Meeting #15
Regular X Special _____

Wednesday, August 16, 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: August 2 2023 & August 8 2023	
V	Communications:	
VI	Public Hearing & Bid Opening: Local Law #8 of 2023- SBL# 206.00-5-37 Zoning Law	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports: Town Clerk $76,891.46 Interest $4.90 Greenspace $700.00 Petty Cash $650.00	
IX	Old Business: 1.) Filling Seats on Ethics Committee 2.) Budget Amendment - Highway 3.) Part Time Dog Control Officer	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Authorize Town Justice Cooper to attend NYS Magistrates Annual Conference 2.) Grandview Bay WMU project sub division plat- revised 3.) Appointment to Climate Smart Committee 4.) Approve IBEW proposed collective bargaining successor agreement 5.) Budget amendment-highway	
XII	Licenses: 1.) Dance Connections 1 George Nablo Pkwy, Derby, NY 14047, 08/26/2023 12:00pm-4:00pm (Special Event)-Pending Approval from the Chief of Police, Code Enforcement and Highway 2.) Matt Shaw D/B/A Skylighters of NY LLC 8234 Lake Shore Rd Angola 9/2/2023(Fireworks)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, September 6, 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:	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2023 #355 Enter Executive Session

Deputy Supervisor George 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, and Mike Franey Police Department Dog Control Officer, 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 #356 Accept Minutes

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of July 19, 2023, July 27, 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

William B. Smith, Director of Planning & Community Development Re: Rezone- Proposed rezone of a 20.485 ± acre vacant parcel from Rural Residential (RR) to Rural Agriculture (RA) on Sturgeon Point Road near the corner of Delamater Road, part of SBL# 206.00-5-37.1, for the purpose of operating a small farm and spreading compost. Petitioner: Thomas & Patricia Snyder Uhl, 4101 S 4000 West, West Haven, UT 84401.

RESOLUTION 2023 #357 Advertise for Public Hearing Local Law #8

Deputy Supervisor George moved and Councilman Macko seconded

WHEREAS, Thomas & Patricia Snyder Uhl, potential buyers, and David & Theresa DiPietro, property owners, have requested that the Town Board of the Town of Evans rezone the 20.485± acre parcel on Sturgeon Point Road near the corner of Delamater Road from Rural Residential (RR) to Rural Agriculture (RA), part of SBL# 206.00-5-37.1, for the purpose of operating a small farm and spreading compost; and

WHEREAS, in a letter dated July 28, 2023 the Evans Planning Board voted unanimously to recommend said rezone from Rural Residential (RR) to Rural Agriculture (RA) at their July 26th meeting; and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Thomas & Patricia Snyder Uhl and David & Theresa DiPietro.

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 #8 of the year 2023, to be held on August 16, 2023 at 7:10pm for the consideration of said rezoning,

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning, Code Enforcement and Assessor's offices.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #358 Remove and Dispose of Old Business #1 Appointment of Full Time Assistant Code Enforcement Officer.

Councilman Macko moved and Councilman Reitz seconded to Remove and Dispose of Resolution #1 on old business.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #359 Remove Resolution's 5 and 6 from Old Business

Councilman Macko moved and Councilman Schraft seconded to move and act on resolutions 5 and 6 from old business.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #360 (202b) Improvements to Be Made to The Town Of Evans Water District Nos. 1, 1x, 1xx, 2, 2x, 3, 4 And 5

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, the Town Board (the "Town Board") of the Town of Evans, Erie County, New York (the "Town") is considering authorizing certain improvements to the facilities serving the Town of Evan's Water District Nos. 1, 1X, 1XX, 2, 2X, 3, 4 and 5 (collectively, the "Districts"), consisting of the replacement and installation of water mains throughout the Districts (collectively, the "Project"), all as more particularly described in an engineering report dated July 2023 prepared by CPL Engineers, engineers duly licensed by the State of New York (the "Engineers"), prepared at the direction of the Town Board and on file for inspection with the office of the Town Clerk, at an estimated maximum cost of $13,525,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed $13,525,000; and

WHEREAS, by resolution adopted on July 17, 2023 at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on July 27, 2023 at 9:00 a.m. at the Town of Evans Town Hall, 8787 Erie Road, Evans, Angola, New York 14006; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *The Observer*, an official newspaper of the Town, on July 18, 2023 and a copy of such notice was posted on the signboard maintained by the Town Clerk on July 18, 2023, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, by resolution adopted on July 27, 2023, immediately prior to the adoption of this resolution, the Town Board determined that the Project constitutes a "Type II" action under the

New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)(1)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated maximum cost of $13,525,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed $13,525,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Erie, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.
This resolution shall take effect immediately.
The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

RESOLUTION 2023 #361 Serial Bonds of the Town to Undertake Certain Improvements - Bond Resolution

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the Town Board of the Town of Evans, Erie County, New York (the "Issuer" or the "Town") is considering authorizing certain improvements to the facilities serving the Town of Evan's Water District Nos. 1, 1X, 1XX, 2, 2X, 3, 4 and 5 (collectively, the "Districts"), consisting of the replacement and installation of water mains throughout the Districts (collectively, the "Project"), all as more particularly described in an engineering report dated July 2023 prepared by CPL Engineers, engineers duly licensed by the State of New York (the "Engineers"), prepared at the direction of the Town Board and on file for inspection with the office of the Town Clerk; and

WHEREAS, by resolution adopted on July 27, 2023, the Town Board determined that the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)(1)) (collectively, "SEQRA") and

therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, by resolution adopted on July 27, 2023 immediately prior to the adoption of this resolution, and in accordance with Section 202-b of the Town Law of the State of New York, the Town Board determined it to be in the public interest to undertake the Project at an estimated maximum cost of $13,525,000; and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to $13,525,000 principal amount of serial bonds (including, without limitation, statutory installment bonds), or bond anticipation notes in anticipation of such bonds pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is $13,525,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the $13,525,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, (ii) the application of monies from a Water Infrastructure Improvement Act grant expected to be received by the Town from the State of New York Environmental Facilities Corporation with respect to the Project, (iii) the assessment, levy and collection of assessments or surcharges upon the benefited properties within the District, and (iv) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a

declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

RESOLUTION 2023 #362 Provisional Appointment of Building and Zoning Clerk

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS; a vacancy exists for a Building and Zoning Clerk; and

WHEREAS; Civil Service canvassing has been performed to fill the vacancy; and

WHEREAS; the Civil Service canvass did not lead to an acceptance by eligible candidates; and

WHEREAS; Human Resources, Kelly Kent and Code Enforcement Officer, John Flading conducted interviews;

NOW, THEREFORE, BE IT RESOLVED; that Alex Haley is hereby appointed provisionally as Building and Zoning Clerk for the Town of Evans, effective August 7, 2023, at an annual salary of $55,551 and all terms and conditions of the IBEW #41 current collective bargaining agreement; subject to creation of the position of Building & Zoning Clerk pursuant to civil service law 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 #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 #363 Authorize Code Enforcement Officer to Attend the Western Southern Tier Building Officials Association Conference (Wstboa)

Councilman Macko moved and Deputy Supervisor George seconded;

WHEREAS; Code Enforcement Officer John Flading requests permission to attend the Western Southern Tier Building Officials Association Conference; and

WHEREAS; said annual conference will be held in the Chautauqua Harbor Hotel, Celeron, New York from Wednesday, September 13, 2023 to Friday, September 15, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Code Enforcement Officer John Flading, to attend said conference and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #364 WNY Imaging Copier(s) Agreements

Deputy Supervisor George moved and Councilman Reitz seconded;

WHEREAS, the lease/maintenance agreements between the Town of Evans and WNY Imaging are expiring for three (3) copiers (Mailroom, Police Department and Dispatch office); and

WHEREAS, there is a need to upgrade the Senior Center copier from black/white to a colored copier; and

WHEREAS, there is a one (1) year lease remaining on the Senior Center copier; and

WHEREAS, WNY Imaging will buy out the remaining one (1) year lease on the Senior Center copier; and

WHEREAS, all machines are comparable or superior to the existing machines; and

BE IT RESOLVED, the Town of Evans enter into renewal Lease/Maintenance agreements with WNY Imaging, located at 411 Maryvale Drive, Buffalo, New York 14225 for the period of 60 months at a cost of $845.00 per month (which is a savings of $209.59 per month) for the Town of Evans above referenced copiers; and

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute the above referenced agreements, upon the approval of the Town Attorney; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #365 Authorize Assessor to Attend Assessors' Association Annual Conference

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS; the Assessor Jeneen Hill request permission to attend the New York State Assessors' Association Annual Conference and Organizational meeting; and

WHEREAS; said annual conference will be held in Saratoga, New York on October 2-6, 2023; and

WHEREAS; the Town Board recognizes Assessor Hill's duties as the New York State Assessors' Association Past President is to improve the standards of assessment practice; to promote professionalism; to provide a clearing house for the collection and distribution of useful information relating to the assessment of real property; to educate assessing officers; to engage in research and improve assessment technique and practice; to advocate for legislative proposals relating to assessing and taxation; to cooperate with other agencies interested in the improvement of tax administration throughout New York State.

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Assessor Jeneen Hill to preform her duties as the Past President of the New York State Assessors' Association and attend said conference, installation and meetings and all appropriate and reasonable expenses shall be reimbursed by the New York State Office of Real Property Tax Services with remaining training expense balance to be split between Town of Evans, Collins and North Collins equally not to exceed $400.00 per town.

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

RESOLUTION 2023 #366 Evans Center Volunteer Fire Company, Inc. - Losap Approval Form for 2022

Councilman Reitz moved and Councilman Macko seconded;

WHEREAS, an audit has been completed by the Town of Evans Finance Department for the Length of Service Award Program ("LOSAP") for the 2022 Evans Center Volunteer Fire Company, Inc. records listing per Article 11-A for the New York State General Municipal Law.

BE IT RESOLVED, that the Evans Town Board hereby approves the 2022 Firefighter Records listing for Evans Center Volunteer Fire Company, Inc. and is authorized to execute the 2022 Sponsor Approval for as required by Article 11-A.

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

RESOLUTION 2023 #367 Approve CSEA Collective Bargaining Agreement

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the collective bargaining agreement between the Town of Evans and Civil Service Employees Association Local 1000 AFSCME, AFL-CIO (hereinafter "CSEA") expired on December 31, 2017; and

WHEREAS, the Town of Evans and CSEA have negotiated a proposed collective bargaining agreement for the period of January 1, 2018 through December 31, 2024; and

WHEREAS, the Evans Town Board has reviewed and discussed the proposed collective bargaining agreement packet;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby approves the proposed collective bargaining agreement with CSEA for the period of January 1, 2018 through December 31, 2024; and

FURTHER BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute the above referenced proposed agreement between CSEA and the Town of Evans, on behalf of the Town of Evans.

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

RESOLUTION 2023 #368 Adopt Town of Evans 2023 Updated Fee Schedule

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, all Town of Evans Departments have reviewed their fee schedules for the 2023 year; and

WHEREAS, some of those fees have been amended accordingly for the 2023 year;

NOW, THEREFORE, BE IT RESOLVED, effective immediately, the attached Town of Evans 2023 Fee Schedule is hereby approved and set forth by the Evans Town; (see attached)

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

RESOLUTION 2023 #369 Suspend the Rules of Order

Deputy Supervisor George moved and Councilman Reitz seconded, to suspend the rules of order for additional resolutions.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #370 Appointment of Deputy Town Clerk

Councilman Reitz moved and Councilman Schraft seconded,

WHEREAS, due to a retirement of a Town of Evans employee, there is a vacant position in the Town Clerk's Office; and

WHEREAS, is it the recommendation of the Town of Evans Town Clerk Lynn Krajacic to appoint Kristen Bauer as Deputy Town Clerk for the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED, effective August 7, 2023, the Evans Town Board hereby acknowledges the Town Clerk's appointment of Kristen Bauer as Deputy Town Clerk, with salary and benefits to follow the IBEW CBA; and

BE IT FURTHER RESOLVED, the salary for the above referenced position is $43,643 annually, paid bi-weekly, in accordance with the current IBEW #41 collective bargaining agreement; and

BE IT FURTHER RESOLVED, in conjunction with the above referenced appointment, that an additional annual stipend of $1,150 (pro-rated from date of appointment (August 7, 2023) for the remainder of 2023), be paid bi-weekly, for the additional duty and responsibility of Subregistrar of Vital Statistics; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and IBEW #41 collective bargaining agreement; 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
Deputy Supervisor George	Aye

RESOLUTION 2023 #371 Amend Appointment of Deputy Town Clerk

Councilman Reitz moved and Councilman Schraft seconded,

WHEREAS, due to a Town of Evans employee accepting another position, there is a vacant position in the Town Clerk's Office; and

WHEREAS, is it the recommendation of the Town of Evans Town Clerk Lynn Krajacic to appoint Kristen Bauer as Deputy Town Clerk for the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED, effective August 7, 2023, the Evans Town Board hereby acknowledges the Town Clerk's appointment of Kristen Bauer as Deputy Town Clerk, with salary and benefits to follow the IBEW CBA; and

BE IT FURTHER RESOLVED, the salary for the above referenced position is $43,643 annually, paid bi-weekly, in accordance with the current IBEW #41 collective bargaining agreement; and

BE IT FURTHER RESOLVED, in conjunction with the above referenced appointment, that an additional annual stipend of $1,150 (pro-rated from date of appointment (August 7, 2023) for the remainder of 2023), be paid bi-weekly, for the additional duty and responsibility of Subregistrar of Vital Statistics; and

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

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

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

RESOLUTION 2023 #372 Authorization to Execute Right of Way Agreements - Shoreline Trail Phase 4

Deputy Supervisor George moved and Councilman Schraft seconded,

WHEREAS, pursuant to Resolution 2023 #270, dated June 7, 2023, the Town previously authorized C & S Companies to provide the remaining design, engineering and right-of-way services for the Lake Erie Beach Multi-Use Trail (Phase 4) (herein and after known as the "Project"); and

WHEREAS, a portion of the construction of the Project will require the acquisition of additional land for right of way and construction, either by purchase, donation, or condemnation; and

WHEREAS, C & S Companies' project engineer has identified specific real property which the County shall need to acquire in fee or as permanent easements or as temporary easements in order to accomplish this project; and

WHEREAS, acquisition of the land for right of way and temporary easements must be completed; and

WHEREAS, C & S Companies' has been negotiating with the owners of these necessary parcel portions for their acquisition as required for the construction of the Project; and

WHEREAS, based upon consult with the owners of certain real property located at 9497 and 9483 Lake Shore Road (Identified as FEE-02) and 9455 Lake Shore Road (Identified as FEE-03), the parties have agreed portions of these lands would be donated to the Town for the Project's right of way easements; and

WHEREAS, based upon examination of an appraisal for a portion of certain real property located at 216 Garfield Avenue (Identified as FEE-01), C & S Companies, in consult with the Town Planning Director, agree with the recommended compensation of $1,600 for said property; and be it

RESOLVED, that the Town Board hereby authorizes C & S Companies to complete negotiations with the property owner of the above parcel for the acquisition of that portion of the real property on behalf of the Town at the recommended compensation fee; and, be it further

RESOLVED, the Town Board authorizes Acting Deputy Supervisor Thomas George to execute any purchase agreements for right-of-way incidental and acquisition costs relative to a portion of certain real property located at 216 Garfield Avenue (Identified as FEE-01), 9497 and 9483 Lake Shore Road (Identified as FEE-02) and 9455 Lake Shore Road (Identified as FEE-03), as a Town right of way in furtherance of the Lake Erie Beach Multi-Use Trail (Phase 4) project.

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

RESOLUTION 2023 #373 Town Licenses

Councilman Schraft moved and Councilman Reitz seconded,

1) Dance Connection 1 George Nablo Pkwy, Derby, NY 14047 - Live Band Special Event - 8/26/2023

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
	Deputy Supervisor George	Aye

RESOLUTION 2023 #374 Audit of Bills

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

	AUDIT OF BILLS
DATE	8/3/2023
ABSTRACT NO.	14
VOUCHER NO.	12901 - 12985
CHECK NUMBERS	86059 - 86126
APPROVED AT	Board Meeting
DATE	8/2/2023
GENERAL	$61,152.70
PART TOWN	$718.40
HIGHWAY DB	$344,405.86
WATER	$9,682.74
CAPITAL PROJECTS	$816,905.84
SPECIAL DISTRICTS	$117,278.32
DEBT SERVICE	
TOTAL	**$1,350,143.86**

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #375 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Tuesday, August 8, 2023 8am for a Special Meeting and then to Wednesday, August 16, 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

Alex Haley
Deputy Town Clerk

023 FEE SCHEDULE

uilding Department	Approved 8/2/2023
ingle Dwelling	
lan Review fee to be collected when peri	$250.00
ermit Fee	$1,150.00
russ Placard per card	$50.00
ark/Recreation Fee	$700.00
Family Dwelling	
pplication/Review Fee to be collected wi	$350.00
ermit Fee per Unit	$1,250.00
russ Placard per card	$50.00
ark/Recreation Fee	$700.00
own House/Condo	
ase Fee	$100.00
er Sq. Ft. (Habitable Space) Includes Atta	$0.35
ark/Relation Fee	$700.00
lultiple Dwellings (3 Units)	
pplication/Review Fee to be collected wi	$450.00
ermit Fee per Unit	$1,250.00
ark/Recreation Fee	$700.00
lterations/Renovation/Repair	
ase Fee	$100.00
er $1,000 of Confirmed Construction Co:	$5.00
ddition Only	
ase Fee	$100.00
irst 100 Sq. Ft.	
er Sq. Ft. - For (Habitable Space) Include:	$0.35
emolition	
ase Fee	
esidential	$100.00
ommercial	$100.00 per 1000 sqft
etached Accessory Buildings & Structures	
etached Garage	$200.00
hed	$50.00
Mobile Homes in Park on Pad	$350.00
IVAC Equipment (Furnaces, Boilers, Air-Conditioning and similar equipn	
lew or Replacement of Heating Equipme	$50.00
lew Air-Conditioning Equipment	$50.00
eplacement of Air-Conditioning Equipme	$50.00
oofing	
lew Buildings w/ Trusses (NYS Fee)	$50.00
er sq. ft.	$0.15
ecks	
ase Fee	$50
er sq. ft.	$0.15
arport	
ase Fee	$50.00
ence	
esidential	$50.00
replaces/Stoves	$75.00
Misc. Structures - Portals, Chimneys, etc.	
nground Residential	$150.00
bove Ground	
ENALTIES	
ailure to Call - Residential per Inspection	$150.00
ailure to Call - Commercial per Inspectio	$400.00
olar Fees - based on Code	
PS type 1 - App Fee Planning	$5,000 escrow acct
lus Site Plan Fee and SWPPP and Spec U:	Various
PS Type 1 Bldg. Permit Fee	Refer to Code
PS Type 2 Residential Bldg Permit Fee	$100.00

Residential Alterations/Renovation/Repair	
Application/Review fee to be collected when permit app submitted	
Permit Fee	$200.00
Towers (cellular unless stated)	
Base Fee	$2,000.00
Antenna/Radio - Replace	$1,000.00
Antenna/Radio - per ft.	
Per ft. above 150ft	
Co-Location	$1,000.00
Co-User	$500.00
Site Plan	$3,000.00
Building Permit Per Lin. Ft. measured from grade to upper-mos	$20.00
Per $1,000.00	
Whole House Generator	
App/Review Fee to be Collected when Permit App Submitted	$75.00
Electrical Service/Meter	
Application Fee	$50.00
Re-Inspection Fee	$50.00
Residential Building	
New Construction Drawing Review	$200.00
Moving Waterlines	$75.00
Fire Protection	Can't read it
General	
Hazardous Materials	$100.00
Public Assembly	$100.00
Common Areas (first 5)	$200.00
Common Areas (per additional 5)	$100.00
Operating Permits (For Activities and uses specified in the Build	$50.00
New	
Fire Alarm System	
<5,000 SF	$200.00
5,000 - 10,000 SF	$340.00
>10,000 SF	$500.00
Each story above or below	$200.00
Automatic Fire Extinguishing System <5,000 SF	$200.00
5,000 - 10,000 SF	$340.00
>10,000 SF	$500.00
Each story above or below	$200.00
Hood Extinguishing System (each)	$200.00
Fire Pump & Equipment	$200.00
Alterations or Modifications to Existing Fire Alarm/Smoke Detection System	
Fire Alarm/Smoke Detection System	
1-25 Devices	$100.00
26-50 Devices	$200.00
>50 Devices	$500.00
Each story above or below	$100.00
Automatic Fire Extinguishing System	
1-25 Devices	$100.00
26-50 Devices	$200.00
>50 Devices	$500.00
Each Story Above or Below	$100.00
Hood Extinguishing System	$100.00
Fire Pumps & Equipment	$100.00

COMMERCIAL BUILDING	
NEW Construction Drawing Revie	$800.00
New/Alterations/Renovation/Repair	
Minimum Fee	$250.00
per sq. ft.	$0.15
site plan review - new build	$1,000.00
site plan review - additions	$500.00
HVAC Equipment (Furnaces, Boil	$12.00
New or Replacement of Heating E	$12.00
New Air-Conditioning Equipment	$12.00
Replacement Air-Conditioning Eq	$12.00
Commercial Fence	
Base Fee	$100.00
left blank	$12.00 per $1,000 cost
Extra Inspections	
Re-Inspection	$50.00
Signs	
upto 100 sqft includes both sides	$200.00
over 100 sqft includes both sides	$400.00
Solar	
SPS Type 1 Bldg Permit Fee Refer to Code	
SPS Type 2 Residential Bldg Perm	$100.00
Small Cell Fees based on Code 200-77	
App Fee upto 5 sites	$500.00
per site after 5	$100.00
per building per year	$750.00
per new pole	$1,000.00
Residential Building	
Inspection Fee	$30.00 each
Per Fixture	$10.00
Bubbler	$75.00
Sanitary Sewer and Drain	$100.00
Storm Sewer and Drain	$75.00
Sump Pump	$50.00
Commercial	
per Inspection	$30.00 each
per Fixture	$20.00
Sanitary Sewer and Drain	$200.00
Storm Sewer and Drain	$200.00
Grease Interceptor	inter 250 exter 500
Back Flow Preventer	inter 250 exter 500
Sump Pump - per unit	$100.00
Penalties	
Failure to Call - First - Residential	$100.00
Failure to Call - First - Commercia	$200.00
Pulling Permit for other/failure to	$250.00
Rental Inspection	
Rental	$100.00 per unit every 2 years
Re-Inspection	$35.00
Late Fee/Penalty	$1% per Day
Topsoil Removal/Addition/Alteration Topography (Section 186)	
1/2 acre to 1 acre	$100.00
5-over	$500.00
Floodplain Development	
per Acre	$200.00

FLOODPLAIN DEVELOPMENT	
Drainage Plan Must Be Submitted	
Driveway/Patio (flatwork)	$100.00
Application Fee to be Collected When Permit Application Su	$100.00
Plus Engineer Review Fee Up To $500	?
Ponds Inspection required by MS4	$250.00
Plumbing - Commercial - New Construction	$500.00
Electrical - Commercial - New Construction	$150.00
HVAC - Commercial - unto 2000 sqft	$200.00
HVAC - Commercial - over 2000 sqft	$400.00
Fence - Commercial - including Dumpster Enclosure	$250.00
Plumbing New Construction	$200.00
Electrical New Construction	$200.00
HVAC upto 2000sq ft.	$200.00
HVAC over 2000sq ft.	$300.00
Hot Tub	
Application/Review Fee to be Collected when Permit App Su	$50.00
Electrical - Service/Meter	
App Fee	$50.00
Fire Protection	Section 105 of IFC
Certificate of Occupancy	
Zoning Compliance Ltr	$50.00
Change In Use per unit	$150.00
Residential Additions	
App/Review Fee	$200.00
uptp 2,000 sq. ft.	$300.00
over 2,000	$500.00
Accessory Structures	
Detached Garage over 800 sqft (pole style building)	$400.00
Detached Garage under 800 sqft	$200.00
Shed under 200 sqft	$75.00
Shed over 200 sqft	$150.00
Above Ground Pool	
App/Review Fee to be Collected when the Permit App Subm	$50.00
Inground Residential	
App/Review Fee to be Collected when the Permit App Subm	$150.00
Fireplace & Stove	
App/Review Fee to be Collected when the Permit App Subm	$75.00
Fence	
App/Review Fee to be Collected when the Permit App Subm	$75.00
Carport/Lean To Attached Buildings	
App/Review Fee to be Collected when Permit App submitte	$150.00
Roof - Residential	$100.00
Roof - Commercial	$200.00
Deck or Covered Porch	
Application/Review Fee to be Collected when Permit App Su	$100.00

Parks Department

Town Park- Pavilions & Shelters

Pavilion #1 (Parkside)	$100.00
Pavilion #2 (Beachside)	$200.00
Small Shelters	$30.00
Two Small Shelters	$55.00
Three Small Shelters	$75.00

Town Park- Stickers & Parking

Resident Yearly Sticker (<64 yrs.)	$10.00
Resident Yearly Sticker (>64 yrs.)	Free
Non Resident Daily	$10.00

Special Event & Holidays

Resident with Yearly Sticker	Free
Resident Without Yearly Sticker	$10.00
Non Resident	$20.00

Marina- Boat Slips

28 ft. Slip	$811.00
30 ft. Slip	$927.00
32 ft. Slip	$1,161.00
34 ft. Slip	$1,276.00
38 ft. Slip (with electric)	$1,655.00
40 ft. Slip (with electric)	$1,852.00
40 ft. Slip (with electric)	$2,508.00
Dry Dock	$24/ft.
Overnight Dry Dock	$25.00
Overnight Docking	$50.00
Overnight Wet Slip	$50.00
Overnight Dry Slip	$25.00
Extra Jetski in Slip	$100.00
Wait List	$25.00
Season Launch Pass	$175.00
Season Launch Pass (>65 yrs. or Vet.)	$110.00
Daily Launch Pass	$15.00
Daily Launch Pass (>65 yrs. or Vet.)	$10.00
Bait	varies
Ice- 8lbs	varies
Gas	varies
Jet Ski Only - based on slip price	varies

Pool- Residents

Season Family Pass (<4 members)	$80.00
Each additional family member	$20.00
Tots (<5 yrs.) w/ paying adult	$10.00
Youth (6 - 17 yrs.)	$25.00
Adults (18 - 64 yrs.)	$40.00
Seniors (>65 yrs.)	$25.00
Daily- Main Pool	$5.00

Pool- Non Residents

Season Family Pass (<4 members)	$160.00
Each additional family member	$40.00
Tots (<5 yrs.) w/ paying adult	$40.00
Youth (6 - 17 yrs.)	$50.00
Adults (18 - 64 yrs.)	$60.00
Seniors (>65 yrs.)	$45.00
Daily- Main Pool	$10.00

Senior Aerobics

Residents	$35.00
Non Residents	$75.00

Softball Leagues

Per Team Per Season	$100.00

Van Service

Senior Van	Donation
County Van	

Planning

Rezone

Less than or equal to 1 acre	$500.00
Over 1 acre	$500 + $50/acre

Site Plan

Sketch Plan	$150.00
Waiver	$200.00
Initial Review	
Less than or equal to 1 acre	$800 + $50/acre
Revision Fee (After 2 reviews)	
Less than or equal to 5 acres	$300.00
Over 5 acres	$400.00

Minor Subdivisions $100.00

each additional lot	$50.00
Recreation/Greenspace	$700/dwelling unit

Special Use permit

Initial	$200.00
Renewal	$50.00
Amendment	$125.00

Major Subdivision

Sketch Plan	$150.00
Preliminary Plat	$500 + $175/lot over 4
Final Plat	$350.00
Resubmission	1/2 initial total fee
Recreation/Greenspace	$700/dwelling unit
Plus SEQR cost for all subdivision requiring an EIS	

Telecommunication Towers

Tower Permit	$2,000.00
Building Permit	/Linear ft. from grade to upper most part
Co-User	$500.00
Site Plan	$3,000.00
Locating on Existing Structure	$1,000.00

Solar

SPS Type 1 - App Fee	$5,000 escrow acct
Site Plan Fee & SWPP & Spec Use Permit Fee	Various

Town Clerk

Copies

Birth Certificate	$10.00
Death Certificate	$10.00
Duplicate Tax Bill	$2.00
Marriage Certificate	$10.00
Xerox Copy	$0.25

Dogs

Boarding	$35/Night
Spayed Dogs	$15.00
Unspayed Dogs	$28.00
Replacement Tags	$5.00
Emergency Vet	Vary

Passports

Fee	$35.00
Photo	$12.00

Plumbing

License	$100.00
Late Fee	$25.00

Licenses

Refreshment	$50.00
Games of Chance	$25.00
Solid Waste	$100.00
Amusement	$50.00
Fireworks Permit	$150.00
Late Fee	$25.00
Peddling & Hawking	$75.00
Live Band Commercial	$250.00
Live Band Special Event	$75.00
Special Event	$75.00
Mobile Home Dev. (per lot)	$10.00

Police

Fingerprints	$10.00
Fingerprints Misc.	$5.00
Pistol Permit	$10.00
Police Reports	$5.00
Subpoena Fee	$27.25

HIGHWAY

Road Cut Fee	$300.00
Road Cut Deposit	$1,500.00

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
	Ken Farrell	Town Attorney

Old Business

RESOLUTION 2023 #376 Remove & Dispose of Old Business #7 2023 NYS Water Grant Authorizing & Match Resolution

Councilman Macko moved and Councilman Schraft seconded to remove and dispose of Old Business #7 2023 NYS Water Grant Authorizing and Match Resolution.

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

RESOLUTION 2023 #377 Rescind Resolutions #2023-360 & 2023-361

Deputy Supervisor George moved and Councilman Schraft seconded to rescind resolution 2023 #360 (202b) Improvements to Be Made to The Town Of Evans Water District Nos. 1, 1x, 1xx, 2, 2x, 3, 4 And 5 and 2023 #361 Serial Bonds of the Town to Undertake Certain Improvements - Bond Resolution.

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

RESOLUTION 2023 #378 Phase 1 Water System Improvement as a Type II Action SEQRA

Deputy Supervisor George moved and Councilman Schraft seconded;

WHEREAS, the Town of Evans Board ("Town") has determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects; and

WHEREAS, the capital improvements, known as the ("Project"), being considered includes Phase 1 improvements to the existing Water System; and

WHEREAS, pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA"), the Town must consider pursuant to criteria set forth in SEQRA the environmental implications of the Project; and

WHEREAS, certain actions are classified under SEQRA as Type II actions; and

WHEREAS, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

WHEREAS, Type II actions do not require any further SEQRA review; and

WHEREAS, the Town has considered under SEQRA the environmental impact of which will be separately considered, and finds that each of the actions meets the requirement for a Type II action; and

WHEREAS, pursuant to 6 NYCRR Section 617.5 (c), the Project is determined to be Type II actions because they involve the following requiring no further review by the Town:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF EVANS, NEW YORK AS FOLLOWS:

1. The Project discussed above hereby is determined to constitute SEQRA Type II Action as defined under said regulation and do not require an environmental impact statement or any other determination or procedure.

This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopte by a vote of 4 ayes and 0 nays.
Dated: August 8, 2023

RESOLUTION 2023 #379 (202-b) Improvements to Evans Water District(s)

Councilman Schraft moved and Deputy Supervisor Geoge seconded;

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO BE MADE TO THE TOWN OF EVANS WATER DISTRICT NOS. 1, 1X, 1XX, 2, 2X, 3, 4 AND 5

WHEREAS, the Town Board (the "Town Board") of the Town of Evans, Erie County, New York (the "Town") is considering authorizing certain improvements to the facilities serving the Town of Evan's Water District Nos. 1, 1X, 1XX, 2, 2X, 3, 4 and 5 (collectively, the "Districts"), consisting of the replacement and installation of water mains throughout the Districts (collectively, the "Project"), all as more particularly described in an engineering report dated July 2023 prepared by CPL Engineers, engineers duly licensed by the State of New York (the "Engineers"), prepared at the direction of the Town Board and on file for inspection with the office of the Town Clerk, at an estimated maximum cost of $13,525,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed $13,525,000; and

WHEREAS, by resolution adopted on July 17, 2023 at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on July 27, 2023 at 9:00 a.m. at the Town of Evans Town Hall, 8787 Erie Road, Evans, Angola, New York 14006; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *The Observer*, an official newspaper of the Town, on July 18, 2023 and a copy of such notice was posted on the signboard maintained by the Town Clerk on July 18, 2023, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, by resolution adopted on August 8, 2023, immediately prior to the adoption of this resolution, the Town Board determined that the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)(1)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated maximum cost of $13,525,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed $13,525,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Erie, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted by a vote of 4 ayes and 0 nays.
Dated: August 8, 2023

RESOLUTION 2023 #380 Authorizing Serial Bonds

Councilman Macko moved and Councilman Schraft seconded;

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), (I) AUTHORIZING THE ISSUANCE OF UP TO $13,525,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO BE MADE TO THE TOWN OF EVANS WATER DISTRICT NOS. 1, 1X, 1XX, 2, 2X, 3, 4 AND 5

WHEREAS, the Town Board of the Town of Evans, Erie County, New York (the "Issuer" or the "Town") is considering authorizing certain improvements to the facilities serving the Town of Evan's Water District Nos. 1, 1X, 1XX, 2, 2X, 3, 4 and 5 (collectively, the "Districts"), consisting of the replacement and installation of water mains throughout the Districts (collectively, the "Project"), all as more particularly described in an engineering report dated July 2023 prepared by CPL Engineers, engineers duly licensed by the State of New York (the "Engineers"), prepared at the direction of the Town Board and on file for inspection with the office of the Town Clerk; and

WHEREAS, by resolution adopted on August 8, 2023, the Town Board determined that the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)(1)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, by resolution adopted on August 8, 2023 immediately prior to the adoption of this resolution, and in accordance with Section 202-b of the Town Law of the State of New York, the Town Board determined it to be in the public interest to undertake the Project at an estimated maximum cost of $13,525,000; and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to $13,525,000 principal amount of serial bonds (including, without limitation, statutory installment bonds), or bond anticipation notes in anticipation of such bonds pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is $13,525,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the $13,525,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, (ii) the application of monies from a Water Infrastructure Improvement Act grant expected to be received by the Town from the State of New York Environmental Facilities Corporation with respect to the Project, (iii) the assessment, levy and collection of assessments or surcharges upon the benefited properties within the District, and (iv) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific

object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted by a vote of 4 ayes and 0 nays.
Dated: August 8, 2023

RESOLUTION 2023 #381 NYS Water Infrastruction Improvement Act - Grant Match

Councilman Macko moved and Councilman Schraft seconded;

WHEREAS, the Town of Evans, after thorough consideration of the various aspects of the problem and review of available data, has hereby determined that certain work, as described in its NYS Drinking Water Infrastructure Grant Program application and attachments, to address the repair and maintenance of the Water System Improvements - Phase 1, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project and address said compliance requirements; and

WHEREAS, the NYS Environmental Facilities Corporation (EFC) authorizes State assistance to municipalities for drinking water quality improvement projects by means of a contract, and the Town of Evans deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED BY the Evans Town Board, that:

1. Thomas George, Deputy Supervisor, or his representative or successor in office, is the representative authorized to act on behalf of the Evans Town Board in all matters related to State assistance under the New York State Environmental Facilities Corporation (EFC) and/or any applicable State grant provisions.

2. Deputy Supervisor, or his representative, is also authorized to make an application in the amount of $8,300,000.00 which the Town is requesting the maximum of $5,000,000 of the total project cost in grant funding;

3. The Town of Evans Town Board agrees to fund its portion of the cost of the Project, of $3,320,000 by way of a General Obligation Bond or a series of Bond Anticipation Notes, and that funds will be made available to initiate the Project efforts within 12 months of written approval of its application by the NYS Department of Health and the New York State Environmental Facilities Corporation authority;

4. The one certified copy of this Resolution be prepared and sent to the Albany office of the NYS Environmental Facilities Corporation; and

5. This Resolution takes effect immediately.

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

RESOLUTION 2023 #382 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Wednesday August 16, 2023 at 6:00PM for Work Session and a 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

P.H.

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on **August 16, 2023 at 7:10 P.M.** via a Zoom and/or In-person Public Meeting to consider the adoption of Proposed Local Law #8 of the year 2023 which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) – Provision for Official Zoning Map, for the purpose of rezoning a 20.485± acre vacant parcel on Sturgeon Point Road, near the corner of Delamater Road, Angola, NY 14006 a part of SBL# 206.00-5-37.1 from Rural Residential (RR) to Rural Agriculture (RA) on the Town's official map. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm or Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after August 4, 2023. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest, and citizens, shall have an opportunity to be heard by the Town Board at the Zoom Public Hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk

P.H.
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Submitted for the August 16, 2023 Evans Town Board meeting:

RESOLUTION – Proposed Local Law #8 of 2023 – Lead Agency

WHEREAS, David J & Theresa M DiPietro, property owners, and Thomas & Patricia Snyder Uhl, potential buyers, have requested that the Town Board of the Town of Evans rezone a 20.485± acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road from Rural Residential (RR) to Rural Agriculture (RA) for the purpose of operating a small farm and spreading compost, part of SBL# 206.00-5-37.1; and

WHEREAS, the Town Board of the Town of Evans desires to be Lead Agency for the SEQR process regarding said rezone.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #8 of the year 2023; and

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

RESOLUTION – Proposed Local Law #8 of 2023 – SEQR

WHEREAS, David J & Theresa M DiPietro, property owners, and Thomas & Patricia Snyder Uhl, potential buyers, have requested that the Town Board of the Town of Evans rezone a 20.485± acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road from Rural Residential (RR) to Rural Agriculture (RA) for the purpose of operating a small farm and spreading compost, part of SBL# 206.00-5-37.1; and

WHEREAS, the Town Board of the Town of Evans has declared Lead Agency for the SEQR process, and

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the proposed rezone will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Local Law #8 of 2023.

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

RESOLUTION – Proposed Local Law #8 of 2023 – Approval

WHEREAS, the Town Board of the Town of Evans held a public hearing on August 16, 2023 for consideration of the rezone of a 20.485± acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road from Rural Residential (RR) to Rural Agriculture (RA) for the purpose of operating a small farm and spreading compost, part of SBL# 206.00-5-37.1; and

P.H
Pg 3

WHEREAS, the Planning Board has reviewed the proposed Local Law #8 of 2023 and recommended the rezone for approval by a unanimous vote at their July 26, 2023 public meeting for reasons that the action is consistent with the Town of Evans Comprehensive Plan, is in character with the surrounding community, will constitute the use of an underutilized property and is not expected to result in any significant adverse impacts; and

WHEREAS, the Planning Department submitted a full statement of the proposed action to the Erie County Division of Environment and Planning pursuant to GMU Section 239-M, which was deemed a matter of local concern; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #8 of the year 2023, as amended, which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law, and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) – Provision for Official Zoning Map, for the purpose of rezoning the 20.485+ acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road on the Town's official zoning map be adopted as Local Law # 8 of the year 2023;

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning, Assessment and Code Enforcement Offices.

TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

August 1, 2023

Thomas George, Deputy Supervisor
8787 Erie Road
Angola, New York 14006

Dear Deputy Supervisor George,

Per transfer through Evans Bank, $77,596.36 was transferred to the Town of Evans Savings & Green Space account.

This represents the following:

Town Clerk July 1, 2023 - July 31, 2023	$76,891.46
Interest Earned on Checking Account July 1, 2023 - July 31, 2023	$ 4.90
Greenspace Fees/Trust & Agency Account July 1, 2023 - July 31, 2023	$ $700.00
Petty Cash Fund Balance	$ 650.00

These funds were received by me as Town Clerk for the Town of Evans.

Best Regards,

Lynn Krajacic

Lynn Krajacic, RMC
Town Clerk

Cc: Finance Dept
Councilman Schraft
Councilman Macko
Councilman Reitz

Res 1

RESOLUTION - AUTHORIZE TOWN JUSTICE TO ATTEND NEW YORK STATE MAGISTRATES ASSOCIATION ANNUAL CONFERENCE

WHEREAS; Town Justice Moira Cooper requests permission to attend the New York State Magistrates Association 113th Annual Conference; and

WHEREAS; said annual conference will be held in Syracuse, New York from Sunday, October 1, 2023 to Wednesday, October 4, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Judge Moira Cooper, to attend said conference and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

ROLL CALL VOTE:

Res 2

Town Board Approval of Subdivision Plat Amendment

Grandview Bay WMU Project – Amendment to Subdivision Plat

WHEREAS, the Town Board has reviewed the proposed revision to the previously approved subdivision plat prepared by Grandview Bay, LLC. (the "Applicant"); and

WHEREAS, the applicant is requesting to revise the previously approved plat from the development of 8 separate tax parcels to 6 parcels for the purpose of retaining and renovating the existing restaurant building, constructing a new mixed use building, and constructing 4 single family homes located along the waterfront portion of the site; and

WHEREAS, per Section 178-6.b of the Town Code pertaining to procedures for obtaining subdivision approval, the Planning Board shall review the plat for compliance with Town requirements as well as SEQR and make its recommendation to the Town Board; and

WHEREAS, the Planning Board carefully reviewed the proposed site plan amendment and considered all of the criteria for determination of significance listed in the SEQR regulations and approved the revised site plan at their meeting on May 24, 2023 and has found that the proposed action is not anticipated to result in any significant adverse impacts to the environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby accepts Planning Board's recommendation and approves the amendment to the subdivision plat; and

BE IT FURTHER RESOLVED, that the Town Board issues a negative declaration, thereby concluding that the amendment to the previously approved plat will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

Res 3

RESOLUTION – APPOINTMENT TO CLIMATE SMART COMMITTEE

BE IT RESOLVED, effective immediately, Dr. Joseph Mecca and Ken West is hereby appointed to the Town of Evans Climate Smart Committee.

ROLL CALL VOTE:

Res 4

RESOLUTION – APPROVE IBEW LOCAL 41 COLLECTIVE BARGAINING AGREEMENT 1/1/2018 THROUGH 12/31/2025

WHEREAS, the collective bargaining agreement between the Town of Evans and the International Brotherhood of Electrical Workers Local 41 (hereinafter "IBEW") expired on December 31, 2017; and

WHEREAS, the Town of Evans and IBEW have negotiated a proposed collective bargaining agreement for the period of January 1, 2018 through December 31, 2025; and

WHEREAS, the Evans Town Board has reviewed and discussed the proposed collective bargaining agreement packet;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby approves the proposed collective bargaining agreement with IBEW for the period of January 1, 2018 through December 31, 2025; and

FURTHER BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute the above referenced proposed agreement between IBEW and the Town of Evans, on behalf of the Town of Evans.

ROLL CALL VOTE:

RES 5

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 Resolution 2022 #463 (Heavy Duty In-Ground Lift) – Highway Department;

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:

DB.5100.220	$324,710.13

ROLL CALL VOTE: