Meeting #12
Regular _X_ Special _____

Wednesday, June 21st, 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: June 7th, 2023 Minutes	
V	Communications: 1.) William B. Smith, Director of Planning & Community Development Re: Special Use Permit - Proposed construction of a 5,000+ sq. ft. building for the operation of a Motor Vehicle Sales business with a Special Use Permit located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12. Petitioner: Christian DelPrince/Duncan Motors, 8555 Southwestern Blvd., Angola NY 14006. 2.) William B. Smith, Director of Planning & Community Development Re: Special Use Permit - Development, construction and operation of an approximately 10 megawatts solar array on two abutting parcels (16.08+ acres and 14.59+ acres) located in the Solar Overlay District on Southwestern Blvd., formerly known as SBL# 207.00-4-11.11. Petitioner: Solar Liberty Energy Systems, Inc., 6500 Sheridan Dr., Suite 120, Buffalo NY 14221.	
VI	Public Hearing & Bid Opening: 1.) Nonconforming Use Amendment	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business: 1.) Appointment of Provisional Full Time Assistant Code Enforcement Officer 2.) Appointment of Part Time Assistant Code Enforcement Officer 3.) Filling Seats on Ethics Committee	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Appointment of Economic Development Advisory Committee Members 2.) Appointment of Part Time Programs Coordinator - Senior Center 3.) Authorize Deptuy Supervisor to Enter into Contract with REHRIG Pacific Company 4.) Authorize Emergency Demolition 704 Bennett Rd 5.) Lake Erie Beach Vol Fire Comp Elected Membership 6.) Budget Amendment Highway Department 7.) Budget Amendment Police Department 8.) Budget Transfer Finance AED Purchase 9.) Budget Transfer Highway Tree Removal 10.) Budget Transfer Town Clerk Vital Records Preservation 11.) Appointment of Part Time Dog Control Officer	
XII	Licenses: 1.) Graycliff Conservancy 6472 Old Lake Shore Rd, Derby 14047 (Live Band Commercial) 2.) Graycliff Conservancy 6472 Old Lake Shore Rd, Derby 14047 (Special Event App)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, July 19th, 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 #252 Enter Executive Session

Supervisor Hosler moved and Councilman Schraft 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 Individual.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, John Flading, Code Enforcement, Jeneen Hill, Assessor and Alex Haley, Deputy Town Clerk are invited to attend the Evans Town Board Executive Session.

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

RESOLUTION 2023 #253 Accept Minutes

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of May 17, 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

RESOLUTION 2023 #254 Amend Resolution 2023 #248 Appointment of Code Enforcement Officer

Councilman Schraft moved and Councilman Macko seconded;

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.

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

RESOLUTION 2023 #255 Provisional Full Time Appointment of Assistant Code Enforcement Officer

Deputy Supervisor George moved and Councilman Schraft seconded to Table the resolution.

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

RESOLUTION 2023 #256 Appointment of Part Time Code Enforcement Officer

Deputy Supervisor George moved and Councilman Macko seconded to Table the resolution.

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

RESOLUTION 2023 #257 Authorization for Demolition

Deputy Supervisor George moved and Councilman Macko seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #258 Authorize Deputy Supervisor to Enter into Contact with Spectrum Enterprise for Phone System Upgrade

Councilman Reitz moved and Councilman Schraft 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, 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.

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

RESOLUTION 2023 #259 Budget Director Money

Councilman Macko moved and Councilman Schraft seconded;

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.

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

Resolution Failed for Lack of a Majority

RESOLUTION 2023 #260 Employee Stipend Code Enforcement Officer

Councilman Macko moved and Deputy Supervisor George seconded;

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.

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

RESOLUTION 2023 #261 Employee Stipend - Code Enforcement Office Clerk

Deputy Supervisor George moved and Councilman Reitz seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #262 Appointment of Part Time Dispatcher

Councilman Schraft moved and Deputy Supervisor George seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #263 Filling Seats on Ethics Committee

Councilman Schraft moved

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

RESOLUTION 2023 #264 Table Filling Seats on Ethics Committee

Deputy Supervisor George moved and Councilman Reitz seconded to Table this resolution.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #265 Appointment of Part Time Building Safety Inspector

Councilman Macko moved and Councilman Schraft seconded,

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; and

FURTHER, BE IT RESOLVED, the Town Board hereby accepts the resignation of the Part Time Dog Control Officer effective on June 4. 2023.

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

RESOLUTION 2023 #266 Improvements to an Undedicated Road - Lake Crest

Deputy Supervisor George moved and Councilman Macko seconded,

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.

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

RESOLUTION 2023 #267 SEQR Lead Agency - Expansion of Melody Meadows Mobile Home Park

Councilman Reitz moved and Councilman Schraft seconded,

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.

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

RESOLUTION 2023 #268 Advertise for Bids Lake Erie Beach Park Pedestrian Bridge and Shoreline Revetment

Councilman Macko moved and Councilman Schraft seconded,

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

RESOLUTION 2023 #269 Advertise for Bids Lake Erie Beach Multi-Use Trail Phase 4

Councilman Schraft moved and Deputy Supervisor George seconded,

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

RESOLUTION 2023 #270 Authorization to Execute Agreement - C & S Companies - Shoreline Trail Phase 4

Deputy Supervisor George moved and Councilman Macko seconded,

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.

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

RESOLUTION 2023 #271 Advertise for Public Hearing Local Law #7 Application for Certification of Nonconformity

Councilman Macko moved and Councilman Reitz seconded,

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.

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

RESOLUTION 2023 #272 Suspend the Rules of Order

Deputy Supervisor George 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 #273 Appointment of Climate Smart Coordinator

Deputy Supervisor George moved and Councilman Reitz seconded;

BE IT RESOLVED, that effective immediately, William J. Henry, is hereby appointed as the Climate Smart Coordinator for the Town of Evans.

FURTHER, BE IT RESOLVED, a copy of this resolution be sent to Jason Kulaszewski, Clean Energy Coordinator at the University at Buffalo Regional Institute at 77 Goodell Street, Suite 302, Buffalo, NY 14203.

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

Deputy Supervisor George Aye

RESOLUTION 2023 #274 Fireworks License - 8234 Lake Shore Road

Councilman Reitz moved and Councilman Macko seconded;

WHEREAS, an application for the display of fireworks on June 3, 2023, no rain date, beginning approximately at 9:00pm, was filed by Matt Shaw, and approved by the Chief of Police, for the display of fireworks for 8234 Lake Shore Road, Angola, New York 14006;

NOW, THEREFORE, BE IT RESOLVED, that the granting of such fireworks license is hereby approved to allow the display of fireworks, for Saturday, June 3, 2023 and is approved nunc pro tunc.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #275 Authorize Deputy Supervisor to Enter into Contract with Premcom for Phone System Upgrade

Deputy Supervisor George 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, the Town Board has previously given authorization to proceed with all aspects to incorporate the above referenced upgrade;

WHEREAS, more specifically, the infrastructure necessary to complete the upgrade of the system, which includes but is not limited to: firewalls, router, network switches, wireless access points, transceivers, cables, management software, installation, and configuration; and

WHEREAS, this infrastructure upgrade will enable the computer network to have the capability to handle the new phones and support (both offsite (VPN) and onsite) computer access; and

WHEREAS, a quote from Premcom was obtained, which incorporates the above referenced infrastructure upgrades, at a cost of $39,376.00; and

WHEREAS, the Town of Evans IT Consultant recommend entering into a contract with Premcom;

WHEREAS: this resolution has come under exigent emergency services and as for determined and elaborated on by the IT consultant as demonstrated to the Town Board;

BE IT RESOLVED, that Deputy Supervisor Thomas George is authorized to execute all necessary contract documents with Premcom, 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 #276 Town Licenses

Councilman Schraft moved and Councilman Macko seconded,

1) TE Connors D/B/A Connor's Hot Dog Stand - Refreshment
2) John Roszman D/B/A The Strange Brew - Refreshment
3) Kurt Wojda D/B/A Strohs - Refreshment, Amusement, Live Band Commercial
4) Fred Garrasi III Memorial Run - Special Events
5) Matt Shaw D/B/A Skylighters of New York LLC 8696 Lake Shore Road - Fireworks (7/1/23)
6) Matt Shaw D/B/A Skylighters of New York LLC 8686 Lake Shore Road - Fireworks (7/4/23)

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

RESOLUTION 2023 #277 Audit of Bills

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

	AUDIT OF BILLS
DATE	6/8/2023
ABSTRACT NO.	11
VOUCHER NO.	12569 - 12683
CHECK NUMBERS	85786 - 85874
APPROVED AT	Board Meeting
DATE	6/7/2023
GENERAL	$276,957.88
PART TOWN	$12,543.43
HIGHWAY DB	$101,547.59
WATER	$4,784.39
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$164,196.19

DEBT SERVICE

TOTAL $560,029.48

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #278 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

DRAFT

COM 1
PG 1

TOWN OF EVANS

8787 Erie Road • Angola, New York 14006-9600 • www.townofevans.org

WILLIAM B. SMITH
Director of Planning and Community Development
Telephone: (716) 549-0945 / Fax: (716) 549-0456
wsmith@townofevans.org

June 19, 2023

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

Re: Special Use Permit – Proposed construction of a 5,000± sq. ft. building for the operation of a Motor Vehicle Sales business with a Special Use Permit located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12. Petitioner: Christian DelPrince/Duncan Motors, 8555 Southwestern Blvd., Angola NY 14006.

Dear Town Board:

The Town of Evans Planning Board has begun the SEQR and Special Use Permit reviews for the above-referenced project. Please set a public hearing for this Special Use Permit as required by Town Code Section 200-45.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

William Smith

William B. Smith, Director
Planning & Community Development

cc: Planning Board Members
Town Attorney
Code Enforcement Office
Assessor
Applicant/Representative

Com 1
pg 2

Submitted for the June 21, 2023 Town Board meeting:

WHEREAS, in a letter dated June 19, 2023, the Planning Board has requested that the Town Board set a public hearing regarding the petition of Christian DelPrince, dba Duncan Motors, 8555 Southwestern Blvd., Angola NY for a Special Use Permit for construction of a 5,000± sq. ft. building for the operation of a Motor Vehicle Sales business with a Special Use Permit to be located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on July 19, 2023 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 Code Enforcement Office.

COM #2
pg 1

TOWN OF EVANS

8787 Erie Road • Angola, New York 14006-9600 • www.townofevans.org

WILLIAM B. SMITH
Director of Planning and Community Development
Telephone: (716) 549-0945 / Fax: (716) 549-0456
wsmith@townofevans.org

June 19, 2023

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

Re: Special Use Permit - Development, construction and operation of an approximately 10 megawatt solar array on two abutting parcels (16.08± acres and 14.59± acres) located in the Solar Overlay District on Southwestern Blvd., formerly known as SBL# 207.00-4-11.11. Petitioner: Solar Liberty Energy Systems, Inc., 6500 Sheridan Dr., Suite 120, Buffalo NY 14221.

Dear Town Board:

The Town of Evans Planning Department has initiated a coordinated review with all involved and interested agencies for the purpose of making a determination of significance under SEQR regulations for the above-referenced project. Please set a public hearing for the associated Special Use Permit as required by Town Code Section 200-45.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

William Smith

William B. Smith, Director
Planning & Community Development

cc: Planning Board Members
Town Attorney
Code Enforcement Office
Assessor
Applicant/Representative

Com 32
pg 2

Submitted for the June 21, 2023 Town Board meeting:

WHEREAS, in a letter dated June 19, 2023, the Planning Board has requested that the Town Board set a public hearing regarding the petition of Solar Liberty Energy Systems, Inc. for a Special Use Permit for development, construction and operation of an approximately 10 megawatt solar array on two abutting parcels, as a result of a merger and subsequent subdivision, (16.08± acres and 14.59± acres) located in the Solar Overlay District on Southwestern Blvd., formerly known as SBL# 207.00-4-11.11.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on July 19, 2023 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 Code Enforcement Office.

PH #1

NOTICE OF PUBLIC HEARING re Certification of Nonconformance

PLEASE TAKE NOTICE that pursuant to Evans Town Code, the provisions of the Town Law and Municipal Home Rule of the State of New York, the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on June 21 at 7:10 pm in the Court Room of the Evans Municipal Center (located at 8787 Erie Road, Angola, NY 14006), to hear any and all persons either for or against a local law amending Chapter 200 (Zoning) with regard to Certification of a Nonconforming Use, Lot or Structure.

Summary of Proposed Law:

This law is intended to amend the code to allow for an opportunity for persons to submit a permitting application directly to the Planning Department for a determination on the rights of a nonconforming use or structure, change of nonconforming use, re-use and/or renovation of a previous nonconforming structure, or to extend a period of vacancy due to extensive rehabilitation of a structure.

Res 1

Appointment of New Economic Development Advisory Committee Members

6-21-23

WHEREAS, the Town Board wishes to develop a renewed Economic Development Advisory Committee for the purpose of implementing economic development plans, policies, projects and programs which create a balanced, vibrant local economy, and promote diversity, sustainable growth and increased revenue while enhancing the community character; and

WHEREAS, the Director of Planning and Development has provided a list of interested stakeholders from the local business and development community to serve as members of the Committee.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans hereby appoints the following people to the new Economic Development Advisory Committee:

Valerie Stonitsch (Chair)
Brandy Lombardo (Delio's)
John Popple (Bagel Jar)
Anna Kaplan (Graycliff)
Kelly Zielinski (NE Property Partners)
Valerie Nowak (Harmonia)
Karen Erickson (Connor's)
Rick Manguso (Grandview Golf/Lucy Goose)
Lori Szewczyk (ECIDA)
Jamie Decker (Chamber of Commerce)
William Smith (Evans Planning and Development)

ROLL CALL VOTE:

Res 2

Resolution - Part Time Program Coordinator (Senior Center)

BE IT RESOLVED, effective June 22, 2023, Lisa McKinnon is hereby appointed Part-Time Program Coordinator for the Town of Evans Senior Center, working up to 19.5 hours per week, at the hourly rate of $16.20 per hour; and

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

ROLL CALL VOTE:

Res 3

RESOLUTION – AUTHORIZE DEPUTY SUPERVISOR TO ENTER INTO CONTRACT WITH REHRIG PACIFIC COMPANY (TRASH TOTES)

WHEREAS, a bid opening was held on Thursday, March 9, 2023 at 2:00pm at the Evans Town Hall located at 8787 Erie Road, Angola, New York 14006 for the Town of Evans Collection, Hauling and Processing of Municipal Solid Waste, Bulk Waste and Recyclables; and

WHEREAS, the Town Board of the Town of Evans accepted and awarded the bid presented by Modern Disposal Services, Inc., Option #2, for the provision of services for the Town of Evans' Collection, Hauling and Processing of Municipal Solid Waste, Bulk Waste and Recyclables; and

WHEREAS, per the Option #2 bid awarded, there will be a necessity to purchase 95 Gallon trash totes for distribution to Town residents in order to comply with the specifications of the awarded bid; and

WHEREAS, the implementation of utilization of the totes will commence for the Town of Evans on Monday, October 2, 2023; and

WHEREAS, quotes were obtained for the purchase of the above referenced trash totes; and

WHEREAS, Rehrig Pacific Company is the lowest quote, which includes the purchase, freight, assembly and distribution at a cost of $398,600.00; and

WHEREAS, Rehrig Pacific Company's quote falls under a SOURCEWELL Cooperative purchasing contract;

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

ROLL CALL VOTE:

Res 4

RESOLUTION – AUTHORIZATION FOR EMERGENCY DEMOLITION

WHEREAS, there was a structure fire at 704 Bennett Road, Angola, NY 14006 on Friday, June 9, 2023; and

WHEREAS, after the Fire Departments on scene extinguished the fire, it was determined there was major structural damage to the building and there were hotspots with the debris; and

WHEREAS, it was determined by the Commanding Chief on scene and the Code Enforcement Officer/Fire Marshal, that equipment would be required on scene to pen the debris pile to extinguish the remaining hot spots and remediate the imminent danger; and

WHEREAS, the Code Enforcement Officer did make contact with the members of the Town Board to authorize a Declaration of Emergency Demolition for the building located at 704 Bennett Road, Angola, NY 14006 (SBL #220.00-1-34.1); and

WHEREAS, the contracted demolition company was contacted to proceed with demolition to remediate the imminent danger and remove the building;

BE IT RESOLVED, that pursuant to Chapter 74, Buildings, Unsafe, of the Evans Town Code, the Evans Town Board hereby approves the earlier referenced Declaration of Emergency and authorizes that Geiter Done of WNY, Inc. to proceed with the emergency demolition of 704 Bennett Road, Angola, NY 14006 at a total cost of $26,000; and

BE IT FURTHER RESOLVED, this resolution is nunc pro tunc.

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

ROLL CALL VOTE:

Res 5

RESOLUTION – LAKE ERIE BEACH VOLUNTEER FIRE COMPANY, INC. ELECTED MEMBERSHIP

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 June 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.;

William Radder
Vincent Skorupski

ROLL CALL VOTE

Res 6

RESOLUTION – BUDGET AMENDMENT – HIGHWAY

WHEREAS, the Town of Evans Town Board approved the 2023 budget on November 16, 2022 by resolution 2022-425; and,

WHEREAS, the Town finds it necessary to amend the 2023 budget to recognize the receipt of funds associated with NYS Department of Transportation,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2023 budget; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget amendments:

Increase:

DB3501.01	$25,487
DB5112.230.01 (CHIPS)	$25,487
DB3501.02	$8,416
DB5112.230.02 (PAVENY)	$8,416

Decrease:

DB3501.03	$8,439
DB5112.230.03 (EWR)	$8,439
DB3501.04	$15
DB5112.230.04 (POP)	$15

ROLL CALL VOTE:

AA.02770.0000.03	$7,862
AA.03120.0120.03	$7,862

Res 7

RESOLUTION – BUDGET AMENDMENT – POLICE

WHEREAS, the Town of Evans Town Board approved the 2023 budget on November 16, 2022 by resolution 2022-425; and,

WHEREAS, the Town finds it necessary to amend the 2023 budget to recognize the receipt of funds associated with the DEA Task Force,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2023 budget; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget amendments:

Increase:

AA.02770.0000.03	$7,862
AA.03120.0120.03	$7,862

ROLL CALL VOTE:

Res 8

RESOLUTION – BUDGET TRANSFER – FINANCE

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 AED purchase for Town:

Transfer From:

AA.01990.0400.00	Contingent	$21,140

Transfer To:

AA.01620.0410.00	Equipment	$21,140

ROLL CALL VOTE:

Res 9

RESOLUTION – BUDGET TRANSFER – HIGHWAY

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 tree removal discussed by the Town Board at the February 15, 2023 Work Session:

Transfer From:

DB.0917.000.00	Fund Balance Account	$10,500

Transfer To:

DB.5110.400.02	Tree Removal	$10,500

ROLL CALL VOTE:

Res 10

RESOLUTION – BUDGET TRANSFER – TOWN CLERK – Vital Records Preservation

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 Vital Records Preservation:

Transfer From:

AA.01410.0431.00	General Fund	$850

Transfer To:

AA.01410.0413.00	General Fund	$850

ROLL CALL VOTE:

Res 11

RESOLUTION – Police Department: Part Time Dog Control Officer

Submitted for the June 21, 2023 Board Meeting

WHEREAS; there is an opening in the Town of Evans Police Department for a part time Dog Control Officer; and;

WHEREAS, Edward Jackson is currently a part time dispatcher for the Evans Police Department and knows the policies and procedures of the Town of Evans Police Department; and furthermore, understands the job responsibilities of a Dog Control Officer;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Edward Jackson as a Part Time Dog Control Officer, effective immediately, at an hourly salary of $15.20; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood by all parties subject to Civil Service Law and the IBEW Local 41; and

FURTHER, BE IT RESOLVED, a copy of this resolution will be provided to HR Department and the Chief of Police.

ROLL CALL VOTE: