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 #520 Accept Minutes

Deputy Supervisor George moved and Councilman Macko seconded that the reading of the minutes of December 6, 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 Monthly Report for October 2023 has been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2023 #521 Town Clerk Report November 2023

Deputy Supervisor George moved and Councilman Macko seconded;

Town Clerk Report	$13,076.93
Interest	$1.00
Greenspace Fee	$ 0
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 #522 APPROVE FEES FOR PARKS AND MARINA FOR 2024

Deputy Supervisor George moved and Councilman Reitz seconded;

RESOLVED, that the attached fees be approved for the calendar year 2024 for the Town of Evans Parks and Marina; and

FURTHER BE IT RESOLVED, that effective immediately, the Parks Department is hereby directed to advertise the 2024 Parks and Marina fees; and

BE IT FURTHER RESOLVED, that all boat slip and dry dock fees shall be due to the Parks Department by Friday, March 1, 2024; and

BE IT FURTHER RESOLVED, that relocation day for same sized slips shall be Saturday, March 9, 2024; and

BE IT FURTHER RESOLVED, that Shelter/Pavilion Reservation day shall be Saturday, March 9, 2024.

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

RESOLUTION 2023 #523 Erie County Water Surcharge for 2024

Deputy Supervisor George moved and Councilman Macko seconded;

WHEREAS, per the Town's Lease Management Agreement with the Erie County Water Authority, the District shall notify the Erie County Water Authority annually the amount of its surcharge; and

WHEREAS, the Town has completed an analysis of its 2024 payment requirements relating to capital improvements, including construction and repairs, necessary to meet the Authority's standards; and

WHEREAS, the Town's only means of financing the aforementioned capital improvements is through the annual surcharge as outlined in the lease management agreement; and

WHEREAS, the surcharge per 1,000 gallons of water metered and billed to all, in and out, of District customers provided by the Town of Evans waterlines to meet the aforementioned debt requirements is estimated to be $4.44,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby establish the surcharge to be $4.44 per 1,000 gallons of water, metered and billed to all, in and out, of District customers by the Erie County Water Authority for water service provided by the Town of Evans waterlines. This includes all Homeowner Associations and any other areas not covered by the Lease Management Agreement, as amended.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #524 Water Rates Per ECWA 2024 Adopted Budget

Deputy Supervisor moved and Councilman Reitz seconded;

WHEREAS, the Town of Evans entered into a Lease Management Agreement with the Erie County Water Authority, effective April 1, 2013; and

WHEREAS, the Town of Evans is responsible for the billing and maintenance of approximately 115 customers on Town of Evans waterlines; and

WHEREAS, these customers are primarily located on Woodcliff Road, McKinley Road, portions of Independence Drive and portions of Peppertree Drive; and

WHEREAS, the Erie County Water Authority raised their water rate charge on at their meeting November 16, 2023, by their adopted budget, taking effect on January 1, 2024.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That pursuant to Section 106-1 the price of water will increase by 38 cents, per ECWA adopted 2024 budget, which will be $4.64 per 1,000 gallons; and

2. The minimum quarterly bill shall continue to be based upon a minimum of 9,000 gallons of water consumed; and

3. The per quarter infrastructure charge has been established as $27.72, which is a $2.28 increase per the ECWA adopted 2024 budget, and will continue to be added to the quarterly bill for each metered account; and

BE IT FURTHER RESOLVED that the above referenced change (price of water #1) will start effective January 1, 2024.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #525 Use of Capital Reserve

Deputy Supervisor George moved;

WHEREAS: the Town established the 2023 Evans Capital Reserve with $2,016,100 on January 4, 2023 pursuant to Section 6-c of the General Municipal Law for purpose of accumulating monies to finance the cost of upcoming capital improvement projects;

NOW, THEREFORE, BE IT RESOLVED: the Town Board of the Town of Evans hereby authorizes the "use of capital reserve" of $38,508 related to the Police parking lot that was installed in 2023; and

FURTHER, BE IT RESOLVED: the $38,508 will be returned to the unassigned fund balance.

RESOLUTION 2023 #526 Table 2023 #525 Use of Capital Reserve

Councilman Schraft moved and Councilman Macko seconded to Table Resolution 2023 #525.

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

RESOLUTION 2023 #527 Table Use of Tax Stabilization Reserve Fund

Councilman Schraft moved and Councilman Reitz seconded,

WHEREAS; the Town established the Tax Stabilization Fund in the amount of $1,000,000 on January 4, 2023 pursuant to Subdivision 2 of Section 6-e of the General Municipal Law for purpose of accumulating monies to finance certain unanticipated revenue losses or unanticipated expenditures chargeable to eligible portion of the annual budget and to lessen or prevent projected increases in the real property tax levy;

NOW, THEREFORE, BE IT RESOLVED; the Town Board of the Town of Evans hereby authorizes the "use of tax stabilization reserve" of $386,477 related to the settling of collective bargaining unit agreements; and

FURTHER, BE IT RESOLVED; the $386,477 will be returned to the unassigned fund balance.

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

RESOLUTION 2023 #528 Suspend the Rules of Order

Deputy Supervisor George moved and Councilman Reitz seconded to Suspend the Rules of Order for the consideration of additional resolutions.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #529 Express Opinion of Opposition to NYS Cannabis Control Board

Deputy Supervisor George moved and Councilman Reitz seconded,

WHEREAS, the Town of Evans has received a Notification to Municipality OCM-06009 regarding the application of TetraHydro Cultivation, LLC for a 'New Establishment' license to open a microbusiness (with retail authorization), and

WHEREAS, a municipality desiring to express an opinion to the New York State Cannabis Control Board must respond within thirty (30) days of the aforementioned Notification, and

WHEREAS, the Town of Evans desires to send a letter of opposition to the New York State Cannabis Control Board, as the project is in violation of the Town of Evans zoning code, and location of the business proposed by the applicant is within five hundred (500) feet of a public school building, specifically, the Lake Shore Central High School, and

BE IT RESOLVED, the Evans Town Board hereby expresses its opinion of opposition to the proposed microbusiness as the project is in violation of the Town of Evans zoning code, and location of the business proposed by the applicant is within five hundred (500) feet of a public school building, specifically, the Lake Shore Central High School, and

FURTHER, BE IT RESOLVED, the Evans Town Board authorizes and directs the Town Supervisor/Director of Planning to respond to the aforementioned Notification with its opinion of opposition on official Evans Town Board letterhead, and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #530 New York State Standard Work Day & Reporting Resolution for Elected & Appointed Officials

Councilman Reitz moved and Deputy Supervisor George seconded,

BE IT RESOLVED, that the Town Board of the Town of Evans establishes the following as Standard Work Days for Elected and Appointed Officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body (see below):

Title	Standard Work Day	Name	Current Term Begin/End Date	ROA Results	Not Submitted
(Elected Officials)					
Councilwoman	6	Macko, Jeanne	01/01/2022 – 12/31/2025	9.80	
Councilman	6	Schraft, Michael	01/01/2022 – 12/31/2025	11.37	
Town Clerk	6	Krajacic, Lynn	01/01/2022 – 12/31/2025	21.96	
Town Justice	6	Cooper, Moira	01/01/2023 – 12/31/2026	3.78	
Town Justice	6	Glascott, Dennis	01/01/2021 – 12/31/2024	2.23	
(Appointed Officials)					
Town Assessor	6	Hill, Jeneen	10/01/2019 – 09/30/2025	22.18	
Town Prosecutor	6	Farrell, Jennifer	01/01/2023 – 12/31/2023	2.24	
Town Attorney	6	Farrell, Kenneth	01/01/2022 – 12/31/2023	22.06	
Deputy Town Attorney And Town Prosecutor	6	Penberthy, Brittanylee	01/01/2023 – 12/31/2023	3.04	
Secretary to Supervisor	6	Holl, Mary	01/01/2023 – 12/31/2023	34.16	

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #531 Community Solar Campaign

Councilman Reitz moved and Deputy Supervisor George seconded,

BE IT RESOLVED, commencing immediately, the Town of Evans' Conservation Advisory Commission and Climate Smart Committee will conduct a Community Solar Campaign in conjunction with Jason Kulaszewski, Clean Energy Coordinator from University of Buffalo Regional Institute.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #532 Approve Town Licenses

Councilman Schraft moved and Councilman Reitz seconded,

1.) Melody Meadows Mobile Home Development License
2.) JJ Parks Pub Inc d/b/a Castaways Bar and Grill (Refreshment/Amusement/Live Band-Commercial)

3.) Toasted Hog LLC (Refreshment)
4.) Paulette Combs d/b/a Paulette's Blue Collar Inn (Refreshment/Amusement/Live Band-Commercial)
5.) Eric Robinson(Commander) d/b/a Overseas Vets of Evans (Refreshment)
6.) John Popple d/b/a The Bagel Jar LLC (Refreshment)

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

RESOLUTION 2023 #533 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	12/21/2023
ABSTRACT NO.	23
VOUCHER NO.	13678 - 13779
CHECK NUMBERS	86689 - 86763
APPROVED AT	Board Meeting
DATE	12/20/2023
GENERAL	$35,835.11
PART TOWN	$548.72
HIGHWAY DB	$183,549.24
WATER	
CAPITAL PROJECTS	$111,500.00
SPECIAL DISTRICTS	$25.00
DEBT SERVICE	
TOTAL	**$331,458.07**

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

RESOLUTION 2023 #534 Adjournment

Deputy Supervisor George moved and Councilman Schraft seconded to adjourn to Tuesday, January 2, 2024 at 6:00pm for a Work Session to discuss the Organizational Meeting and then to January 3, 2024 at 6:00pm for the Annual Organization Meeting then the Work Session and Regular Meeting immediately to follow. This meeting was adjourned in Memory of Philip Whalen.

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,

Kristen Bauer
Deputy Town Clerk

Lynn M. Krajacic RMC
Town Clerk