Evans Town Board

At a meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Deputy Supervisor
ALSO PRESENT:	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2023 #215 Enter Executive Session

Deputy Supervisor George moved and Councilman Macko 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: Collective Bargaining Agreement Discussion.

NOW THEREFORE BE IT RESOLVED: Kelly Kent, Ken Farrell and Jeff Swiatek 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 #216 Accept Minutes

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of April 19, 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 0.28± acre vacant parcel on Meadow Lane, Angola NY, known as SBL# 234.19-3-27 into two parcels; a 0.14± acre vacant parcel and a 0.14± acre vacant parcel. Petitioners: William Melski, 9154 Meadow Lane, Angola & Michael Catanzaro, 9149 Applewood St., Angola, NY 14006

RESOLUTION 2023 #217 Declare Lead Agency and SEQR Negative Declaration – Melski & Catanzaro

Deputy Supervisor George 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 April 27, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the William Melski & Michael Catanzaro 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 William Melski & Michael Catanzaro Minor Subdivision
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 234.19-3-27, dividing a 0.28+ acre vacant parcel to create:

a 0.14± acre vacant parcel with 30.5± feet of frontage on Meadow Lane, to be annexed to the adjacent parcel owned by Michael Catanzaro, known as SBL# 234.19-3-26, and
a 0.14± acre vacant parcel with 30.5± feet of frontage on Meadow Lane, to be annexed to the adjacent parcel owned by William Melski, known as SBL# 234.19-3-28.

Petitioners: William Melski, 9154 Meadow Lane, Angola & Michael Catanzaro, 9149 Applewood Street, 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 #218 Minor Subdivision Approval – Melski & Catanzaro

Councilman Macko moved and Councilman Schraft 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 William Melski & Michael Cantanzaro Minor Subdivision,

a division of SBL# 234.19-3-27, dividing a 0.28+ acre vacant parcel to create:

1. a 0.14± acre vacant parcel with 30.5± feet of frontage on Meadow Lane, to be annexed to the adjacent parcel owned by Michael Catanzaro, known as SBL# 234.19-3-26, and
2. a 0.14± acre vacant parcel with 30.5± feet of frontage on Meadow Lane, to be annexed to the adjacent parcel owned by William Melski, known as SBL# 234.19-3-28.

Petitioners: William Melski, 9154 Meadow Lane, Angola & Michael Catanzaro, 9149 Applewood Street, 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

Public Hearing

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF EVANS, NEW YORK
PROPOSED LOCAL LAW #6 OF 2023

PLEASE TAKE NOTICE, that there has been presented to the Town Board on April 5, 2023, for adoption proposed Local Law No. 6 of the Year 2023, establishing requirements for issuance and enforcement of licenses for special events. THEREFORE, pursuant to the Municipal Home Rule Law, the Town Board of the Town of Evans shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 8787 Erie Road, Angola, New York at 7:10 p.m. on the 3rd day of May 2023, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. Please note: The meeting room is wheelchair accessible. Those needing special arrangements should call the Evans Town Hall at 716-549-8787 by Tuesday, May 2, 2023.

RESOLUTION 2023 #219 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	Aye
	Deputy Supervisor George	Aye

There was nobody wishing to speak in favor or opposition

RESOLUTION 2023 #220 Close the Public Hearing
Deputy Supervisor George moved and Councilman Reitz 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 #221 Adopt Proposed Local Law No. 6 Of 2023 – Establishing Requirements for Issuance and Enforcement of Licenses for Special Events.

Deputy Supervisor George moved and Councilman Macko seconded;

WHEREAS, the Town Law grants the Town Board the authority to enact a Local Law concerning the use of public property by Town residents and promoting the public welfare and safety; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town of Evans to enact a Local Law establishing requirements for issuance and enforcement of licenses for special events; and

WHEREAS, a public hearing was held on May 3, 2023 to consider the adoption of proposed Local Law No. 6 of the year 2023; and

BE IT RESOLVED, that the Town Board of the Town of Evans adopts and enacts Local Law No. 6 of the Year 2023; and

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

RESOLUTION 2023 #222 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 April 2023:

Town Clerk Report	$119,823.14
Interest	$1.77
Greenspace Fee	$1400.00
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 #223 Lake Erie Beach Volunteer Fire Company, Inc. - LOSAP Approval Form for 2022

Councilman Schraft moved and Deputy Supervisor George seconded;

WHEREAS, an audit has been completed by the Town of Evans Finance Department for the Length of Service Award Program ("LOSAP") for the 2022 Lake Erie Beach 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 Lake Erie Beach Volunteer Fire Company, Inc. and is authorized to execute the 2022 Sponsor Approval for as required by Article 11-A.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #224 Adopt Amended Procurement Policy

Councilman Reitz moved and Councilman Schraft seconded;

WHEREAS, State Municipal Law § 104-b of the General Municipal Law (GML) requires Towns within New York State to adopt internal policies and procedures governing all procurement of goods and services, not subject to the bidding requirement of GML §103 or any other law; and

WHEREAS, on February 3, 2016, the Evans Town Board passed Resolution #2016-116 implementing a comprehensive procurement policy for all Town of Evans' departments;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans, hereby adopts the amended Procurement Policy (Attachment A) and directs all departments to act in accordance with this adopted policy, effective immediately; and

FURTHER, BE IT RESOLVED, the Town Clerk is hereby instructed to distribute the above referenced policy to all departments in the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #225 Highway Department Appointment - Truck Driver to Machine Equipment Operator (MEO) Light

Deputy Supervisor George moved and Councilman Schraft seconded;

BE IT RESOLVED, effective May 8, 2023, based on the current collective bargaining agreement and the recommendation of the Town of Evans Highway Superintendent Jack Fritz, the Evans Town Board accepts the promotion of William Nelson from Truck Driver to Machine Equipment Operator Light; and

FURTHER, BE IT RESOLVED, effective May 8, 2023, the payroll department is directed to increase Mr. Nelson's hourly rate to $24.11 in accordance with the current collective bargaining agreement; and

FURTHER, BE IT RESOLVED, a PO-8 form will be submitted to the Erie County Civil Service documenting the above referenced changes, in accordance with Civil Service rules and regulations.

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

RESOLUTION 2023 #226 Town Purchase Of Automated External Defibrillators (Aed's)

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS; Automated External Defibrillators (A.E.D.) are utilized to revive someone from sudden cardiac arrest and have been proven to be life-saving equipment; and

WHEREAS, the Town of Evans wishes to have A.E.D.'s strategically placed in Town owned facilities as well as deployed with our Police Department for quick response; and

WHEREAS, our current inventory of A.E.D.'s are nearing end of life usage; and

WHEREAS, per Town of Evans Procurement policy, quotes from three A.E.D. suppliers were received, and of those three CiNTAS First AID & Safety is able to expedite delivery with no backorders, and units from CiNTAS First AID & Safety require only one set of pads per unit eliminating the need for purchase of both adult and pediatric pads which will save the Town of Evans over the course of the life of the units;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby approves to purchase (ten) 10 Zoll 3 A.E.D.'s and necessary equipment from CiNTAS First AID & Safety at a cost of $22,285.00.

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

RESOLUTION 2023 #227 Budget Transfers – Highway

Councilman Macko moved and Deputy Supervisor George 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 the purchase of a Gradall fixed thumb attachment and additional equipment needed imminently:

Transfer From:		
DB.5110.401.06	Highway – Supplies – Guardrails	$20,000
Transfer To:		
DB.5110.220.00	Highway – Machinery & Motor Vehicles	$20,000

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

RESOLUTION 2023 #228 – Signage Fee Waiver Frederick Garrasi III 5K Run Fundraiser

Deputy Supervisor George moved and Councilman Schraft seconded,

BE IT RESOLVED, that per Town of Evans Code 200.29 Sign Regulations, Fee Schedule, that the Town Board does hereby grant a waiver of the signage fee to the Frederick Garrasi III Memorial Fund to have two (2) double-sided interchangeable letter message board signs (4ft L x 2ft W x 3.5ft H) in front of Merkes and Son Reality, Inc. (Steveo's), 6811 Erie Road, Derby, New York and Ferber Automotive Corporation, 8120 Erie Road, Angola, New York for the 2023 Frederick Garrasi III Memorial 5K Run. The signs will be displayed through June 11, 2023.

FURTHER BE IT RESOLVED, a copy of this resolution be given to 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 #229 WNY Imaging Copier Agreement – Planning Department

Councilman Reitz moved and Councilman Macko seconded,

BE IT RESOLVED, that the Town of Evans enter into a Lease/Maintenance agreement for the Town of Evans copier located in the Planning Department office with WNY Imaging located at 411 Maryvale Drive, Buffalo, New York 14225 for the period of 60 months at $92.00 per month. FURTHER, BE IT RESOLVED, that Deputy Supervisor George is hereby authorized to execute the agreement, upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #230 Authorizing Contractors for Board Up, Grass-Cutting and Related Property Maintenance Services

Councilman George moved Councilman Reitz seconded,

WHEREAS, the Town of Evans Code Enforcement Office is responsible for the inspection of various properties within the Town of Evans to ensure compliance with residential and commercial property maintenance codes; and

WHEREAS, the Town of Evans Code Enforcement Office determines from time to time that certain properties are not in compliance with local and/or state laws, ordinances, codes, and regulations concerning the safety, condition and maintenance of said properties; and

WHEREAS, when violations are noted, property owners are notified to safeguard their property by cutting high grass, closing up inground pools, repairing and/or removing hazardous conditions and/or boarding-up their properties and

WHEREAS, in the event the owners of such properties fail to bring them into compliance with local and/or state laws, ordinances, codes, and regulations, and public safety requires that action be taken immediately, it is necessary that the Code Enforcement Office retain a private contractor to perform the necessary work on such property; and

WHEREAS, the Town adopted rates of compensation for such work by Resolution 2022-115, adopted February 16, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans is hereby authorized to retain any of the qualified contractors appearing on the attached list to perform such work at designated properties in the Town of Evans during calendar year 2023, at the rates of compensation stated in Resolution 2022-115, adopted February 16, 2022, upon execution of a written Agreement with the Town and approval of the contractor's Certificates of Insurance, and

BE IT FURTHER RESOLVED, that the Town Deputy Supervisor is authorized to execute such agreements.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #231 Appointment of Full Time Police Officer

Councilman Schraft moved Councilman Reitz seconded,

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

WHEREAS; Daniel Welch is currently a part-time Police Officer for the Town of Evans, Town of Eden, and Village of Blasdell Police Departments and meets the requirements necessary to be a Full-Time Town of Evans Police Officer; and

WHEREAS, Daniel Welch is currently in the top three of the Erie County Civil Service List;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints, Daniel Welch effective May 6, 2023 and upon the approval of the Erie County Civil Service Department; 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.

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

RESOLUTION 2023 #232 Appointment of Full Time Truck Driver(s) – Highway Department

Councilman Schraft moved Councilman Macko seconded,

WHEREAS, there are two (2) vacant positions at the Town of Evans Highway Department for a full-time truck driver; and

WHEREAS, Jonathan Hammond and Kurtiss Driscoll have passed and obtained their CDL Class B licenses; and

WHEREAS, Jonathan Hammond and Kurtiss Driscoll are currently part-time seasonal laborers for the Town of Evans Highway Department;

NOW, THEREFORE, BE IT RESOLVED, effective Monday, May 8, 2023, the Evans Town Board hereby acknowledges the appointment of both Jonathan Hammond and Kurtiss Driscoll to the position of full-time truck driver; and

FURTHER, BE IT RESOLVED; effective Monday, May 8, 2023, the payroll department is directed to increase Mr. Hammond's and Mr. Driscoll'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 employees are 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.

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

RESOLUTION 2023 #233 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

Amended 05/17/2023
Res: 2023-#238
PG: 218

RESOLUTION 2023 #234 Part Time Seasonal Appointments – Parks Department

BE IT RESOLVED, the following individuals be appointed as PT Seasonal positions, for up to a five (5) month period (October 2023), working up to 39.5 hours per week, at the hourly rated indicted below;

NAME	SALARY	POSITION	START DATE
James Bingenheimer	$15.20	LABORER	May 13, 2023
Nathan Guziec	$15.20	LABORER	May 15, 2023
Dylan Barrett	$15.20	LABORER	May 22, 2023
Jacob Logan	$15.20	LABORER	May 22, 2023
Benjamin Vail	$15.20	LABORER	May 22, 2023
Joseph Zubricky	$15.20	LABORER	May 22, 2023
Nancy Davis	$14.20	GUARD	May 24, 2023
Robert Watts	$14.20	GUARD	May 24, 2023

Mary Webster	$14.20	GUARD	May 24, 2023
Leon Widelko	$14.20	GUARD	May 24, 2023
Dale Zielonka	$14.20	GUARD	May 24, 2023

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #235 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	5/4/2023
ABSTRACT NO.	9
VOUCHER NO.	12387 - 12464
CHECK NUMBERS	85630 - 85692
APPROVED AT	Board Meeting
DATE	5/3/2023
GENERAL	$122,374.01
PART TOWN	-$3,786.09
HIGHWAY DB	$21,443.17
WATER	$4,383.53
CAPITAL PROJECTS	$436,527.00
SPECIAL DISTRICTS	$118,983.32
DEBT SERVICE	
TOTAL	**$699,924.94**

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #236 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Wednesday, May 17, 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,

Alex Haley
Deputy Town Clerk

Lynn M. Krajacic RMC
Town Clerk