Meeting #23 Wednesday December 6, 2023
Regular _X_ Special _____

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: November 15, 2023	
V	Communications: 1.) Minor Subdivision - dividing a 0.75+ acre vacant parcel on Dawn Avenue, Angola NY, known as SBL# 250.09-3-17.1 into three parcels; a 0.32+ acre parcel, a 0.34+ acre vacant parcel and an 0.02+ acre vacant parcel. Petitioners: Northeast Property Partners, 9666 Northfield St., Angola, NY 14006 2.) The Supervisor's Monthly Report for September 2023	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Appointment of Part Time Clerk-Senior Center 2.) Appointment of Part Time Program Coordinator-Senior Center 3.) Approval of Budget Amendment-Highway 4.) Award Bid for Demolitions 5.) Declare surplus -Police Department Equipment 6.) Lake Erie Beach Trail Project-Change Order	
XII	Licenses: 1.) Russell Mogavero d/b/a Meadowbrook Restaurant & Bar (Refreshment, Amusement, Live Band-Com) 2.) Ibrahim Cisse d/b/a Uptown Subway, LLC (Refreshment) 3.) Double Double,Inc d/b/a Tim Hortons-Derby (Refreshment) 4.) Thomas Eoannou d/b/a Point Breeze RV Resort (Live Band-Commerical) 5.) Modern Disposal Services, Inc 6.) Shannon M. Rogers d/b/a Pasquales Italian Restaurant (Refreshment)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, December 20, 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 #494 Accept Minutes

Deputy Supervisor George moved and Councilman Reitz seconded that the reading of the minutes of November 8, 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

Minor Subdivision - dividing a 8.45± acre parcel on Wisconsin Road, Derby NY, known as SBL# 206.00-4-9.1 into two parcels; a 1.0± acre vacant parcel and a 7.452± acre parcel. Petitioner: Derby Warehousing, LLC, 1393 Wisconsin Road, Derby, NY 14047

RESOLUTION 2023 #495 SEQR Negative Declaration - Derby Warehousing

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town Board of the Town of Evans desires the Town of Evans to be the Lead Agency for the SEQR process, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated November 13, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Derby Warehousing, LLC Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant environmental impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Derby Warehousing, LLC Minor Subdivision
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 206.00-4-9.1, dividing a 8.45± acre parcel to create:

1. a 1.0± acre vacant parcel with 110± feet of frontage on Wisconsin Road, and
2. a 7.452± acre parcel with 255± feet of frontage on Wisconsin Road

Petitioner: Derby Warehousing, LLC, 1393 Wisconsin Road, Derby, NY 14047

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 #496 Minor Subdivision Approval - Derby Warehousing LLC

Councilman Macko moved and Councilman Schraft seconded;

WHEREAS, the proposed subdivision was not referred to the Erie County Department of Environment and Planning for a 239M Review as it did not meet their criteria for review, and

WHEREAS, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Derby Warehousing, LLC Minor Subdivision,

a division of SBL# 206.00-4-9.1, dividing a 8.45± acre parcel to create:

1. a 1.0± acre vacant parcel with 110± feet of frontage on Wisconsin Road, and
2. a 7.452± acre parcel with 255± feet of frontage on Wisconsin Road.

Petitioner: Derby Warehousing, LLC, 1393 Wisconsin Road, Derby, NY 14047

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 #497 Advertise for Request for Proposal for Transportation Master Plan

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, the Town of Evans wishes to develop a Transportation Master Plan to identify improvements, policies, programs, strategies, projects, schedules, responsibilities, costs and funding sources needed to assure that the Evans transportation system adequately serves the Town's travel needs; and

WHEREAS, the Town is seeking to retain a professional transportation planning and engineering consultant firm and/or teams licensed to practice in New York State to provide master planning services; and

WHEREAS, the Director of Planning and Community Development is hereby authorized to prepare a Request for Proposals (RFP) for the Town of Evans for the Transportation Master Plan; and

WHEREAS, the RFP will be posted and made available at the Evans Planning Office, 8787 Erie Road, Angola, NY 14006, beginning Monday, November 20th, 2023.

NOW, THEREFORE BE IT RESOLVED, the Planning Office shall advertise a notice of invitation for proposals for the Transportation Master Plan; and

BE IT FURTHER RESOLVED, that proposals are due to the Evans Planning Office, 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Monday, January 15th of 2024.

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

RESOLUTION 2023 #498 Appointment of Part Time Assistant Code Enforcement Officer

Deputy Supervisor George moved and Councilman Macko seconded,

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

WHEREAS; The Town posted the position for Part Time Code Enforcement Officer; and

WHEREAS; HR - Kelly Kent and Code Enforcement Officer - John Flading conducted interviews; and

NOW, THEREFORE, BE IT RESOLVED, that Jared Elliott is hereby appointed as Part Time Code Enforcement Officer for the Town of Evans effective December 4, 2023 at an hourly rate of $21.40 and a maximum of 19.5 hours per week.

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

RESOLUTION 2023 #499 Enter Agreement with Angola Fire Protection District

Councilman Reitz moved and Deputy Supervisor George seconded,

WHEREAS, the Town Clerk of the Town of Evans advertised for a public hearing to be held on November 8, 2023 at 7:10 p.m. in accordance with Section 184 of the Town Law for the purpose of considering proposed contracts with the Village of Angola and the Village of Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and Highland Hose Fire Company for fire protection and/or emergency ambulance service to be furnished by said fire departments to the Angola Fire Protection District; and

WHEREAS, said public hearing was held on November 8, 2023,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans enter into an agreement with the Village of Angola and the Village of Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and Highland Hose Fire Company for fire protection and/or emergency services for the calendar year 2024, pursuant to the advertised amounts.

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

RESOLUTION 2023 #500 Amend and Adopt Preliminary 2024 Budget

Councilman Schraft moved and Councilman Reitz seconded,

WHEREAS, officers and employees in charge of various administrative units of the government of the Town of Evans have submitted estimates of revenues and expenditures for the fiscal year ending December 31, 2024; and

WHEREAS the Supervisor, as the Town's Budget Officer, has caused a tentative ad valorem budget to be prepared, and the Town Clerk has presented such budget to the Town Board; and

WHEREAS, the Supervisor filed a preliminary budget with the Town Clerk on October 27, 2023; and

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2024 and made amendments to same, and a public meeting was conducted on November 8, 2023 as required by Section 108 of Town Law;

NOW, THEREFORE, BE IT RESOLVED, that the preliminary budget as amended and as hereinafter set forth, is hereby adopted as the annual benefit basis budget of the Town of Evans for the fiscal year ending December 31, 2024.

Increased	SF3410.400.04	$4,000
Increased	Appropriated Fund Balance	$4,000

To reflect changes on proposed LOSAP fee structure for 2024.

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

RESOLUTION 2023 #501 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	11/16/2023
ABSTRACT NO.	21
VOUCHER NO.	13510 - 13586
CHECK NUMBERS	86561 - 86618
APPROVED AT	Board Meeting
DATE	11/15/2023
GENERAL	$984,886.26

PART TOWN	$51,003.23
HIGHWAY DB	$105,835.82
WATER	$0.00
CAPITAL PROJECTS	$411,379.16
SPECIAL DISTRICTS	$25.00
DEBT SERVICE	
TOTAL	$1,553,129.47

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #502 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn Wednesday, December 6, 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

Comm pg 1

November 28, 2023

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

RE: Minor Subdivision – dividing a 0.75± acre vacant parcel on Dawn Avenue, Angola NY, known as SBL# 250.09-3-17.1 into three parcels; a 0.32± acre parcel, a 0.34± acre vacant parcel and an 0.02± acre vacant parcel. Petitioners: Northeast Property Partners, 9666 Northfield St., Angola, NY 14006

Dear Town Board:

The Town of Evans Minor Subdivision Review Committee has reviewed the above-referenced petition for the division of lands and has recommended approval.

After further review, the committee also found that the subdivision of this property will not result in any significant environmental impacts regarding the SEQR process.

If you have any further questions regarding this matter, please feel free to contact me.

Sincerely,

William B. Smith
Evans Minor Subdivision Review Committee

cc: Assessor
Code Enforcement Office
Applicant

comm pg 2

Submitted for the December 6, 2023 Town Board meeting:

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town Board of the Town of Evans desires the Town of Evans to be the Lead Agency for the SEQR process, and

WHEREAS, a short Environmental Assessment Form for this action has been completed, and

WHEREAS, in a letter dated November 28, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Northeast Property Partners Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant environmental impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Northeast Property Partners Minor Subdivision
(Addendum_____SEQR Short Environmental Assessment Form),

a division of SBL# 250.09-3-17.1, dividing a 0.75± acre parcel with 300± feet of frontage on Dawn Avenue, Angola, NY to create:

1. a 0.32± acre parcel with 140± feet of frontage on Dawn Avenue, a
2. a 0.34± acre vacant parcel with 150± feet of frontage on Dawn Avenue, and
3. a 0.02± acre vacant parcel with 10± feet of frontage on Dawn Avenue to be annexed to an adjacent parcel owned by Kim Hilburger at 198 Dawn Avenue, SBL# 250.09-3-20, to form a 0.23± acre parcel with 110.28± feet of frontage on Dawn Avenue.

Petitioners: Northeast Property Partners, 9666 Northfield St., Angola, NY 14006

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

Comm pg 3

Submitted for the December 6, 2023 Town Board meeting:

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Northeast Property Partners Minor Subdivision,

a division of SBL# 250.09-3-17.1, dividing a 0.75± acre parcel with 300± feet of frontage on Dawn Avenue, Angola, NY to create:

1. a 0.32± acre parcel with 140± feet of frontage on Dawn Avenue, a
2. a 0.34± acre vacant parcel with 150± feet of frontage on Dawn Avenue, and
3. a 0.02± acre vacant parcel with 10± feet of frontage on Dawn Avenue to be annexed to an adjacent parcel owned by Kim Hilburger at 198 Dawn Avenue, SBL# 250.09-3-20, to form a 0.23± acre parcel with 110.28± feet of frontage on Dawn Avenue.

Petitioners: Northeast Property Partners, 9666 Northfield St., Angola, NY 14006

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

comm #2
8

Communication

The Supervisor's Monthly report has been made to the Town Board and a copy was filed with the Town Clerk's office in accordance with Town Law.

September, 2023

Res 1

RESOLUTION – APPOINTMENT OF PART TIME CLERK – SENIOR CENTER

WHEREAS; vacancies exist for a Part Time Clerk located at the Senior Center; and

WHEREAS; the Town posted the position for a Part Time Clerk; and

WHEREAS; interviews were conducted; and

NOW, THEREFORE, BE IT RESOLVED, that Joan Blais is hereby appointed as Part Time Clerk for the Town of Evans, effective November 27, 2023, at an hourly rate of $16.20 and working up to a maximum of 19.5 hours per week.

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

ROLL CALL VOTE:

Res 2

RESOLUTION -- APPOINTMENT OF PART TIME PROGRAM COORDINATOR – SENIOR CENTER

WHEREAS; a vacancy exists for a Part Time Program Coordinator located at the Senior Center; and

WHEREAS; the Town posted the position for a Part Time Program Coordinator; and

WHEREAS; interviews were conducted;

NOW, THEREFORE, BE IT RESOLVED; that Jessica Smith is hereby appointed as Part Time Program Coordinator for the Town of Evans, effective December 5, 2023, at an hourly rate of $16.20 and working up to a maximum of 19.5 hours per week; and

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

ROLL CALL VOTE:

Res 3

RESOLUTION – APPROVAL OF BUDGET AMENDMENT – HIGHWAY DEPARTMENT

WHEREAS, the Town of Evans Highway Department's 10-Wheeler Truck #11 had become unrepairable within reason due to complete engine failure; and

WHEREAS, the Evans Town Board acknowledges the imminent need for immediate replacement due to operational factors and hindrances; and

WHEREAS, the Evans Town Board acknowledges the Highway Department's adherence to Town of Evans procurement policy during the process of seeking replacement, meeting the requirements of General Municipal Law, Section 104-b;

THEREFORE, BE IT RESOLVED, the Evans Town Board approves the use of $60,000 from the DB Fund Balance Reserve into the Highway Machinery equipment parts and supplies budget line DB.5130.410.00 to accommodate the immediate engine replacement for the Highway Department's truck #11 (VIN: 1HTWYAHT85J034764).

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

ROLL CALL VOTE:

Res 4

RESOLUTION - AUTHORIZING THE AWARD OF BID FOR DEMOLITION (273 DAWN AND 146 POTOMAC - BENLIC PROPERTIES)

WHEREAS, per resolution #2022-418 as amendment to resolution #2021-456, seventeen (17) properties in the Town of Evans were deemed to be unsafe, an endangerment to the public at large and appropriate for demolition; and

WHEREAS, 273 Dawn, Angola, New York and 146 Potomac, Angola, New York were both referenced properties per resolution #2022-418; and

WHEREAS, the Town has targeted 273 Dawn and 146 Potomac for future CDBG funded demolition projects per resolution #2023-436; and

WHEREAS, the Evans Town Board authorized, per resolution #2023-468, the Town Clerk to advertise for bids for demolition of the aforementioned unsafe and dangerous properties in the Town of Evans, New York; and

WHEREAS, bids were received and opened on November 3, 2023 at 2:00pm, in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by Regional Environmental Demolitions, Inc., 6281 Wendt Drive, Niagara Falls, NY 14304; and

WHEREAS, the Town of Evans' engineering firm Clark, Patterson, Lee and the Town of Evans' Code Enforcement Officer has reviewed the proposal from Regional Environmental Demolitions, Inc.; and

WHEREAS, Town of Evans' Code Enforcement Officer has confirmed and reviewed the contractor's bonds and insurances; and

WHEREAS, the bid for the Base Bid submitted by Regional Environmental Demolitions, Inc. was $40,538.00 for both properties ($20,269.00 for each property);

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned bid of Regional Environmental Demolitions, Inc., 6281 Wendt Drive, Niagara Falls, NY 14304 to demolish the two (2) above referenced properties in the Town of Evans, New York, be and hereby is accepted by the Town of Evans, with a cost not to exceed $40,538.00; and

BE IT FURTHER RESOLVED, that the Deputy Supervisor Thomas S. George is authorized to execute all bid award and/or contract documents for such bid award, upon the approval of the Town Attorney.

ROLL CALL VOTE:

Res 5

RESOLUTION - Declare Surplus Police Department Equipment

NOW, THEREFORE, BE IT RESOLVED, that the following Police Department equipment is hereby declared surplus equipment and will be considered electronic waste and recycled accordingly;

DECATUR GENESIS I - SN# G-3684 - TUNING FORK SN#'S 17861, 17896

DECATUR GENESIS I - SN# G25001

DECATUR GENESIS I - SN# G-7929 - TUNING FORK SN#'S 35316, 35497

DECATUR GENESIS I - SN# G20617 -TUNING FORK SN#'S 113659, 113847

DECATUR GENESIS I - SN# G-19154 -TUNING FORK SN#'S 115660, 115688

KUSTOM HR-12 - SN# AA9476

KUSTOM HR-12 - SN# AA9337

LASER ALANTA SPEED LASER - ITEM # 22282

ROLL CALL VOTE:

ROLL CALL VOTE:

Res 6

RESOLUTION - CHANGE ORDER APPROVAL - LAKE ERIE BEACH TRAIL

WHEREAS, the Town of Evans and S. St. George Enterprises, Inc. entered into a contract regarding the Lake Erie Beach Trail project; and

WHEREAS, the following conditions are the circumstances for Change Order pursuant to the above referenced project;

1. Replacement of fire hydrant and gate valve;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board authorizes the Change Order to increase the aforementioned contract amount in the amount of $16,683.19.

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is authorized to sign any and all documents pursuant to the Change Order.

ROLL CALL VOTE: