Meeting #11
Regular _X_ Special _____

Wednesday, June 07th, 2023

AGENDA

Evans Town Board, Evans Town Hall, 8787 Erie Road, Angola, New York
www.townofevans.org

Item	Description	Disp.
I	Call the Meeting to Order	
II	Pledge of Allegiance	
III	Roll Call	
IV	Approval of the Minutes: May 17th, 2023 Minutes	
V	Communications:	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Amend Resolution 2023-#248 2.) Appointment of Provisional Full Time Assistant Code Enforcement Officer 3.) Appointment of Part Time Assistant Code Enforcement Officer 4.) Authorize Demolition 9160 Waterman 5.) Authorize Deputy Supervisors to Enter into Contract with Spectrum 6.) Budget Director 7.) Employee Stipend Code Enforcement Office Code Enforcement Officer 8.) Employee Stipend Code Enforcement Office Administrative Support 9.) Appointment Part Time Dispatcher 10.) Filling Seats on Ethics Committee 11.) Appointment of Part Time Building Safety Inspector 12.) Improvements to an undedicated road on Lakecrest Dr 13.) SEQR Lead Agency- Expansion of Melody Meadows Mobile Home Park 14.) Advertise for Bids- Lake Erie Beach Park Pedestrian Bridge and Stone Revetment Repairs 15.) Advertise for Bids- Lake Erie Beach Multi-Use Path Construction (Shoreline Trail Phase 4 from Muddy Creek to AJ Schmidt Elementary) 16.) Authorization to Execute Agreements with C&S Companies for Shoreline Trail Phase 4 Design, Engineering and Right-of-Way Services 17.) Advertise for Public Hearing- Adoption of Local Law #7: Application for Certification of Nonconformity	
XII	Licenses: 1.) TE Connors D/B/A Connors Hotdog Stand 618 Sturgeon Point Rd, Derby, NY 14047 (Refresh) 2.) John Roszman D/B/A The Strange Brew 8461 Lakeshore Rd Angola NY 14006 (Refresh) 3.) Kurt Wojda D/B/A Stroh's 9566 Lakeshore Rd Angola NY 14006 (Refresh, Amuse, Live Band) 4.) Fred Garrasi III Memorial Run (Special Events) 5.) Matt Shaw D/B/A Skylighters of New York LLC, 8696 Lakeshore Rd Angola NY 14006 Show on 07/01/2023 (Fireworks) 6.) Matt Shaw D/B/A Skylighters of New York LLC, 8686 Lakeshore Rd Angola NY 14006 Show on 07/04/2023 (Fireworks)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, June 21st, 2023 at 6:00pm for the Work Session and Regular Meeting immediately to follow.	

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. Get the Agenda and Meeting Packet sent to your email! Subscribe to the Town of Evans Legal Paper:www.Townofevans.org http://www.observertoday.com/store/ (716)366-3000 click Newsletter Signup under the Quick Links

Evans Town Board

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

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

RESOLUTION 2023 #237 Accept Minutes

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of May 3, 2023 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
	Deputy Supervisor George	Aye

Communications

Supervisor Hosler reported that the Supervisor's March 2023 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2023 #238 Amend Resolution 2023 #234 Appointment of Part Time Seasonal Parks Department

Councilman Schraft moved and Councilman George seconded;

WHEREAS, resolution #2023-234 was unanimously passed by the Evans Town Board on May 3, 2023; and

WHEREAS, Jacob Logan's start date was approved as May 22, 2023; and

WHEREAS, at the request of the Parks Crew Chief Richard Galfo, there is a need for Parks Department Laborer's to start employment earlier than the previous date of May 22, 2023, to prepare for the upcoming season; and

WHEREAS, Jacob Logan is available to start employment with the Town of Evans on Tuesday, May 16, 2023;

BE IT RESOLVED, that Jacob Logan is hereby approved to start employment with the Town of Evans on Tuesday, May 16, 2023 as PT Seasonal Laborer, for up to a five (5) month period (October 2023), working up to 39.5 hours per week, at the hourly rate of $15.20; and

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

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

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

RESOLUTION 2023 #239 Appointment of Part Time Seasonal Laborer

Councilman Schraft moved and Deputy Supervisor George seconded to remove resolution from the Agenda.

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

RESOLUTION 2023 #240 Appointment of Part Time Season Employee

Deputy Supervisor George moved and Councilman Macko seconded;

BE IT RESOLVED, the following individual be appointed as PT Seasonal position, for up to a five (5) month period (October 2023), working up to 39.5 hours per week, at the hourly rated indicted below;

NAME	SALARY	POSITION	START DATE
Maxfield Michalec	$15.20	LABORER	May 16, 2023

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 considered nunc pro tunc.

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

RESOLUTION 2023 #241 Appoint to Accessibilities Committee

Councilman Macko moved and Councilman Reitz seconded;

BE IT RESOLVED, effective immediately, Debra Ludwig is hereby appointed to the Town of Evans Accessibilities Committee.

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

RESOLUTION 2023 #242 Lake Erie Beach Volunteer Fire Company Inc - Elected Member

Councilman Reitz moved and Deputy Supervisor George seconded;

WHEREAS, Lake Erie Beach Fire Company, Inc. has accepted applications for new candidates for membership; and

WHEREAS, each candidate was interviewed thoroughly and found to meet or exceed the qualifications;
and

WHEREAS, the following candidates were elected into membership of the Lake Erie Volunteer Fire Company, Inc. during the February 1, 2023 General Membership Meeting;

NOW, THEREFORE, BE IT RESOLVED, based on the above, the Evans Town Board hereby approves the following members elected into membership to Lake Erie Beach Volunteer Fire Company, Inc.;

Robert Pfeffer

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

RESOLUTION 2023 #243 Authorize Deputy Supervisor to Enter Into Contract with Ring Central

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, there is an immediate need for the Town of Evans phone system to be upgraded, due to the existing phone system equipment and software is beyond end of service life; and

WHEREAS, quotes were received and reviewed from various vendors; and

WHEREAS, meetings, presentations and demos have been conducted with our IT Department based on the Town of Evans specific needs, including the complex requirements of the Town of Evans Police Department; and

WHEREAS, the above referenced information was presented to the Evans Town Board, discussing various options and vendors; and

WHEREAS, the Town Board has given authorization to proceed with RingCentral as the service provider, located at 20 Davis Drive, Belmont, California 94002, for a service commitment period of an initial term of 36 months, with a renewal term of 36 months;

BE IT RESOLVED, that Deputy Supervisor Thomas George is authorized to execute all necessary contract documents with RingCentral, Inc., upon the approval of the Town Attorney.

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

RESOLUTION 2023 #244 Lead Agency - SEQR - 7612 and 7690 Southwestern Blvd

Councilman George moved and Councilman Reitz seconded;

WHEREAS, the Town Board has reviewed Part 1 of the SEQR Full Environmental Assessment Form prepared by Solar Liberty ("the Applicant") for the proposed construction of a Type 1 Solar Photovoltaic System to be located at 7612 and 7690 Southwestern Blvd ("the Project"); and

WHEREAS, the Project includes the development of two solar facilities generating 4.25 megawatts and 4.0 megawatts of electricity on approximately 30 acres of vacant land located within the designated Solar Overlay District; and

WHEREAS, according to Section 200-73 of the Evans Town Code, any SPS Type 1 utility-scale solar photovoltaic system in the Town of Evans requires the issuance and approval of a special use permit and site plan approval; and

WHEREAS, the Project is also subject to the full site plan review and recommendation of the Planning Board prior to Town Board approval; and

WHEREAS, the Town Board determines that the Project is classified as a Type 1 Action under the State Environmental Quality Review ("SEQR") regulations; and

WHEREAS, the Town Board also determines that the Project is subject to review and approval by other involved and interested agencies under SEQR; and

WHEREAS, the Town Board determines that it is the most appropriate agency to oversee the coordinated review of the Project, and will provide written notification to involved and interested agencies, for the purpose of making a determination of significance under SEQR regulations.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans does hereby declare its intent to be designated as lead agency for this Project; and

BE IT FURTHER RESOLVED, that the Town of Evans Planning Department is directed to provide notice hereof to the involved and

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

RESOLUTION 2023 #245 Budget Transfers - Highway

Councilman Schraft moved and Councilman Reitz seconded;

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget transfer to reappropriate funds for costs associated with the purchase of the emergency heating system replacement for the Highway Barn:

Transfer From:

A1990.400.00	General Fund - Contingent	$23,900

Transfer To:

A5010.412.00	Highway - Facility Maintenance	$23,900

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

RESOLUTION 2023 #246 Suspend the Rules of Order

Councilman Schraft moved Councilman Reitz seconded to suspend the rules of order for the consideration of additional resolutions.

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

RESOLUTION 2023 #247 Authorization to Execute Stop DWI Contract

Deputy Supervisor George moved and Councilman Reitz seconded;

WHEREAS, the Town of Evans intends to continue its participation in the Erie County STOP-DWI program which provides grant funding to communities in support of stop-DWI measures;

NOW, THEREFORE, BE IT RESOLVED, that Deputy Supervisor Thomas S. George and Chief of Police Gregory Szarowicz are hereby authorized to execute and any all documents regarding the Erie County STOP-DWI contract (January 1, 2023 to December 31, 2023) on behalf of the Town of Evans; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to prepare a verified copy of this resolution to be attached to the STOP-DWI contract package.

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

RESOLUTION 2023 #248 Appointment of Code Enforcement Officer

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS; A vacancy exists for a Code Enforcement Officer; and

WHEREAS; John Flading is currently the Assistant Code Enforcement Officer; and

WHEREAS; John Flading is currently executing the duties and responsibilities of the Code Enforcement Officer; and

WHEREAS; Civil Service canvassing is actively being performed to fill the vacancy;

NOW, THEREFORE, BE IT RESOLVED, that John Flading is hereby appointed provisionally as a Code Enforcement Officer for the Town of Evans, effective May 17, 2023, at an annual salary of $59,372 and all terms and conditions of the IBEW Local #41 current collective bargaining agreement; and

FURTHER, BE IT RESOLVED, all relative issues rules and regulations will be understood to all parties' subject to Civil Service Law and the IBEW Local #41 collective bargaining agreement.

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

RESOLUTION 2023 #249 Appointment of Full Time Police Officer

Councilman Schraft moved and Councilman George seconded;

WHEREAS, there is an opening for a Full Time Police Officer in the Evans Police Department; and,

WHEREAS, Giovanni Schifano is currently a part-time Police Officer for the Town of Evans and meets the requirements necessary to be a full-time Town of Evans Police Officer; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints, Giovanni Schifano, effective May 27, 2023, upon the approval of the Erie County Civil Service 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 (PBA) 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
	Deputy Supervisor George	Aye

RESOLUTION 2023 #250 Audit of Bills

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

	AUDIT OF BILLS
DATE	5/18/2023
ABSTRACT NO.	10
VOUCHER NO.	12465 - 12533
CHECK NUMBERS	85728 - 85785
APPROVED AT	Board Meeting
DATE	5/17/2023
GENERAL	$33,403.22
PART TOWN	$227,777.81
HIGHWAY DB	$20,740.45
WATER	

CAPITAL PROJECTS	$76,596.60
SPECIAL DISTRICTS	$25.00
DEBT SERVICE	
TOTAL	**$358,543.08**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #251 Adjournment

Deputy Supervisor George moved and Councilman Schraft seconded to adjourn to Wednesday, June 7, 2023 at 6:00pm for a Work Session and the Regular Meeting to follow.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	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

Res 1

RESOLUTION – AMEND RESOLUTION 2023-248

WHEREAS, effective May 17, 2023, the Evans Town Board passed Resolution #2023-248 provisionally appointing John Flading as a Code Enforcement Officer for the Town of Evans, at an annual salary of $59,372;

BE IT RESOLVED, that Resolution 2023-248 be amended to an annual salary of $65,000, retroactive to May 17, 2023, with all terms and conditions of the IBEW Local #41 current collective bargaining agreement; and

FURTHER, BE IT RESOLVED, all relative issues rules and regulations will be understood to all parties' subject to Civil Service Law and the IBEW Local #41 collective bargaining agreement.

FURTHER, BE IT RESOLVED, a copy of this Resolution be given to Human Resources/Payroll.

ROLL CALL VOTE

Res 2

RESOLUTION – PROVISIONAL FULL TIME APPOINTMENT OF ASSISTANT CODE ENFORCEMENT OFFICER

WHEREAS; the Town of Evans has canvased for the Civil Service position of Assistant Code Enforcement Officer off of a certified list; and

WHEREAS; no individual accepted the above referenced Civil Service canvass; and

WHEREAS; based on the above, there is a continued vacancy for the position of Assistant Code Enforcement Officer; and

WHEREAS; a recommendation has been made by Code Enforcement Officer John Flading and Kelly Kent (Human Resource), to provisionally appoint Alex Haley for the position of Full Time Assistant Code Enforcement Officer; and

NOW, THEREFORE, BE IT RESOLVED, that Alex Haley is hereby provisionally appointed as Full Time Assistant Code Enforcement Officer for the Town of Evans, effective June 8, 2023, at an annual salary of $49,051 and all terms and conditions of the IBEW Local #41 current collective bargaining agreement; and

FURTHER, BE IT RESOVED, all relative issues rules and regulations will be understood to all parties' subject to Civil Service Law and the IBEW Local #41 collective bargaining agreement.

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to the Human Resources/Payroll Department.

ROLL CALL VOTE:

Res 3

RESOLUTION – APPOINTMENT OF PART TIME ASSISTANT CODE ENFORCEMENT OFFICER

WHEREAS; a vacancy exists for a Part Time Assistant Code Enforcement Officer;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Parker McSkimming to Part Time Assistant Code Enforcement Officer, effective June 8, 2023, at an hourly rate of $21.40 per hour, up to 19.5 hours per week;

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to the Human Resources/Payroll Department.

ROLL CALL VOTE:

Res 84

RESOLUTION – AUTHORIZATION FOR DEMOLITION

WHEREAS, the structure located at 9160 Waterman, Angola, NY 14006 has been deemed unsafe by the Town of Evans Code Enforcement Office and the Erie County Department of Health; and

WHEREAS, discussions have taken place with Deputy Supervisor Thomas George and Councilwoman Jeanne Macko pursuant to the above referenced structure; and

WHEREAS, it was determined that a controlled demolition and air monitoring services were necessary; and

WHEREAS, quotes were obtained by the Code Enforcement Office for both the demolition and air monitoring services; and

WHEREAS, based upon the quotes received and reviewed, it is the recommendation of Code Enforcement Officer John Flading that Geiter Done of WNY, Inc. shall be awarded the controlled demolition in the amount of $20,000 and 56 Services shall be awarded the air monitoring services, to include air sampling at $600 per day (8 hours), Visual Inspection at $175.00, and overtime (if needed) at $75.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board authorizes the above recommendations for the controlled demolition to Geiter Done of WNY, Inc. and air monitoring services to 56 Services for the property located at 9160 Waterman, Angola, New York 14006 (SBL #234.20-1-9)

BE IT FURTHER RESOLVED, a copy of this resolution is to be given to the Town of Evans Code Enforcement Office.

ROLL CALL VOTE:

Res #5

RESOLUTION – AUTHORIZE DEPUTY SUPERVISOR TO ENTER INTO CONTRACT WITH SPECTRUM ENTERPRISE FOR PHONE SYSTEM UPGRADE

WHEREAS, there is an immediate need for the Town of Evans phone system to be upgraded, due to the existing phone system equipment and software is beyond end of service life; and

WHEREAS, the Town Board has previously given authorization to proceed with RingCentral as the service provider for a service commitment period of an initial term of 36 months, with a renewal term of 36 months; and

WHEREAS, Spectrum Enterprise has facilitated the Town of Evans phone system through internet services; and

WHEREAS, new and revised services for the Town of Evans include 5 Static IP Addresses at no monthly charge and Fiber Internet 200Mbps for a 36-month term at $999.00 per month;

WHEREAS, in conjunction with the RingCentral service commitment, Spectrum Enterprise will continue to provide the above referenced Static IP Addresses and Fiber Internet for the phone system upgrade;

BE IT RESOLVED, that Deputy Supervisor Thomas George is authorized to execute all necessary contract documents with Spectrum Enterprise, upon the approval of the Town Attorney.

ROLL CALL VOTE:

Res 6

RESOLUTION – BUDGET DIRECTOR

Whereas, Section 16-4(1) of the Town of Evans Code of Ethics states: No member of the Town Board, municipal officer, or employee shall use his or her municipal position or official powers and duties to secure a financial benefit for himself or herself; and

Whereas, resolution 2023-45 passed by a 3-2 vote, with former Supervisor Hosler casting the tie breaking vote in favor to set a salary of $15,000 payable bi-weekly for budget director for herself, which is a conflict of interest;

Be it resolved, the Acting Deputy Supervisor and Town Attorney will notify the former Town Supervisor to payback the Town of Evans all monies paid for Budget Director in the year 2023.

Roll Call:

Councilwoman Reitz _____

Councilwoman Macko _____

Councilman Schraft _____

Acting Deputy Supervisor George _____

Res 7

RESOLUTION – EMPLOYEE STIPEND – CODE ENFORCEMENT OFFICE – (Code Enforcement Officer)

RESOLVED, that Assessor Jeneen Hill, shall receive additional compensation in the sum of $1,000 per month for additional duties performed in the Code Enforcement Office in the capacity of Code Enforcement Officer, effective May 30, 2023 to and including September 1, 2023, payable bi-weekly; and

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

FURTHER, BE IT RESOLVED, a copy of this resolution is to be given to the Human Resources/Payroll Department.

ROLL CALL VOTE:

Res 8

RESOLUTION – EMPLOYEE STIPEND – CODE ENFORCEMENT OFFICE (Clerk - Administrative Support)

RESOLVED, that Clerk Jennifer Renaldo, shall receive additional compensation in the sum of $500 per month for additional duties performed in the Code Enforcement Office in the capacity of administrative support, effective May 30, 2023 to and including September 1, 2023, payable bi-weekly; and

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

FURTHER, BE IT RESOLVED, a copy of this resolution is to be given to the Human Resources/Payroll Department.

ROLL CALL VOTE:

Res 9

RESOLUTION – APPOINTMENT OF PART-TIME DISPATCHER

Submitted for the June 7, 2023 Board Meeting

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

WHEREAS, Christopher Leone has been interviewed and has met the qualifications to be a Public Safety Dispatcher; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Christopher Leone, effective immediately, to the position of part time Police Dispatcher 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.

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

ROLL CALL VOTE:

Authorized by _____

Chief of Police

Res 10

RESOLUTION - FILLING SEATS ON THE ETHICS COMMITTEE

WHEREAS, the Town formed an Ethics Committee in 2018 and we have open seats on the committee; and

NOW, THEREFORE, BE IT RESOLVED, the following individuals be appointed to the Town of Evans Ethics Committee:

Anthony Barone
Ken Jurek
Chandra Shaver
Kevin Rasinski
Garnet Cedro

ROLL CALL VOTE:

Res 11

RESOLUTION – APPOINTMENT OF PART TIME BUILDING SAFETY INSPECTOR

WHEREAS; a vacancy exists for a Part Time Building Safety Inspector;

WHEREAS; a recommendation has been made by Councilwoman Jeanne Macko to appoint John Latimore for the position of Part Time Building Safety Inspector in the Code Enforcement Office; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints John Latimore to Part Time Building Safety Inspector, effective June 5, 2023, at an hourly rate of $25.00 per hour, up to 19.5 hours per week;

FURTHER, BE IT RESOLVED, the above referenced appointment shall be considered nunc pro tunc; and

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to the Human Resources/Payroll Department.

ROLL CALL VOTE:

Res 12

Improvements to an Undedicated Road

Lakecrest Drive

WHEREAS, the Town of Evans, has set design standards for roadways within the Town for the purpose of maintaining the safety and general conditions of Town roads and right-of-ways when subject to use by persons, vehicles, and equipment, pursuant to Town Code Chapters 175 and 178; and

WHEREAS, the Town of Evans requires a parcel owner or developer, at their own cost, to improve those portions of undedicated streets or roadways which a proposed developed lot fronts; and

WHEREAS, in accordance with New York State Town Law § 280-a(2), before the issuance of any permit for roadways improvements and/or developments, the Town Board shall ensure any plans submitted are satisfactory and adequate, especially with respect to public health, safety and general welfare, with consideration given to special circumstances of a particular street; and

WHEREAS, the Town Board has received and reviewed a request by an applicant relative to a proposed single family home upon SBL 205.03-1-8, a parcel abutting the undedicated Lakecrest Drive, which would require 20' wide asphalt road and turnaround on said road; and

WHEREAS, Interdepartmental Reviews have been requested relative to the foregoing roadway project, and with no objection having been made; and

WHEREAS, the Town, within those powers prescribed by Town Code § 101-9, has determined no bond will be required with the permitting of such roadway improvements and/or developments described with this project; and

WHEREAS, the Town Board has been declared Lead Agency for the SEQR process for the proposed roadway improvements project; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, the Board has reviewed the proposed project; and

WHEREAS, the Board has carefully considered all of the criteria for Determination of Significance listed in the SEQR regulations and has found that the proposed action is not anticipated to result in any significant adverse impacts on the environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby directs the Building Department to permit the installation of a 20' wide asphalt road and turnaround on Lakecrest Drive for the benefit of the applicant, with the project constructed in accordance with the application submitted and in compliance with state and local standards, as determined necessary by Code Enforcement.

Res 13

SEQR Resolution- Declaring Intent to be Lead Agency

Expansion of Melody Meadows Mobile Home Park

WHEREAS, the Town Board has reviewed Part 1 of the SEQR Full Environmental Assessment Form prepared by Dean Hogg ("the Applicant") for the proposed addition to the Melody Meadows Estates mobile home park at 8930 Erie Road ("the Project"); and

WHEREAS, the Project includes a proposed 35-acre expansion to accommodate an additional 75 mobile home sites for a total of 88 acres and 261 mobile homes; and

WHEREAS, the proposed project would include the subdivision, rezone and site plan development of the property; and

WHEREAS, the Project is also subject to the full site plan review and recommendation of the Planning Board prior to Town Board approval; and

WHEREAS, the Town Board determines that the Project is classified as a Type 1 Action under the State Environmental Quality Review ("SEQR") regulations; and

WHEREAS, the Town Board also determines that the Project is subject to review and approval by other involved and interested agencies under SEQR; and

WHEREAS, the Town Board determines that it is the most appropriate agency to oversee the coordinated review of the Project, and will provide written notification to involved and interested agencies, for the purpose of making a determination of significance under SEQR regulations.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans does hereby declare its intent to be designated as lead agency for this Project; and

BE IT FURTHER RESOLVED, that the Town of Evans Planning Department is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing **on or before noon on Wednesday, July 12, 2023**.

Res 14

Advertise for Bids

Lake Erie Beach Park Pedestrian Bridge and Shoreline Revetment

WHEREAS, the Town Engineer is hereby authorized to prepare an invitation to bid for repairs and mitigation measures to the Lake Erie Beach Park Pedestrian Bridge and Shoreline Revetment; and

WHEREAS, the specifications for the invitation to bid shall be available at the Evans Town Clerk's Office, 8787 Erie Road, Angola, NY 14006, beginning Wednesday, June 14th, 2023 as well as the office of Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203.

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that the bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Friday, July 7th, 2023, at which time the bids will be publicly opened and read aloud.

VOTE RESULT:

Councilwoman Macko _____

Councilman Schraft _____

Councilwoman Reitz _____

Councilman George _____

Res 15

Advertise for Bids

Lake Erie Beach Multi-Use Trail (a portion of Shoreline Trail Phase 4)

WHEREAS, the Town Engineer is hereby authorized to prepare an invitation to bid for the Lake Erie Beach Multi-Use Trail from Point Breeze Drive to AJ Schmidt Elementary; and

WHEREAS, the specifications for the invitation to bid shall be available at the Evans Town Clerk's Office, 8787 Erie Road, Angola, NY 14006, beginning Monday, June 5th, 2023 as well as the office of Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203.

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that the bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Tuesday, June 27th, 2023, at which time the bids will be publicly opened and read aloud.

VOTE RESULT:

Councilwoman Macko _____

Councilman Schraft _____

Councilwoman Reitz _____

Councilman George _____

Res 16

Authorization to Execute Agreement with

C &S Companies for the Shoreline Trail Phase 4 Design, Engineering and Right-of-Way Services

WHEREAS, the Town of Evans has been approved for reimbursement of 80% of qualified costs from the NYSDOT Transportation Alternative Program for funding development of the Shoreline Trail on Lake Shore Road (Phase 4) in the total project amount of $2,943,609; and

WHEREAS, the Town of Evans has also been approved for funding in the amount of $525,000 from Community Development Block Grants with a $10,000 local match for the Lake Erie Beach portion of the Trail from Point Breeze Drive to AJ Schmidt Elementary: and

WHEREAS, as a result of a Request for Qualifications and multiple interviews it was determined that C&S Companies located at 141 Elm Street, Suite 100, Buffalo, NY 14203 is the Town's preferred choice to provide the remaining design, engineering and right-of-way services for the project; and

WHEREAS, the Town Board of the Town of Evans previously authorized Director William Smith to negotiate the terms and conditions of the contract with C&S Companies.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes Acting Deputy Supervisor Thomas George to execute an agreement with C & S Engineers, Inc for design and engineering of the portion of the project funded through NYSDOT in the lump sum amount of $330,000; and

BE IT FURTER RESOLVED, the Town and C&S will negotiate additional fees for right-of-way incidental and acquisition services on the NYSDOT-funded portion of the project once those costs are known; and

BE IT FURTER RESOLVED, the Town Board authorizes Acting Deputy Supervisor Thomas George to execute an agreement with C & S Engineers, Inc for right-of-way incidental and acquisition services of the CDBG-funded portion of the project in the lump sum amount of $22,500.

Councilwoman Reitz _____

Councilwoman Macko _____

Councilman Schraft _____

Councilman George _____

Res 17

Advertise for Public Hearing

Adoption of Local Law #7: Application for Certification of Nonconformity

WHEREAS, the Evans Planning Board seeks to adopt the Application for Certification of Nonconformity in order to determine the pre-existing rights to a nonconforming lot, use or structure; and

WHEREAS, the proposed Local Law #7 shall apply to the potential change from one nonconforming use to another nonconforming use; the proposed re-use and/or renovation of a previous nonconforming structure; or to extend a period of vacancy due to extensive rehabilitation of a structure; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed Local Law #7 will help address the current issue of pre-existing non-conforming lots, uses and structures in the Town; and

WHEREAS, the proposed regulations have been reviewed by the Code Review Committee with comments addressed; and

WHEREAS, the Evans Planning Board held a public meeting on May 24, 2023 and voted unanimously to recommend approval of Proposed Local Law #7 of the Year 2023; and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #7 of the year 2023, to be held on June 21, 2023 at 7:10p.m. for the consideration of said Code Regulation.

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