Meeting #14
Regular _X_ Special _____

Wednesday, August 2nd, 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: July 19th 2023, July 27th 2023	
V	Communications: 1.) 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.	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business: 1.) Appointment of Provisional Full Time Assistant Code Enforcement Officer 2.) Filling Seats on Ethics Committee 3.) Budget Amendment - Highway 4.) Part Time Dog Control Officer 5.) Approval of Section 202-b - Water Improvements 6.) Bond Resolution - Water Improvements	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Appointment of Provisional Building and Zoning Clerk 2.) Authorize Code Enforcement Officer John Flading to Attend WSTBOA Conference 3.) Renew Lease/Maintenance Agreement with WNY Imaging for Copiers 4.) Authorize Assessor to Attend Assessors Annual Conference 5.) Evans Center Vol Fire Co LOSAP 6.) Approve CSEA Proposed Collective Bargaining Successor Agreement 7.) Adopt Town Of Evans 2023 Updated Fee Schedule	
XII	Licenses: 1.) Dance Connections 1 George Nablo Pkwy, Derby, NY 14047, 08/26/2023 12:00pm-4:00pm (Live Band Special Event)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, August 16th, 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 #324 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, Kelly Kent, Human Resources and Greg Szarowicz, 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

Public Hearing

NOTICE OF PUBLIC HEARING
TOWN OF EVANS - IMPROVEMENTS TO
WATER DISTRICT NOS. 1, 1X, 1XX, 2, 2X, 3, 4 AND 5

PLEASE TAKE NOTICE THAT, by resolution adopted on July 17, 2023, the Town Board (the "Town Board") of the Town of Evans, Erie County, New York, ordered that a public hearing be conducted at a meeting of said Town Board to be held on Thursday, July 27, 2023 at 9:00am at the Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider whether it is in the public interest to approve the hereinafter described project:

The Town Board 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, at a maximum estimated cost of $13,525,000 (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

All interested persons shall have an opportunity to be heard at such public hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF EVANS.
Lynn M. Krajacic, Town Clerk

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

RESOLUTION 2023 #325 Open the Public Hearing

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

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

There was nobody wishing to speak in favor or opposition

RESOLUTION 2023 #326 Close the Public Hearing

Councilman Schraft moved and Councilman Macko seconded to close the public hearing.

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

RESOLUTION 2023 #327 SEQR Lead Agency - Delprince/Duncan Motors

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the Evans Planning Board unanimously recommended approval of the Christian DelPrince, d.b.a. Duncan Motors Special Use Permit for the operation of a Motor Vehicle Sales business to be located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12; and

WHEREAS, the Town Board of the Town of Evans desires to be Lead Agency for the SEQR process regarding Special Use Permits.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for the Christina DelPrince/Duncan Motors Special Use Permit;

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 #328 SEQR Negative Declaration - Delprince/Duncan Motors

Deputy Supervisor George moved and Councilman Macko seconded;

WHEREAS, the Evans Planning Board unanimously recommended approval of the Christian DelPrince, d.b.a. Duncan Motors Special Use Permit for the operation of a Motor Vehicle Sales business to be located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12; 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 for this property and has determined that the issuance of a Special Use Permit will not result in any significant impacts to the environment.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the Christian DelPrince/Duncan Motors Special Use Permit for the purpose of the operation of a Motor Vehicle Sales business to be located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12. (Addendum A SEQR Short Environmental Assessment Form).

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 #329 Approval of Special Use Permit-Delprince/Duncan Motors

Councilman Macko moved and Councilman Schraft seconded;

WHEREAS, Christian DelPrince has requested a Special Use Permit for the purpose of operating a Motor Vehicle Sales business to be located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12, and

WHEREAS, notice of the proposed Special Use Permit was duly advertised and notice provided in writing to all addresses occurring within 100-feet; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on July 19, 2023 for consideration of said Special Use Permit, and

WHEREAS, the Town of Evans Planning Board has recommended the issuance of a Special Use Permit of said property based on the following reasons:

- The action is consistent with the Town of Evans Zoning Code.
- The project constitutes the use of a currently underutilized property.
- The action is not expected to result in any significant adverse impacts.

WHEREAS, the Planning Board also recommends that the following conditions be placed on the approval of this action:

- The site must be developed and maintained in accordance with the site plan as approved by the Town of Evans Planning Board on July 12, 2023.
- This SUP shall be for the display of up to 102 vehicles and placed in accordance with the site plan.
- All vehicles must be displayed in the paved area that is to be striped properly per the approved site plan.
- This Special Use Permit shall be for a one (1) year period. Applicant may apply for renewal.

WHEREAS, the Town Board of the Town of Evans has issued a SEQR negative declaration for this action.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Christian DelPrince, d.b.a. Duncan Motors, for the purpose of the operation of a Motor Vehicle Sales business to be located at 1621 Eden Evans Center Rd., Angola, NY, SBL# 236.00-1-12, with the above noted conditions;

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

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

RESOLUTION 2023 #330 Accept Minutes

Deputy Supervisor George moved and Councilman Reitz seconded that the reading of the minutes of June 21, 2023, June 26, 2023, July 11, 2023 and July 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

Communications

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

RESOLUTION 2023 #331 Town Clerk's Reports

Deputy Supervisor George moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of June 2023:

Town Clerk Report	$56,707.55
Interest	$ 2.14
Greenspace Fee	$ 700.00
Petty Cash	$ 650.00

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

RESOLUTION 2023 #332 Appointment of Full Time Police Officer

Deputy Supervisor George moved and Councilman Macko seconded;

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

WHEREAS, Darien Hafii is currently a Part Time Police Officer with the Town of Evans Police Department and worked previously with the Town of Cheektowaga as a Police Officer;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Darien Hafii, effective Saturday July 22, 2023, to the position of Full Time Police Officer with the Town of Evans Police Department;

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

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

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

RESOLUTION 2023 #333 Appointment of Full Time Police Officer

Councilman Schraft moved and Councilman Macko seconded;

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

WHEREAS, a canvass and interview process of the Town of Evans Civil Service list was conducted; and

WHEREAS, James Castle has successfully interviewed and passed all aspects of the Town of Evans Police Department background check and is a United States Navy Veteran;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby appoints, James Castle to the position of Full Time Police Officer with the Town of Evans Police Department, effective July 24, 2023, and is subject to the successful completion of the Erie County Police Training Academy; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and Evans Police Benevolent Association collective bargaining agreement; and
FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and the Chief of Police

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

RESOLUTION 2023 #334 Accept Service Proposal for Senior Center

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Town of Evans has a preventative maintenance service contract John W. Danforth Company ("Danforth") for the Town of Evans; and

WHEREAS, due to the 2022 Winter storms, the Town of Evans Senior Center's outside refrigeration piping lines are in need of repair; and

WHEREAS, John W. Danforth Company ("Danforth") has submitted the service project proposal scope and pricing overview in the amount of $3,868.00;

NOW, THEREFORE, BE IT RESOLVED, that Evans Town Board accepts the above referenced service project proposal for the repair of the Town of Evans Senior Center's refrigeration piping lines; and

FURTHER, BE IT RESOLVED, Deputy Supervisor Thomas George is authorized to execute all necessary documents with John W. Danforth Company pursuant to this project, if necessary.

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

RESOLUTION 2023 #335 Appointment of Full Time Truck Driver - Highway Department

Councilman Macko moved and Councilman Schraft seconded;

WHEREAS, there is a vacant position at the Town of Evans Highway Department for a full-time truck driver; and

WHEREAS, Drew Eck has passed and obtained his CDL Class B license; and
WHEREAS, Drew Eck is currently a part-time seasonal laborer for the Town of Evans Highway Department;

NOW, THEREFORE, BE IT RESOLVED, effective Monday, July 24, 2023, the Evans Town Board hereby acknowledges the Town of Evans Highway Superintendents appointment of Drew Eck to the position of full-time truck driver; and

FURTHER, BE IT RESOLVED, effective Monday, July 24 2023, the payroll department is directed to increase Mr. Eck's rate of pay from $15.20 per hour to $18.98 per hour, in accordance with the current CSEA Local 815 collective bargaining agreement; and

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

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

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

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

RESOLUTION 2023 #336 Appointment of Part Time Gate Guard

Deputy Supervisor George moved and Councilman Reitz seconded,

BE IT RESOLVED, effective July 20, 2023, the following individual is hereby appointed as Part Time Gate Guards, working up to 19.5 hours per week, at the hourly rates indicated:

NAME	TITLE	HOURLY RATE
Shawna John	Part Time Gate Guard	$14.20

FURTHER, BE IT RESOLVED, a copy of this resolution is to be given to the Human Resource Department and Parks Department

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

RESOLUTION 2023 #337 Appointment of Part Time Gate Guard

Councilman Reitz moved and Councilman Schraft seconded;

BE IT RESOLVED, effective July 17, 2023, the following individual is hereby appointed as Part Time Gate Guards, working up to 19.5 hours per week, at the hourly rates indicated:

NAME	TITLE	HOURLY RATE
Thomas Trevean	Part Time Gate Guard	$14.20

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 Resource Department and Parks Department.

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

RESOLUTION 2023 #338 Appointment of Police Matrons

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, there are openings for part time/on call basis Police Matrons to aid in the arrest processing of female offenders; and

WHEREAS, interviews were conducted, and Police Department background checks were completed on Karen Schiedel, Peggy Muscarella, and Aubrey Burkley;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Karen Schiedel, Peggy Muscarella, and Aubrey Burkley, effective immediately, to the position of part time Police Matron with the Evans Police Department at a salary of $15.00 per hour; and

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

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and 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 #339 Administrative Fee for Additional Refuse Cart

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, the Town Board of the Town of Evans entered into a contract with Modern Disposal on May 17, 2023 to provide the Town with services for the Collection, Hauling and Processing of Municipal Solid Waste, Bulk Waste and Recyclables; and

WHEREAS, pursuant to the aforementioned contract, the Town of Evans may elect to add administration fees for residents requesting an additional cart;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby establishes and sets the administrative fee for residents requesting an additional cart at the sum of $100.00 per year.

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

RESOLUTION 2023 #340 Waiver of Application & Service Fees - Highland Hose

Deputy Supervisor George moved and Councilman Macko seconded;

WHEREAS, Highland Hose Volunteer Fire Company, Inc. is hosting the Southwestern Firemen's Convention, which will take place over the weekend of August 2 through and including August 5, 2023;

BE IT RESOLVED, the Town Board does hereby grant a waiver of the application and service fees (Special Events License August 2 through August 5, Live Band permit August 4 and Live Band permit August 5, 2023), determined by the Town Departments, for the 2023 Southwestern Firemen's Convention.

FURTHER BE IT RESOLVED, a copy of this resolution be given to the appropriate Town Departments.

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

RESOLUTION 2023 #341 Appointment of Part Time Assistant Code Enforcement Officer

Councilman Schraft moved and Councilman Reitz seconded;

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Adam Czyz to Part Time Assistant Code Enforcement Officer, effective July 20, 2023, at an hourly rate of $21.40 per hour, up to 19.5 hours per week;

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

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

RESOLUTION 2023 #342 Sturgeon Point Marina Dock Replacement & Reconfiguration

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, the Town Board desires to apply for financial assistance from the Department of State's Local Waterfront Revitalization Program to complete the Town of Evans's Sturgeon Point Marina Dock Replacement and Reconfiguration Project; and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed project.

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application for the Department of State's Local Waterfront Revitalization Program funds for the Sturgeon Point Marina Dock Replacement and Reconfiguration Project in the amount not to exceed $000,000 with a 75% grant amount of $000,000 and will match the project total with 25% of $00,000 of Town Funds; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Deputy Supervisor to sign all documents and agreements related to the Department of State's Local Waterfront Revitalization Program application; and

BE IT FURTHER RESOLVED, that Thomas George, as Deputy Supervisor of the Town of Evans, is hereby authorized and directed to file an application to the Department of State's Local Waterfront Revitalization Program, in a total project amount of $000,000 and upon approval of said request to enter into and execute a project agreement with the Department of State's Local Waterfront Revitalization Program for such financial assistance to the Town of Evans for the proposed Sturgeon Point Marina Dock Replacement and Reconfiguration Project.

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

RESOLUTION 2023 #343 Water Infrasturcture Improvement Act NYS Water Grant Match

Councilman Reitz 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 $13,525,000.00 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 $8,525,000 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.

RESOLUTION 2023 #344 Table Water Infrasturcture Improvement Act NYS Water Grant Match

Councilman Schraft moved and Councilman Reitz 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 #345 Bif Sister Creek Corridor Management Study

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Town Board desires to pursue funding opportunities to enhance resilience,

mitigate flooding, reduce erosion and improve water quality along areas of Big Sister Creek; and

WHEREAS, the Town Board desires to create a plan to identify projects that embody best practices in watershed management, and that are ready for construction and future implementation funding through the NYS Department of Environmental Conservation's Water Quality Improvement Project grant program or other funding opportunities; and

WHEREAS, the Town Board desires to apply for financial assistance from New York State Department of Environmental Conservation's Non-Agricultural Nonpoint Source Planning Grant Program through the CFA (Consolidated Funding Application); and

WHEREAS, the Town Board commits to providing the required local matching funds to ensure the timely implementation of the proposed project.

NOW, THEREFORE BE IT RESOLVED, that Thomas George, as Deputy Supervisor of the Town of Evans, is hereby authorized and directed to accept funds from the New York State Department of Environmental Conservation in an amount not to exceed $50,000 and enter into and execute a project agreement with the State for such financial assistance to the Town of Evans; and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance that the Town make available $5,000 in matching funds to satisfy the requirements of the funding program; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Deputy Supervisor to sign all documents and agreements related to the New York State Department of Environmental Conservation's Non-Agricultural Nonpoint Source Planning Grant application.

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

RESOLUTION 2023 #346 Appointment to Community Events Committee

Councilman Reitz moved and Councilman Schraft seconded,

BE IT RESOLVED, effective immediately, Ellen Conrad is hereby appointed to the Town of Evans Community Events Committee.

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

RESOLUTION 2023 #347 Suspend the Rules of Order

Deputy Supervisor George moved Councilman Schraft 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 #348 Budget Transfer - Senior Center

Deputy Supervisor George moved and Councilman Reitz seconded;

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget transfer to reappropriate funds for costs associated with Maintenance of Senior Van:

Transfer From:

A.7610.240.00	Buildings & Improvements	$2,000

Transfer To:

A.7610.411.01	Maintenance - Senior Van	$2,000

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

RESOLUTION 2023 #349 Sturgeon Point Marina Docks & Fuel Station Improvements

Deputy Supervisor George moved and Councilman Reitz 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 the replacement of the floating docks and replacement of the fuel station at the Sturgeon Point Marina; 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;
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.

FURTHER BE IT RESOLVED, this resolution shall take effect immediately.

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

RESOLUTION 2023 #350 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: Lynn Krajacic, Town Clerk is 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 #351 Appointment of Part Time Clerk - Town Clerk

Councilman Macko moved and Councilman Schraft seconded;

BE IT RESOLVED, effective immediately, the following individual is to be appointed to a Seasonal Part-Time Seasonal Clerk position for the Town Clerk's office, for up to a five (5) month period, working up to 39.5 hours per week, at the hourly rate indicated below;

NAME	SALARY
Kristen Bauer	$15.20; 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 #352 Town Licenses

Councilman Schraft moved and Councilman Macko seconded,

1) Highland Hose Vol Fire Co.- Live Band Special Event - 8/4/2023
2) Highland Hose Vol Fire Co.- Live Band Special Event - 8/5/2023
3) Highland Hose Vol Fire Co - Special Event License 8/2/2023-8/5/2023

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 #353 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	7/20/2023
ABSTRACT NO.	13
VOUCHER NO.	12845 - 12900
CHECK NUMBERS	86007 - 86058
APPROVED AT	Board Meeting
DATE	7/19/2023
GENERAL	$54,800.00
PART TOWN	$53.47
HIGHWAY DB	$19,650.56
WATER	$940.73
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$25.00
DEBT SERVICE	
TOTAL	**$75,469.76**

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

RESOLUTION 2023 #354 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Thursday, July 27, 2023 9am for a Special Meeting and then to Wednesday, August 2, 2023 at 6:00pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of Patricia M. Latimore.

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

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
	Thomas George	Deputy Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Ken Farrell	Town Attorney
ABSENT:	Michael Schraft	Councilman

NOTICE OF PUBLIC HEARING
TOWN OF EVANS - IMPROVEMENTS TO
WATER DISTRICT NOS. 1, 1X, 1XX, 2, 2X, 3, 4 AND 5

PLEASE TAKE NOTICE THAT, by resolution adopted on July 17, 2023, the Town Board (the "Town Board") of the Town of Evans, Erie County, New York, ordered that a public hearing be conducted at a meeting of said Town Board to be held on Thursday, July 27, 2023 at 9:00am at the Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider whether it is in the public interest to approve the hereinafter described project:

The Town Board 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, at a maximum estimated cost of $13,525,000 (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

All interested persons shall have an opportunity to be heard at such public hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF EVANS.

Lynn M. Krajacic, Town Clerk
Dated: July 17, 2023

RESOLUTION 2023 #355 Open the Public Hearing

Deputy Supervisor George moved and Councilman Reitz seconded to open the public hearing.

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

Tebra Howard spoke in opposition
Ed Schneider spoke in opposition

RESOLUTION 2023 #356 Close the Public Hearing

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

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

RESOLUTION 2023 #357 Approval of Section 202-b - Water Improvements

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

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

RESOLUTION 2023 #358 Bond Resolution - Water Improvements

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

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

RESOLUTION 2023 #359 Adjournment

Deputy Supervisor George moved and Councilman Schraft seconded to adjourn to Wednesday August 2, 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	Absent
	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.

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Respectfully Submitted,

Lynn M. Krajacic RMC
Town Clerk

DRAFT

Com 1

Submitted for the August 2, 2023 Evans Town Board meeting:

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.

Res 1

RESOLUTION – PROVISIONAL APPOINTMENT OF BUILDING AND ZONING CLERK

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 $50,351 and all terms and conditions of the IBEW #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 #41 collective bargaining agreement.

ROLL CALL VOTE:

Res2

RESOLUTION - AUTHORIZE CODE ENFORCEMENT OFFICER TO ATTEND THE WESTERN SOUTHERN TIER BUILDING OFFICIALS ASSOCIATION CONFERENCE (WSTBOA)

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.

ROLL CALL VOTE:

Res 3

RESOLUTION – WNY Imaging Copier(s) Agreements

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.

ROLL CALL VOTE:

Res 4

RESOLUTION – AUTHORIZE ASSESSOR TO ATTEND ASSESSORS' ASSOCIATION ANNUAL CONFERENCE

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.

ROLL CALL VOTE:

Res 5

RESOLUTION – EVANS CENTER VOLUNTEER FIRE COMPANY, INC. - LOSAP APPROVAL FORM FOR 2022

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.

ROLL CALL VOTE:

Res 6

RESOLUTION – APPROVE CSEA COLLECTIVE BARGAINING AGREEMENT 1/1/2018 THROUGH 12/31/2024

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.

ROLL CALL VOTE:

Res 7

RESOLUTION – ADOPT TOWN OF EVANS 2023 UPDATED FEE SCHEDULE

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)

ROLL CALL VOTE: