition: Marie O'Connor, Cheryl St.George, Chris Tucker

**RESOLUTION 2018 #272 Close the Public Hearing**

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

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

**PUBLIC HEARING**

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 June 6, 2018 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #3 of the year 2018, which will amend Local Law #5 of the year 2000, commonly known as Property Maintenance, and any amendments thereto, specifically Town Code Section 149-5: Property maintenance standards.

Copies of the Proposed Local will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website [www.townofevans.org](http://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

**RESOLUION 2018 #273 Open the Public Hearing**

Supervisor Hosler moved and Councilman Macko seconded to open the public hearing.

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

There was nobody wishing to speak in favor or opposition

**RESOLUTION 2018 #274 Close the Public Hearing**

Supervisor Hosler moved and Councilman Schraft seconded to close the public hearing.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #275 Adopt Proposed Local Law #3 of 2018**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law Number 3 of the year 2018 regarding miscellaneous code revisions to Section 149 will streamline processes in the codes and provide necessary revisions and additions to the codes; and

WHEREAS, the Evans Town Board held a Public Hearing on the proposed code amendments on June 6, 2018, which was properly advertised by the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law Number 3 of the year 2018 be and hereby is adopted as Local Law Number 2 of the year 2018; and

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

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #276 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 May 2018:

Town Clerk Report May	\$46,308.73
Interest for May	\$3.25
Greenspace Fees transferred to Trust & Agency Account	\$700.00

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Macko	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #277 Budget Transfer Safety Inspection**

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers to reappropriate previously budgeted amounts for purchase of cars and computers:

Transfer To:

B.3620.420.02	Safety Inspection IT	160
B.3620.220.00	Safety Inspection Machinery & Motor Vehicles	5,000

Transfer From:

B.9901.901.00	Transfer to General Fund	5,160
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VOTE RESULT: ADOPTED BY ROLL CALL  
 Councilman Macko Aye  
 Councilman Schraft Aye  
 Supervisor Hosler Aye

**RESOLUTION 2018 #278 Budget Transfer Police**

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers to reappropriate funds for the purchase of police cruiser:

Transfer To:

A.3120.200.07	Stop DWI Police	7,600
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Transfer From:

A.3120.220.01	Machinery & Motor Vehicles Cruisers Police	7,600
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VOTE RESULT: ADOPTED BY ROLL CALL  
 Councilman Macko Aye  
 Councilman Schraft Aye  
 Supervisor Hosler Aye

**RESOLUTION 2018 #279 Budget Transfer Finance**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers to reappropriate previously budgeted amounts for training purposes:

Transfer To:

A.1610.431.00      Reimbursement      750

Transfer From:

A.1610.422.01      Accounting Services      750

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

**RESOLUTION 2018 #280 Budget Transfer Highway**

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers to reappropriate funds for the purchase of a truck:

Transfer To:

DB.5110.220.00      Highway Machinery and Motor Vehicles      36,000

Transfer From:

DB.9901.901.00      Transfer to General Fund Risk Retention36,000

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

**RESOLUTION 2018 #281 Budget Transfer TAN**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers to reappropriate funds for TAN interest:

Transfer To:

A.9710.700.00	TAN Interest	3,450
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Transfer From:

A.1910.408.00	Other Insurance Contingency	3,450
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VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #282 Approve 1 Day Permit for Beer Tent at Summerfest**

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the annual Evans Summerfest is being held July 15, 2018 at the Evans Town Park; WHEREAS, Coyote Café would like to operate a beer tent at Evans Summerfest on July 15, 2018;

NOW THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the Supervisor to execute a Landlord Authorization to allow Coyote Café to obtain a one day Temporary Beer Permit from the New York State Liquor Authority; and

BE IT RESOLVED, that prior to the event on July 15, 2018, Coyote Café shall submit a copy of said Temporary Beer Permit or other documents received from the New York State Liquor Authority to the Town of Evans along with proper certificate of insurance naming the Town of Evans as an additional insured with limits satisfactory to the Town of Evans and an executed hold harmless agreement, subject to the approval of the Town Attorney.

VOTE RESULT:      ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #283 Appointment of Truck Driver**

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, there is a vacancy for the position of a full time truck driver in the Town of Evans Highway Department; and

WHEREAS, the position was posted and/or advertised as per the Town of Evans hiring policy;

NOW, THEREFORE, BE IT RESOVED, that Thomas Fritz shall be appointed to the non-competitive civil service position referenced above at the hourly rate of \$18.98 per hour; and

FURTHER, BE IT RESOLVED, this appointment is contingent upon successful completion of a pre-employment New York State Department of Transportation (DOT) physical prior to the end of his probationary period; and

FURTHER, BE IT RESOLVED, all relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the CSEA Local 8

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Nay
Councilman Schraft	Nay
Supervisor Hosler	Nay

**RESOLUTION 2018 #284 Table Resolution #7 Highway Department Truck Driver Appointment**

Supervisor Hosler moved and Councilman Schraft seconded to Table the resolution for future consideration

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #285 Authorize Town Clerk to Advertise for Proposed Local Law #4 of 2018**

Councilman Macko 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, June 20, 2018 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #4 of the calendar year 2018 regarding code revisions to Evans Town Code Section 144: Peddling and Soliciting.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #286 2018 Summer Youth Program Budget Allocations**



Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, various organizations have indicated a willingness to organize and sponsor certain events, programs and/or activities; and

WHEREAS, the Town is willing, in consideration of the efforts of such organizations, to make payment of sums to be herein specified to help defray the actual costs and expense of such program and activities; and

WHEREAS, monies have been designated for Joint Youth Programs (Recreation) per the Town of Evans 2018 adopted budget;

NOW, THEREFORE, BE IT RESOLVED, the following amounts shall be allocated for the 2018 Summer Youth Programs as specified below;

Youth Baseball & Softball	\$ 4,850.00
Youth Soccer	\$ 4,000.00
Archery	\$ 300.00
Football	\$ 4,000.00
AAU Basketball	\$ 750.00
TOTAL:	\$13,900.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #287 Authorize the Signing of the Water Tower Siting & Engineering Proposal**

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, as per the Lease Management agreement between the Erie County Water Authority and the Town of Evans, it is requirement that the Town of Evans erect a water tower;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute the proposal and any necessary contract documents with Clark Patterson Lee regarding the engineering and siting of the water tower, in the amount of \$297,007, upon approval of the Town attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #288 Suspend the Rules of Order**

Supervisor Hosler moved and Councilman Schraft seconded to Suspend the Rules of order for consideration of additional resolutions

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #289 Property Maintenance of Various Properties for 2018**

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, The Town of Evans Building & Code Enforcement Office determines from time to time that certain properties are not in compliance with local and/or state laws, ordinances, codes, and regulations regarding the lack of upkeep of said properties; and

WHEREAS, certain work is needed on such properties (i.e. overgrowth of grass, brush, plants, seasonal clean-up, board-up, etc.) when the owners of such properties fail to bring them into compliance with local and/or state laws, ordinances, codes, and regulations; and

WHEREAS, the Town Board previously established payment rates for such work for various properties in the Town of Evans for the calendar year 2018; and

WHEREAS, the Town Board authorized the Code Enforcement Office to solicit individuals and/or companies to perform such work;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans shall use Todd’s Landscaping, McMillan’s Landscaping, LLC, Camus Lawncare, and Empire Lawncare for grass cutting and related landscaping services, Todd’s Landscaping, Camus Lawncare, and Empire Lawncare for seasonal clean-up and board-up, and Disaster Relief for emergency board-up of various properties in the Town of Evans, all at the rates previously established by the Town Board; and

BE IT FURTHER RESOLVED that the Supervisor of the Town of Evans is authorized to enter into a contract with each of the above referenced companies for said terms, upon approval of the Town Attorney, and providing proof of insurance acceptable to the Town Attorney and/or the Town’s insurance broker.

VOTE RESULT:     ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #290 Authorize Supervisor to Enter Agreement with Paddles LLC**

Councilman Schraft moved and Councilman Macko seconded,

BE IT RESOLVED, that the Supervisor of the Town of Evans is authorized to sign an agreement with Paddles, LLC authorizing operation of a paddleboard rental business at Sturgeon Point Marina and Evans Town Park for 2018, subject to approval of the Town Attorney.

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

**RESOLUTION 2018 #291 Request Funding from the Department of Environment & Planning for Phase IV of the Kennedy Avenue Sidewalk Project**

Supervisor Hosler moved and Councilman Macko seconded,

Whereas, the Town of Evans is desirous of obtaining funds from the Department of Environment and Planning in the amount of \$325,000.00 under the Federal Housing and Community Development Act as amended for Phase IV of the Kennedy Avenue Sidewalk Project.

Now, Therefore, Be It Resolved, that the Town of Evans does hereby formally request funding from the Department of Environment and Planning for Phase IV of the Kennedy Avenue Sidewalk Project; and

Be It Further Resolved, that the Town of Evans Town Board does hereby authorize Town Supervisor Mary Hosler as the official to sign, submit and execute all applications, forms, and contracts between the Town of Evans and Erie County for same.

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

**RESOLUTION 2018 #292 Approve Town Licenses**

Supervisor Hosler moved and Councilman Macko seconded,

8934 Grandview Beach LLC D/B/A The Beach Club @ Mickey - Rats - Refreshment, Amusement & Live Band Commercial

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 Macko	Aye
	Councilman Schraft	Aye

Supervisor Hosler Aye

**RESOLUTION 2018 #293 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	6/7/2018
ABSTRACT NO.	11
VOUCHER NO.	2644 - 2741
CHECK NUMBERS	77877 - 77951
APPROVED AT	Board Meeting
DATE	6/6/2018
GENERAL	\$194,054.05
PART TOWN	\$8,662.12
HIGHWAY DB	\$80,021.03
WATER	\$9,376.34
CAPITAL PROJECTS	\$97,383.39
SPECIAL DISTRICTS	\$19,905.63
DEBT SERVICE	
TA FUND	
<b>TOTAL</b>	<b>\$409,402.56</b>
	The difference from what was read
	at the Board Mtg is due to a
	\$1,605.11 voucher deleted

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

**RESOLUTION 2018 #294 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: Litigation

NOW THEREFORE BE IT RESOLVED: Jennifer Farrell, Town Attorney, 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