Evans Town Board

At a meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:	Mary Hosler	Supervisor
	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #236 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the June 1, 2022 meeting, as amended, be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

William Smith, Director of Planning RE: Special Use Permit - for a Gas Station Expansion with proposed Renovation/Expansion of the Convenience Store and Future Retail. Petitioner: WNY Derby, Inc., DBA Corner Market, 6766 Erie Road, Derby, NY 14047 (SBL# 192.20-5-22).

RESOLUTION 2022 #237 Advertise for Public Hearing

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated June 13, 2022, the Evans Planning Board has requested that the Town Board set a public hearing regarding the petition of WNY Derby, Inc., DBA Corner Market, 6766 Erie Road, Derby, NY 14047, for a Special Use Permit for a Gas Station Expansion, proposed Renovation/Expansion of the Convenience Store and Future Retail, to be located at 6766 Erie Road, Derby, NY, 14047, SBL# 192.20-5-22.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on July 20, 2022 at 7:10pm for the consideration of said Special Use Permit.

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

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

RESOLUTION 2022 #238 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 2022:

Town Clerk Report	$90,538.29
Interest	$1.99
Greenspace Fee	$1400.00
Petty Cash	$650.00

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

RESOLUTIONS

RESOLUTION 2022 #239 Appointment to Town of Evans Disabilities Committee

Councilman Macko moved and Supervisor Hosler seconded,

Be It Resolved, effective immediately, Patrick Zydel is hereby appointed to the Town of Evans Disabilities Committee.

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

RESOLUTION 2022 #240 Part Time Seasonal Laborer Appointments

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, effective June 20, 2022, the following individuals be appointed as PT Seasonal Laborer positions for the Town of Evans Highway Department, for up to a five (5) month period (November 20, 2022), working up to 39.5 hours per week, at the hourly rated indicted below;

NAME	SALARY
Lawrence Jenkins	$15.00
Michael Sciarrino	$15.00; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and the Superintendent of Highways.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #241 Part Time Seasonal Laborer Appointments

Councilman Reitz moved and Councilman Macko seconded,

BE IT RESOLVED, effective June 6, 2022, the following individuals be appointed as PT Seasonal Laborer positions, for up to a five (5) month period (November 6, 2022), working up to 39.5 hours per week, at the hourly rated indicted below;

NAME	SALARY	POSITION
Brooklyn Banks	$13.20	GUARD
Dylan Barrett	$13.20	GUARD
Kate Caldwell	$13.20	GUARD
Nathan Guziec	$15.20	LABORER
Jacob Logan	$15.20	LABORER
Annette Reynolds	$13.20	GUARD
Robert Watts	$13.20	GUARD and;

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and the Parks Crew Chief; and

FURTHER, BE IT RESOLVED, this resolution is approved nunc pro tunc;

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #242 Appointment of Full Time Truck Driver - Highway Dept

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, due to a Town of Evans Highway Department employee's retirement, there is a vacant position at the Town of Evans Highway Department; and

WHEREAS, is it the recommendation of Town of Evans Highway Superintendent Jack Fritz to appoint Steven Vail, who is currently a part-time laborer for the Town of Evans Highway Department, to the vacant position of full-time truck driver for the Highway Department;

NOW, THEREFORE, BE IT RESOLVED, effective Monday, June 20, 2022, the Evans Town Board hereby appoints Steven Vail to the position of full-time truck driver; and

FURTHER, BE IT RESOLVED; effective Monday, June 20, 2022, the payroll department is directed to increase Mr. Vail's hourly rate of pay from $15.00 per hour to $18.98 per hour, in accordance with the current CSEA Local 815 collective bargaining agreement; and

FURTHER, BE IT RESOLVED, that all requirements pursuant to NYS DOT rules and regulations regarding CDL licensing for the above referenced employee is current and in compliance; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and CSEA Local 815 collective bargaining agreement; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and Superintendent of Highways.

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

RESOLUTION 2022 #243 Appointment of Full Time Police Officer

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, there is an opening for a Full Time Police Officer in the Evans Police Department; and,
WHEREAS; Ian Sansone is currently a full time University Police Officer at Suny Oneonta and meets the requirements necessary to lateral transfer to the Town of Evans Police Department; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints, Ian Sansone, effective upon the approval of the Erie County Civil Service Departments authorization for lateral transfer, to the position of Full Time Police Officer with the Evans Police Department, and

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

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and the Chief of Police.

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

RESOLUTION 2022 #244 Appointment of Part Time Clerk

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, there is a need for a part time Clerk in the Town Clerk's office,

NOW, THEREFORE, BE IT RESOLVED, effective immediately, the Town Board of the Town of Evans hereby appoints Mary Jo Hultquist to the position of part-time clerk, working up to 19.5 per week at a rate of $14.70 per hour, until the Deputy Town Clerk's position is filled.

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and the Town Clerk.

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

RESOLUTION 2022 #245 Appointment of Part Time Dispatcher

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, there is an opening for a part time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, Micael Serrano is a Town of Evans resident, employed as a Central Police Services 911 Call Taker and meets the qualifications to be a Public Safety Dispatcher with the Town of Evans;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Micael Serrano, effective upon the successful completion of the Town of Evans Police Department background check, to the position of part time Police dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, the effective hire date will be determined the Chief of Police and HR; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and Chief of Police.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #246 July 3rd Celebration Road Closures

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the July 4th celebration in the Lake Erie Beach/Point Breeze area brings several thousand plus people to this community to honor our nation's birth; 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; therefore be it

RESOLVED, that the Town Board of the Town of Evans hereby authorizes the closing of Kennedy Avenue and Eisenhower Road from Lake Shore Road to Quebec Street, the closing of Eastwood Avenue from Lake Shore to Northfield Street, the closing of Northfield from Eastwood Avenue to Kennedy Ave, the closing of Garfield Avenue from Lake Shore to Oakland Street and the closing of Oakland from Garfield Ave to Kennedy Ave, for the purpose of providing public safety to all participants, residents, and traffic beginning at approximately 7 p.m. on the 3rd of July, and re-opening at the conclusion of the event, 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 there will be no vehicles allowed in Lake Erie Beach Park beginning at 4 a.m. July 3rd through 7 a.m. July 4th; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish this resolution in the June 26, 2022 edition of the Angola Pennysaver and the Saturday-Sunday, June 25-26, 2022 edition of the The Observer, the official paper of the Town of Evans.

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

RESOLUTION 2022 #247 Hourly Rate Adjustment - Davis

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, due to a pending retirement in the Town Clerk's office

NOW, THEREFORE, BE IT RESOLVED, that Part Time Clerk Ruth Davis' hourly rate of pay be adjusted from $14.70 per hour to $15.20 per hour effective immediately; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources.

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

RESOLUTION 2022 #248 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 Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

RESOLUTION 2022 #249 Director of Planning & Community Development

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, William Smith has served as Director of Planning and Community Development since May 6, 2019; and

WHEREAS, William Smith's current base salary is $72,000, plus a stipend in the sum of $10,000 for additional services rendered related to management of FEMA claims; and

NOW, THEREFORE, BE IT RESOLVED, that William Smith shall receive a salary of $90,000 effective June 16, 2022, with an annual 2% increase, the first date of such increase being June 16, 2023; 20 days of personal time off (PTO) annually with the ability to flex office hours within the pay period based on the terms and conditions of Mr. Smith's employment agreement, effective June 16, 2022;

FURTHER, BE IT RESOLVED, that a position for a part-time Planning Assistant shall be created and filled accordingly at the earliest possible date; and

FURTHER, BE IT RESOLVED, the Planning offices shall be moved the southwest wing of the Town Hall, with additional work space at the earliest possible date.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #250 Settlement of Pending Litigation

Councilman Schraft moved and Supervisor Hosler seconded,
WHEREAS, Gerald Ott ("Plaintiff"), filed a lawsuit against the Metro Contracting & Environmental, Inc., ("Defendant"), in the State of New York Supreme Court, County of Chautauqua, Case Index Number EKI2021001364, and Defendant filed a third party lawsuit against the Town of Evans ("Town"), and

WHEREAS, the parties have reached a settlement of said lawsuit which is a compromise of disputed claims and is not an admission by the Town of any liability or wrongdoing whatsoever, nor is it an admission of any act or fact whatsoever,

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to sign the Agreement and General Release, and

BE IT FURTHER RESOLVED, that upon receipt of a fully executed Agreement and General Release from the Plaintiff requiring discontinuance of said lawsuit with prejudice, payment in the amount of $9,000.00 shall be made to Booker T. Washington, as attorney for Plaintiff, in full and final settlement of said lawsuit.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #251 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

1) Matt Shaw D/B/A Skylighters - Fireworks - July 3, 2022 - 9566 Lake Shore Road
2) Pioneer on the Lake D/B/A Friends of Pioneer - Live Band Special - July 9, 2022

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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #252 Audit of Bills

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

AUDIT OF BILLS	
DATE	6/16/2022
ABSTRACT NO.	12
VOUCHER NO.	10672 -10757
CHECK NUMBERS	84165 - 10757
APPROVED AT	Board Meeting
DATE	6/15/2022
GENERAL	$119,126.42
PART TOWN	$25,209.92
HIGHWAY DB	$69,224.03
WATER	$0.00
CAPITAL PROJECTS	$686,523.08
SPECIAL DISTRICTS	$159,592.90

DEBT SERVICE

TOTAL $1,059,676.35

difference is from 2 vouchers

totaling $147,366.27 pulled by supervisor

May gas card $20,351.58

May Proflex $10,287.54

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

RESOLUTION 2022 #253 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn Wednesday, July 12, 2022 at 8:00am for a Special Meeting and then to Wednesday, July 20, 2022 at 6pm for a Work Session and the Regular Meeting to follow. Meeting adjourned in Memory of Mary Jane Vacanti.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Councilman George	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