Evans Town Board

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

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| 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 #442 Accept Minutes***

Deputy Supervisor George moved and Councilman Reitz seconded that the reading of the minutes of September 20, 2023 be dispensed with and accepted as submitted by the Town Clerk.

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

***Communications***

Bill Smith, Minor Subdivision Review Committee RE: Minor Subdivision – dividing a 0.40± acre parcel at 431 Lakebreeze Rd., Angola NY, SBL# 234.19-6-38.211 to create two parcels; a 0.23± acre parcel and a 0.15± acre parcel. Petitioner: Julie Duffet, 431 Lakebreeze Rd., Angola NY 14006.

***RESOLUTION 2023 #443 SEQR Lead Agency – Duffett***

Councilman Schraft moved and Councilman Reitz 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 October 2, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Julie Duffett 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 Julie Duffett Minor Subdivision
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 234.19-6-3.211, dividing a 0.40± acre parcel to create:

1. a 0.23± acre parcel with 50± feet of frontage on Lakebreeze Rd., SBL# 234.19-3-26; and
2. a 0.15± acre parcel to be annexed to an adjacent parcel owned by John Strychalski, SBL# 234.19-6-38.212; once divided, buyer agrees to annex both parcels to his main parcel at 425 Lakebreeze Rd., SBL# 234.19-6-43 to form a 0.52± acre parcel with 50.0± feet of frontage on Lakebreeze Rd., and 154.37± feet of frontage on Woodside Road.

Petitioner: Julie Duffett, 431 Lakebreeze Road, Angola, NY 14006

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

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

***RESOLUTION 2023 #444 SEQR Lead Agency – Duffett***

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, at the request of Erie County Sewer, it has been documented that Mr. Strychalski, as the buyer of the newly formed 0.15± acre parcel, will not be adding any structure on the property that will require an Erie County sewer connection; and

WHEREAS, the buyer of the newly formed 0.15± acre parcel, has filed an Annexation Approval Agreement with the Town, confirming his agreement to annex the newly formed 0.15± acre

parcel and his existing adjoining parcel, known as SBL# 234.19-6-38.212, to his main parcel at 425 Lakebreeze Rd., SBL# 234.19-6-43, thus forming a 0.52± acre parcel; 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 Julie Duffett Minor Subdivision,

a division of SBL# 234.19-6-38.211, dividing a 0.40± acre parcel to create:

1. a 0.23± acre parcel with 50± feet of frontage on Lakebreeze Rd., SBL# 234.19-3-26; and
2. a 0.15± acre parcel to be annexed to an adjacent parcel owned by John Strychalski, SBL# 234.19-6-38.212; once divided, buyer agrees to annex both parcels to his main parcel at 425 Lakebreeze Rd., SBL# 234.19-6-43 to form a 0.52± acre parcel with 50.0± feet of frontage on Lakebreeze Rd., and 154.37± feet of frontage on Woodside Road.

Petitioner: Julie Duffett, 431 Lakebreeze Road, Angola, NY 14006

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

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

NOTICE OF PUBLIC HEARING TOWN OF EVANS

Please take notice, the Town Board of the Town of Evans, Erie County, NY will hold a Public Hearing on October 4, 2023 at 7:10 pm in the Court Room of the Evans Municipal Center (located at 8787 Erie Road, Angola, NY 14006) regarding the use of Federal Community Development funds in the Town of Evans.

The Town of Evans is eligible for a Federal Community Development Grant under Title 1 of the Housing and Community Development Act of 1974, as amended.
The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Evans.
Citizens are urged to attend this Public Hearing to make known their views and/or written proposals on the Town of Evans' selection of potential projects to be submitted for possible funding by the Federal Community Development Grant program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Evans at (716) 549-3600. The Hearing may also be attended via a Zoom link which can be found on the Town's website. Questions and comments may also be forwarded via USPS to the Evans Planning Office at 8787 Erie Road, Angola, NY 14006 or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties of interest and citizens shall have an opportunity to be heard by the Town Board at the Public Hearing to be held aforesaid.

By order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk

***RESOLUTION 2023 #445 Open the Public Hearing***

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

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

Nobody spoke regarding the Public Hearing

***RESOLUTION 2023 #446 Close the Public Hearing***

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

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

***RESOLUTION 2023 #447 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; a canvass and interview process of the Town of Evans Civil Service list was conducted; and

WHEREAS; Luke Bullard has successfully interviewed and passed all aspects of the Town of Evans Police Department Background check and is currently ranked #1 on the Town of Evans Civil Service list; and

WHEREAS; Luke Bullard is currently enrolled in the Erie County Police Academy, and is successfully passing all aspects into the 8 weeks of training;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints, Luke Bullard, to the position of Full Time Police Officer with the Town of Evans Police Department, effective 10/07/2023, and is subject to the successful completion of the Erie County Police Training Academy and Erie County Civil Service approval; 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.

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

***RESOLUTION 2023 #448 Appointmenf of Regular Part Time (RPT) Laborer – Parks Department***

Councilman Reitz moved and Councilman Schraft seconded;

WHEREAS; a vacancy exists for an RPT Laborer in the Parks Department; and

WHEREAS; Daniel Almendinger is currently a Seasonal Laborer in the Parks Department;

NOW, THEREFORE, BE IT RESOLVED; that the Town Board of the Town of Evans hereby appoints Daniel Almendinger to the position of RPT Laborer at a rate of $16.20 effective October 5, 2023.

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

***RESOLUTION 2023 #449 Authorize Emergency Demolition***

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS, there was a structure fire at 339 Central Avenue, Angola, NY 14006 on Friday, June 26, 2023; and

WHEREAS, after the Fire Departments on scene extinguished the fire, it was determined there was major structural damage to the building and there were hotspots with the debris; and

WHEREAS, it was determined by the Commanding Chief on scene and the Code Enforcement Officer/Fire Marshal, that equipment would be required on scene to pen the debris pile to extinguish the remaining hot spots and remediate the imminent danger; and

WHEREAS, the Code Enforcement Officer did make contact with the members of the Town Board to authorize a Declaration of Emergency Demolition for the building located at 339 Central Avenue, Angola, NY 14006 (SBL #234.19-5-36); and

WHEREAS, the contracted demolition company was contacted to proceed with demolition to remediate the imminent danger and remove the building;

BE IT RESOLVED, that pursuant to Chapter 74, Buildings, Unsafe, of the Evans Town Code, the Evans Town Board hereby approves the earlier referenced Declaration of Emergency and authorizes that Geiter Done of WNY, Inc. to proceed with the emergency demolition of 339 Central Avenue, Angola, NY 14006 at a total cost of $15,000; and

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

BE IT FURTHER RESOLVED, a copy of this resolution is to be given to the Town of Evans Code Enforcement Office and Town of Evans Assessor.

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

***RESOLUTION 2023 #450 Change Order #1 – Lake Shore Trail Project***

Councilman Macko moved and Councilman Schraft seconded;

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

WHEREAS, the following conditions are the circumstances for Change Order No. 1 pursuant to the above referenced project;

1. Extended Substantial Completion Date
2. Change in Scope from 10ft path to 6ft path
3. Reduction in project value due to change in scope

4. Adjustment to unit pricing due to change in scope;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes Change Order No. 1 to reduce the aforementioned contract amount in the amount of $10,500.00.

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is authorized to sign any and all documents pursuant to Change Order No. 1.

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

***RESOLUTION 2023 #451 Preentative Maintenance Agreement (HVAC Equipment)***

Councilman Reitz moved and Councilman Macko seconded;

BE IT RESOLVED; that Deputy Supervisor Thomas George is hereby authorized to execute any and all documents pursuant to the Preventive Maintenance Agreement with Tri R Mechanical, 150 Empire Drive, West Seneca, NY 14224, upon the approval of the Town Attorney; and

FURTHER BE IT RESOLVED; inspections will be scheduled four (4) times per year (cooling Spring/Summer and heating Fall/ Winter) to include Town of Evans Municipal Building located at 8787 Erie Road and Town of Evans Senior Center located at 999 Sturgeon Point Road at a cost not to exceed $6,280.00 per year (per the above referenced buildings – total amount $12,560.00 per year) for the period of October 1, 2023 through September 30, 2024; and

FURTHER BE IT RESOLVED; inspections will be scheduled two (2) times per year (May and October) to include the Town of Evans Pool located at 1525 South Creek Road at a cost not to exceed $1,235.00 per year for the May and October preventive maintenance checks.

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

***RESOLUTION 2023 #452 Appointment on Ethics Committee***

Deputy Supervisor George moved and Councilman Reitz seconded,

WHEREAS, the Town formed an Ethics Committee in 2018 and we have an open seat on the committee;

NOW, THEREFORE, BE IT RESOLVED, the following individual is hereby appointed to the Town of Evans Ethics Committee: Bonita Anticola

VOTE RESULT: ADOPTED BY ROLL CALL

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

***RESOLUTION 2023 #453 Execute 2024-2025 Rural Transit Van Service Agreement***

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, Rural Transit Service, Inc. continues to provide a valuable service to the residents of the Town of Evans;

BE IT RESOLVED, the Deputy Supervisor of the Town of Evans is authorized to execute an agreement with Rural Transit Service, Inc. for van services for the 2024-2025 CDBG year, upon the approval of the Town Attorney for the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

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

***RESOLUTION 2023 #454 2023 Halloween Celebration***

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Evans Town Board recognizes the celebration of Halloween in the Town of Evans for the year of 2023 on Tuesday, October 31, 2023; and

WHEREAS, the citizens of the Town of Evans may choose to participate by leaving an outside light on during the hours of 6:00pm to 8:00pm to insure the safety of the children in their Trick or Treat travels;

NOW, THEREFORE, BE IT RESOLVED, that a copy of this resolution be published by the Town Clerk in the Angola Pennysaver and be published on the Town of Evans website.

VOTE RESULT: ADOPTED BY ROLL CALL

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

***RESOLUTION 2023 #455 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

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

***RESOLUTION 2023 #456 Justice Court Assistance Program (JCAP) Grant***

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, the Town of Evans and Village of Angola Justices request permission to jointly apply and submit the Justice Court Assistance Program grant to the New York Unified Court System in the 2023-2024 grant cycle;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Evans Town Court to apply for a JCAP grant in the 2023-2024 grant cycle up to $6,590.22

VOTE RESULT: ADOPTED BY ROLL CALL

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

***RESOLUTION 2023 #457 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 | 10/5/2023 |
| ABSTRACT NO. | 18 |
| VOUCHER NO. | 13234 - 13311 |
| CHECK NUMBERS | 86330 -86397 |
| APPROVED AT | Board Meeting |
| DATE | 10/4/2023 |
| GENERAL | $403,127.21 |
| PART TOWN | $4,145.60 |
| HIGHWAY DB | $30,553.37 |
| WATER | $15,574.83 |
| CAPITAL PROJECTS | $17,344.25 |
| SPECIAL DISTRICTS | $117,308.32 |
| DEBT SERVICE | |

TOTAL $588,053.58

VOTE RESULT: ADOPTED BY ROLL CALL

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

***RESOLUTION 2023 #458 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 and Matters relating to collective negoitians under the Taylor Law;

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney is invited to attend the Evans Town Board Executive Session.

VOTE RESULT: ADOPTED BY ROLL CALL

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| 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