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 #503 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: Matters relating to collective negotiations under the Taylor Law.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, Kelly Kent, Human Resources and Supervisor Elect Ray Ashton 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 #504 Accept Minutes

Deputy Supervisor George moved and Councilman Macko seconded that the reading of the minutes of November 15, 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 Smith, Evans Minor Subdivision Review Committee 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

RESOLUTION 2023 #505 Declare Lead Agency-Northeast Property Partners

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, 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 A 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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #506 SEQR Negative Declaration-Northeast Property Partners

Councilman Schraft moved and Councilman Reitz seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

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

RESOLUTION 2023 #507 Appointment of Part Time Clerk-Senior Center

Councilman Macko moved and Councilman Reitz seconded;

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.

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

RESOLUTION 2023 #508 Appointment of Part Time Program Coordinator-Senior Center

Councilman Reitz moved and Councilman Schraft seconded;

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.

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

RESOLUTION 2023 #509 Approval of Budget Amendment-Highway

Councilman Schraft moved and Councilman Macko seconded;

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.

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

RESOLUTION 2023 #510 Award Bid for Demolitions

Councilman Macko moved and Deputy Supervisor George seconded,

WHEREAS, on November 20, 2019, the Town of Evans passed a resolution requesting the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) acquire, 273 Dawn and 146 Potomac Avenue in the Town of Evans on behalf of the Town at any subsequent Erie County Tax Foreclosure Auction; and

WHEREAS, on December 15, 2021, the Town of Evans adopted Resolution 2021-456 directing the removal/demolition of all unsafe structures on sixteen (16) listed properties pursuant to Evans Town Code, Chapter 74, Unsafe Buildings, including 273 Dawn and 146 Potomac Avenue; and

WHEREAS, the Town of Evans has now duly acquired the above referenced properties from BENLIC for the purchase price of $1.00 each; and

WHEREAS, the Town of Evans has Community Development Block Grant ("CDBG") funds to allocate for certain eligible projects; and

WHEREAS, the Town has targeted 273 Dawn and 146 Potomac Avenue for CDBG funded demolition projects; and

WHEREAS, notice to bidders has been duly given as required by law for the demolition of 273 Dawn and 146 Potomac Avenue, as described in the posting and specifications; and

WHEREAS, multiple proposals have been reviewed in response to the Town's bid request for the specified demolitions; and

WHEREAS, the bid from Regional Environmental Demolitions, Inc., is the best and lowest responsible bid for the designated public improvement; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Evans does hereby award the demolition contract above referenced to Regional Environmental Demolitions, Inc., of 6281 Wendt Drive, Niagara Falls, New York 14304, which is the lowest qualified bidder in the amount of $40,538.00; and

BE IT FURTHER RESOLVED that to ensure the safe execution of the demolition projects above described, the Town of Evans will need to employ daily project monitoring of air samples, utilizing the services of Priority Abatement & Remediation, of 2437 Berg Road A, Buffalo, New York 14218, at a cost not to exceed $1,150.00 daily; and

BE IT FURTHER RESOLVED that the Town Deputy Supervisor is hereby authorized to sign any and all documents necessary in reference to the award of this bid and the daily monitoring contract.

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

RESOLUTION 2023 #511 Declare Surplus -Police Department

Councilman Schraft moved and Deputy Supervisor George seconded,

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

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

RESOLUTION 2023 #512 Change Order Approval-Lake Erie Beach Trail Project

Deputy Supervisor George moved and Councilman Reitz seconded,

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.

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

RESOLUTION 2023 #513 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 #514 Asbestos Inspection-Senior Center

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, the Town of Evans will be advertising for a Request for Proposals for the Senior Center Windows Project; and

WHEREAS, an asbestos inspection/report is required prior to the above referenced request for proposals to be advertised;

NOW, THEREFORE, BE IT RESOLVED, the Town Board accepts and approves the quote from Priority Abatement & Remediation for the asbestos inspection/report in the amount of $850.00, subject to change due to amount of sampling, with the price not to exceed $1,500.

FURTHER, BE IT RESOLVED, that Deputy Town Supervisor Thomas George is hereby authorized to execute any and all documents pursuant to the asbestos inspection; and

FURTHER, BE IT RESOLVED, a copy of this resolution be given to Code Enforcement Officer John Flading and Richie Galfo as amended.

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

RESOLUTION 2023 #515 Advertise RFP for Audit Services pertaining to Payroll Operations

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS the largest expenditure of town finances pertaining to payroll of our town employees; and it is the Town Boards responsibility to make every effort possible to prevent fraud, waste and abuse of Town finances in Town government.

WHEREAS, The Town Board of the Town of Evans desires to enter into a short term consulting contract with a third-party audit agency to ensure that all payroll operations are being properly executed. The time frame of this audit will be from January 1, 2020 to present.

NOW, THEREFORE BE IT RESOLVED, the Town Clerk is authorized to advertise a request for proposal, prepared by the Town Attorney office, to provide audit services pertaining to payroll operations. The advertisement of this RFP will begin on December 12, 2023. Proposals are due to the Town Clerks office by 2pm, January 2, 2024.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #516 Advertise for Town Attorney

Councilman Macko moved and Councilman Schraft seconded,

BE IT RESOLVED, that the Principal Personnel Clerk is hereby authorized to advertise for the Town Attorney for the Town of Evans position on the Town of Evans website, Indeed.com, and the Town's Facebook page with resumes due by 11:00am on Tuesday, December 17, 2023 to the Human Resources office at the Town of Evans, 8787 Erie Rd Angola NY 14006 or emailed to HR@townofevans.org

BE IT FURTHER RESOLVED; a copy of this resolution shall be given to Human Resources.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #517 Approve Town Licenses

Councilman Schraft moved and Councilman Macko seconded,

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-Solid Waste
6.) Shannon M. Rogers d/b/a Pasquales Italian Restaurant (Refreshment)

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #518 Audit of Bills

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

AUDIT OF BILLS

DATE	12/7/2023
ABSTRACT NO.	22
VOUCHER NO.	13510 - 13586
CHECK NUMBERS	86620 - 86688
APPROVED AT	Board Meeting
DATE	12/7/2023
GENERAL	$170,543.39
PART TOWN	$17,014.20
HIGHWAY DB	$79,685.16
WATER	$23,265.52
CAPITAL PROJECTS	$483,932.42
SPECIAL DISTRICTS	$161,889.10
DEBT SERVICE	
TOTAL	$936,329.79

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #519 Adjournment

Deputy Supervisor George moved and Councilman Reitz seconded to adjourn to Wednesday, December 20, 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,

Kristen Bauer
Deputy Town Clerk

Lynn M. Krajacic RMC
Town Clerk