Meeting #7
Regular __X__ Special _____

Wednesday April 03, 2024

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: March 20, 2024 Regular Town Board Meeting Minutes	
V	Communications: 1.) Amendment to Evans Town Code to amend Chapter 95, entitled "Entertainment, Public; Refreshment Businesses," Section 6 "Investigation of applicant and premises" to include fire/safety inspection. 2.) Minor Subdivision - dividing a 60.884+ acre parcel with 1325.82+ feet of frontage on Sturgeon Point Road, known as SBL# 207.00-4-23 into two lots to create a 52.248+ acre parcel and an 8.636+ acre vacant parcel. Petitioner: Craig Mosgeller, 1800 Sturgeon Point Road, Derby, NY 14047.	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports: March 2024 Town Clerk Report $ 52,983.04 Interest $ 6.73 Greenspace Fee $ 0 Petty Cash $ 650.00	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Appointment of Part Time Clerk-Planning Dept 2.) Appointment to Community Events Committee 3.) Approve Change of Broker of Record for Deferred Compensation 4.) Authorize ADP for Payroll Processing Services 5.) Authorize Director of Finance to Attend Association of Towns Town Finance School 6.) Authorize Emergency Demolition 7.) Lake Erie Beach Multi-Use Trail Change Order #2	
XII	Licenses: 1.) Tracy Spada d/b/a The Lucy Goose Bar & Grill	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday April 20, 2024 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:	Michael Schraft	Councilman
	John Wilson	Councilman
	Laurie Reitz	Councilman
	Raymond Ashton	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Lisa Poch	Town Attorney
ABSENT:	Jeanne Macko	Councilman

RESOLUTION 2023 #158 Enter Executive Session

Supervisor Ashton moved and Councilman Wilson 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 person.

NOW THEREFORE BE IT RESOLVED: Lisa Poch, Town Attorney and Jason Justinger, Director of IT is invited to attend the Evans Town Board Executive Session.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Absent (arrived late)
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #159 Accept Minutes

Councilman Wilson moved and Supervisor Ashton seconded that the reading of the March 6, 2024 Meeting minutes be dispensed with and accepted as submitted by the Town Clerk.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #160 Town Clerk's Reports

Supervisor Ashton moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of February, 2024:

Town Clerk Report	$223,592.55
Interest	$15.15
Greenspace Fee	$700.00
Petty Cash	$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #161 Appointment of Part Time Clerk - Parks Department

Councilman Reitz moved and Supervisor Ashton seconded;

BE IT RESOLVED, that Diane Steinhoff is hereby appointed as Part Time Clerk for the Town of Evans, effective Monday, March 18, 2024, at an hourly rate of $17.30 and working up to a maximum of 19.5 hours per week.

FURTHER, BE IT RESOLVED, a copy of this resolution is to be given to the Human Resource Department and Parks Department.

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #162 Appointment of Part Time Guard

Councilman Wilson moved and Supervisor Ashton seconded;

BE IT RESOLVED, effective Monday, April 8, 2024, the following individual is hereby appointed as Part Time Gate Guard, working up to 19.5 hours per week, at the hourly rates indicated:

NAME TITLE HOURLY RATE

Dale Zielonka Part Time Gate Guard $15.30

FURTHER, BE IT RESOLVED, a copy of this resolution is to be given to the Human Resource Department and Parks Department.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #163 Appointment to Community Events & Recycling Committees

Supervisor Ashton moved and Councilman Wilson seconded,

BE IT RESOLVED, effective immediately, Joseph O. Pinter is hereby appointed to the Town of Evans Community Events Committee and the Recycling Committee.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #164 Authorizing Contractors for Property Maintenance Services 2024

Councilman Wilson moved and Councilman Schraft 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 2024, 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 Supervisor Ashton is authorized to execute such agreements.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #165 Award Bid for Emergency Tree Removal

Supervisor Ashton moved and Councilman Wilson seconded,

WHEREAS, bids were solicited for the 2024 Emergency Tree Removal Services in the Town of Evans for the Contract Term of April 1, 2024 through March 31, 2025; and

WHEREAS, bids were received and opened on Monday, March 18, 2024 at 2:00 P.M., in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by Kravitz Tree Service, LLC located at 19 Norton Place, Fredonia, NY 14063; and

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the 2024 Emergency Tree Removal Services to Kravitz Tree Service, LLC located at 19 Norton Place, Fredonia, NY 14063; and

BE IT FURTHER RESOLVED, that Supervisor Ashton is authorized to execute any necessary contract documents regarding said bid award, upon the approval of the Town Attorney.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Schraft	Aye
	Councilman Wilson	Aye
	Councilman Macko	Absent
	Councilman Reitz	Aye
	Supervisor Ashton	Aye

RESOLUTION 2024 #166 Suspend the Rules of Order

Supervisor Ashton moved and Councilman Reitz seconded to Suspend the Rules of Order for the consideration of an additional resolution.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Schraft	Aye
	Councilman Wilson	Aye
	Councilman Macko	Absent
	Councilman Reitz	Aye
	Supervisor Ashton	Aye

RESOLUTION 2024 #167 Award Bid for Town of Evans Street Lighting Maintenance & Emergency Repair Contract

Councilman Reitz moved and Councilman Wilson seconded,

WHEREAS, the Town Board of the Town of Evans has solicited bids for the Streetlighting Maintenance and Emergency Repair Service Contract; and

WHEREAS, the Town Clerk of the Town of Evans advertised to solicit such bids; and

WHEREAS, a bid opening was held on Tuesday, March 19, 2024 at 2:00pm at the Evans Town Hall located at 8787 Erie Road, Angola, New York 14006; and

WHEREAS, Power & Construction Group (P&CG), PO Box 30, 96 West River, Scottsville, New York 14546 was the sole company to request the specifications and submit a bid; and

WHEREAS, Clark Patterson Lee has review the bid and the contractor qualifications and hereby recommends Power and Constructions Group (P&CG);

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby accepts and awards the bid to Power & Construction Group (P&CG) for the Town of Evans' Streetlighting Maintenance and Emergency Repair Service Contract for the base bid value of $21,046.05 plus itemized values.

VOTE RESULT:	ADOPTED BY ROLL CALL
	Councilman Schraft Aye
	Councilman Wilson Aye
	Councilman Macko Absent
	Councilman Reitz Aye
	Supervisor Ashton Aye

RESOLUTION 2024 #168 Approve Town Licenses

Councilman Schraft moved and Councilman Wilson seconded,

1) David Jacobson D/B/A Pat's Pizzeria - Refreshment
2) Robert J. Pasinski D/B/A Jovial Bar II Inc - Refreshment/Amusement

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police, Code Enforcement and the Department of Health where appropriate.

VOTE RESULT:	ADOPTED BY ROLL CALL
	Councilman Schraft Aye
	Councilman Wilson Aye
	Councilman Macko Absent
	Councilman Reitz Aye
	Supervisor Ashton Aye

RESOLUTION 2024 #169 Audit of Bills

Supervisor Ashton moved and Councilman Reitz seconded that all properly audited bills be paid out of their respective accounts as follows:

	AUDIT OF BILLS
DATE	3/21/2024
ABSTRACT NO.	6
VOUCHER NO.	14177 - 14250
CHECK NUMBERS	87118 - 87182
APPROVED AT	Board Meeting
DATE	3/20/2024
GENERAL	$96,563.86

PART TOWN	$10,707.24
HIGHWAY DB	$13,667.42
WATER	$0.00
CAPITAL PROJECTS	$24,775.00
SPECIAL DISTRICTS	$905.50
DEBT SERVICE	
TOTAL	$146,619.02

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #170 Adjournment

Supervisor Ashton moved and Councilman Reitz seconded to adjourn to Wednesday, March 20, 2024 at 6:00pm for a Work Session and the Regular Meeting to follow.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Absent
Councilman Reitz	Aye
Supervisor Ashton	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
Town Clerk

2024 Property Maintenance Contractors

Grass cutting:
Todd's Landscaping
129 Commercial Street
Angola, NY 14006

And

Atlas Enviro Clean
2516 Route 20, Box 55
Sheridan, NY 14135

Clean up/Board up:
Todd's Landscaping
129 Commercial Street
Angola, NY 14006

And

Atlas Enviro Clean
2516 Route 20, Box 55
Sheridan, NY 14135

Comm #1

Submitted to the Town Board for the April 3, 2024 Evans Town Board meeting:

WHEREAS, the proposed code amendment was prepared by the Evans Code Review Committee and subsequently reviewed by the Evans Planning Board; and

WHEREAS, the Evans Planning Board held a public meeting on March 27, 2024 and voted unanimously to recommend approval of Proposed Local Law #2 , to amend Town Code Chapter 95, entitled "Entertainment, Public; Refreshment Businesses," Section 6 "Investigation of applicant and premises" to include fire/safety inspection.

WHEREAS, in a letter dated March 28, 2024, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #2 of the year 2024, to be held on April 17, 2024 at 7:10p.m. for the consideration of said Code Amendment,

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning and Code Enforcement Offices.

Comm 2
Pg 1

Submitted for the April 3, 2024 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, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated April 1, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Craig Mosgeller Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant 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 Craig Mosgeller Minor Subdivision.
(Addendum_____SEQR Short Environmental Assessment Form),

a division of SBL# 207.00-4-23, dividing a 60.884± acre parcel to create:

1. a 52.248± acre parcel with 662.91± feet of frontage on Sturgeon Point Road, and
2. a 8.636± acre vacant parcel with 662.91± feet of frontage on Sturgeon Point Road.

Petitioner: Craig Mosgeller, 1800 Sturgeon Point Road, Derby, NY 14047

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

Comm 2
Pg 2

Submitted for the April 3, 2024 Town Board meeting:

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required; they offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, the proposed subdivision was also referred to the Erie County Agriculture and Farmland Protection Board for review of the Agricultural Data Statement in which no comment was offered, and

WHEREAS, notification was mailed to all addresses occurring on property within an agricultural district containing a farm operation, or on property within 500 feet of an active farm operation with no comments being received, 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 Craig Mosgeller Minor Subdivision,

a division of SBL# 207.00-4-23, dividing a 60.884± acre parcel to create:

1. a 52.248± acre parcel with 662.91± feet of frontage on Sturgeon Point Road, and
2. a 8.636± acre vacant parcel with 662.91± feet of frontage on Sturgeon Point Road.

Petitioner: Craig Mosgeller, 1800 Sturgeon Point Road, Derby, NY 14047

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

TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

April 1, 2024

Raymond Ashton, Supervisor
8787 Erie Road
Angola, New York 14006

Dear Supervisor Ashton,

Per transfer through Evans Bank, $52,989.77 was transferred to the Town of Evans Savings & Green Space account.

This represents the following:

Town Clerk March 1, 2024 - March 31, 2024	$52,983.04
Interest Earned on Checking Account March 1, 2024 - March 31, 2024	$ 6.73
Greenspace Fees/Trust & Agency Account March 1, 2024 - March 31, 2024	$ 0
Petty Cash Fund Balance	$ 650.00

These funds were received by me as Town Clerk for the Town of Evans.

Best Regards,

Lynn Krajacic

Lynn Krajacic, RMC
Town Clerk

Cc: Finance Dept
Councilman Wilson
Councilman Schraft
Councilman Macko
Councilman Reitz

Res 1

RESOLUTION – APPOINTMENT OF PART TIME CLERK – PLANNING DEPARTMENT

WHEREAS; a vacancy will exist for the position of Clerk to the Planning Department effective April 26, 2024; and

WHEREAS; the Town is currently canvassing for said position; and

WHEREAS; Debra Wilson has agreed to continue in the position of Clerk to the Planning Department in a part time capacity;

NOW, THEREFORE, BE IT RESOLVED; that Debra Wilson is hereby appointed as Part Time Clerk for the Town of Evans, effective April 30, 2024 at an hourly rate of $23.50 per hour at a maximum of 19.5 hours per week.

FURTHER BE IT RESOLVED, a copy of this resolution shall be given to the Human Resource Department.

ROLL CALL VOTE:

Res 2

RESOLUTION – APPOINTMENT TO COMMUNITY EVENTS COMMITTEE

BE IT RESOLVED, effective immediately, Mary Foley is hereby appointed to the Town of Evans Community Events Committee.

ROLL CALL VOTE:

Res 3

RESOLUTIONS - APPROVE BROKER CHANGE OF DEFERRED COMPENSATION PLAN

WHEREAS, the Town of Evans 457 Deferred Compensation Plan which is currently established through Empower; and

WHEREAS, the Town of Evans plan is currently held through Empower and will continue to be at this time; and

WHEREAS, a change of Broker of Record on the plan is the recommendation; and

WHEREAS, the Supervisor and all represented unions for the Town of Evans does recommend Equitable Advisors and Nicholas S. Ludwa and Kevin Caffery Jr. as the new Broker of Record on the above referenced Deferred Compensation Plan;

BE IT RESOLVED, Supervisor Ashton is directed to execute all necessary documents to contract with Equitable Advisors LLC as the Broker of Record for the Empower Retirement Plan.

FURTHER BE IT RESOLVED, a copy of this resolution will be given to the Director of Finance and Human Resources.

ROLL CALL VOTE:

Res 4

RESOLUTION – AUTHORIZE ADP FOR PAYROLL PROCESSING SERVICES

WHEREAS, there is a necessity to change the payroll processing services for the Town of Evans; and

WHEREAS, the Town of Evans Director of Finance and HR/Payroll Department hereby recommend ADP, pursuant to the specific needs of the Town of Evans while creating a significant cost savings to the Town;

BE IT RESOLVED, that the Evans Town Board approves ADP for purposes of the Town of Evans payroll processing, effective July 1, 2024.

FURTHER, BE IT RESOLVED, that Supervisor Ray Ashton is hereby authorized to execute any documents necessary to enter into the above referenced agreement, upon the approval of the Town Attorney; and

BE IT FURTHER RESOLVED, that Supervisor Ray Ashton and Director of Finance William Reece will be authorized signatories of this agreement and any other corresponding documents pertaining to same.

ROLL CALL VOTE:

Res 5

RESOLUTION - AUTHORIZE DIRECTOR OF FINANCE TO ATTEND THE ASSOCIATION OF TOWNS TOWN FINANCE SCHOOL

WHEREAS, Director of Finance William Reece request permission to attend the annual Association of Towns Town Finance School; and

WHEREAS, said training will be held in Geneva, New York on May 7-8, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board shall grant permission to Director of Finance William Reece to attend said training with all appropriate and reasonable expenses to be paid by the Town, per Town policy.

ROLL CALL VOTE:

RESOLUTION – AUTHORIZATION FOR EMERGENCY DEMOLITION Res 12

WHEREAS, there was a structure fire at 8439 N. Main Street, Angola, NY 14006 on Monday, March 25, 2024; and

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

WHEREAS, Erie County Sheriffs Fire Investigators and Code Enforcement Officer John Flading were present at the scene; 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 8439 N. Main Street, Angola, NY 14006 (SBL #235.07-2-2); 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 8439 N. Main Street, Angola, NY 14006; and

BE IT FURTHER RESOLVED, that in the case of non-payment by the insurance company, the cost of the demolition will be assessed to the property; and

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

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

ROLL CALL VOTE:

Res 7

Resolution – Approval of Lake Erie Beach Trail Project Change Order #02

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 02 pursuant to the above referenced project;

1. Tree removal and tree trimming;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board authorizes Change Order 02 to increase the aforementioned contract amount in the amount of $13,819.00.

FURTHER, BE IT RESOLVED, that Supervisor Ray Ashton is authorized to sign any and all documents pursuant to Change Order 02.

ROLL CALL VOTE: