Meeting #9
Regular X Special _____

Wednesday May 1, 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: April 17, 2024 Regular Town Board Meeting Minutes	
V	Communications:	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Accepting donation- Parks Dept. 2.) Appointment of Seasonal Part Time Marina Gate Guards and Park Laborers 3.) Appointment of Seasonal Part Time Park Gate Guards 4.) Authorizing Law Section 284 Agreement to Spend Highway Funds 5.) Budget Transfer - Parks Dept. 6.) Evans Center Volunteer Fire Co. Inc - LOSAP Approval 7.) Lake Erie Beach Volunteer Fire Co Inc - LOSAP Approval 8.) Senior Personnel Clerk Full Time Permanent Appointment	
XII	Licenses: 1.) Graycliff Conservancy- Live Band Commercial	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday May 15, 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
	Jeanne Macko	Councilman
	Laurie Reitz	Councilman
	Raymond Ashton	Supervisor
ALSO PRESENT:	Kristen Bauer	Deputy Town Clerk
	Lisa Poch	Town Attorney

RESOLUTION 2024 #182 Accept Minutes

Supervisor Ashton moved Councilman Macko and seconded that the reading of the April 3, 2024 April 10, 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	Aye
	Councilman Reitz	Aye
	Supervisor Ashton	Aye

Public Hearing

LEGAL NOTICE
TOWN OF EVANS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Evans on April 17, 2024, at 7:10 P.M. in the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the following:

Amending Chapter 95 of the Evans Town Code, entitled "Entertainment, Public; Refreshment Businesses." Specifically, Section 6 of Chapter 95, entitled "Investigation of Applicant and Premises," will be amended to include "Fire Safety/Inspection." The full text of said local law shall be available for inspection at the Evans Town Hall during normal business hours (Monday, Tuesday, Thursday, Friday 8:00 a.m.-4:00 p.m.; Wednesday 9:00 a.m-5:00 p.m.) and on the Town of Evans website: www.townofevansny.gov Click on Legal Notices and

Bids under the Document Center. Questions and comments may be forwarded to the Code Enforcement Office by USPS or by email to jflading@townofevans.org; any written questions or comments forwarded to the Code Enforcement Office will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom and/or In-Person Public Hearing to be held aforesaid.

Dated:April 3, 2024

Lynn M. Krajacic
Town Clerk
Town of Evans

RESOLUTION 2024 #183 Open the Public Hearing

Supervisor Ashton moved and Councilman Macko seconded to open the hearing.

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

There was nobody wishing to speak in favor or opposition

RESOLUTION 2024 #184 Close the Public Hearing

Supervisor Ashton moved and Councilman Wilson seconded to close the public hearing.

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

RESOLUTION 2024 #185 Adoption of Local Law #1 of 2024 Town Code Chapter 95

Councilman Schraft moved and Councilman Wilson seconded;

WHEREAS, the Town Board of the Town of Evans is considering amending Town Code Chapter 95, entitled "Entertainment, Public; Refreshment Businesses" to include a requirement of fire safety and property inspections and including use of the Code Enforcement Officer; and

WHEREAS, public hearings were held on March 27, 2024 (Planning Board Meeting) and April 17, 2024 (Town Board Meeting), at which time all persons either for or against said amendment were heard; and

WHEREAS, the Planning Department has advised the Town Board that this proposed local law is considered a "Type II Action" under 6 NYCRR Part 617.5 of the Town Code, and no further review under New York Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Proposed Local Law No. 2 of 2024 is hereby adopted as follows:

LOCAL LAW NO. 1 OF 2024

A LOCAL LAW amending Evans Town Code Chapter 95, entitled "Entertainment, Public; Refreshment Businesses", providing for inspections and the use of the Code Enforcement Officer.

BE IT RESOLVED by the Town Board of the Town of Evans as follows:
The Town of Evans Code is amended by adding the underlined words, in place of those struck or in addition to, in Chapter 95 entitled "Entertainment, Public; Refreshment Businesses" as follows:

§ 95-6 Investigation of applicant and premises.

Upon receipt of a complete application, including payment of applicable fees, the Town Clerk shall refer the same to the Erie County Health Department and to the ~~Chief of Police~~ Code Enforcement Officer for investigation regarding the character and reputation of the applicant, the cleanliness and sanitary condition of the premises and the arrangement of the rooms where such business is to be carried on with a view to the preservation of the public peace, morals, health and safety. It shall be the duty of the Health Officer and the ~~Chief of Police~~ Code Enforcement Officer to approve with their signatures or to disapprove and to report the results of the investigations promptly to the Town Clerk, who shall lay the same before the Town Board.

§ 95-3(A) License required; term; fees; number required; exemptions.
(4) Inspections required. Any licensee must also submit to a fire safety and property maintenance inspection of the business buildings and/or structures, performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

NOTICE OF ADOPTION

TAKE NOTICE, that after a public hearing was held by the Town Board of the Town of Evans on April 17, 2024, the Town Board at its meeting of April 17, 2024, adopted Local Law No. 1 of 2024, as follows: "A LOCAL LAW amending Chapter 95 entitled, "Entertainment, Public;

Refreshment Businesses" by requiring fire and safety inspections and employing the use of the Code Enforcement Officer. Copies of the proposed law are on file in the Town Clerk's Office, Monday, Tuesday, Thursday and Friday, from 8:00 a.m. to 4:00 p.m or Wednesday, from 9:00am to 5:00pm. Financial Impact: None

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

RESOLUTION 2024 #186 Remove Old Business

Supervisor Ashton moved and Councilman Reitz seconded to remove Authorization for ADP for Payroll Processing Services;

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

RESOLUTION 2024 #187 Authorize ADP for Payroll Processing Services

Supervisor Ashton moved and Councilman Reitz seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #188 Awarding Bid For Derby Rd Culvert Replacement Over Pike Creek

Supervisor Wilson moved and Councilman Schraft seconded,

WHEREAS, bids were solicited for the Derby Road Culvert Replacement over Pike Creek project that is proposed in the Town of Evans; and

WHEREAS, bids were received and opened on April 11, 2024 at 2:00 P.M., in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by Union Concrete and Construction Corp. at 435 Meyer Road, West Seneca, NY 14224; and

WHEREAS, the Town has reviewed and discussed the bid from Union Concrete and Construction Corp. and have confirmed the company's understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by Union Concrete and Construction Corp. was $829,271.

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Derby Road Culvert Replacement over Pike Creek project to Union Concrete and Construction Corp. at 435 Meyer Road, West Seneca, NY 14224, pending New York State Department of Transportation approval to award.

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #189 Opposition to Wind Turbines in Lake Erie

Councilman Reitz moved and Councilman Macko seconded;

WHEREAS, approximately twelve million people live in the Lake Erie watershed, including seventeen metropolitan areas with more than 50,000 residents, an area shared between the United States and Canada, and Lake Erie provides drinking water for approximately 11 million of the inhabitants of this region, and

WHEREAS, the Town of Evans, a town situated in Erie County and in the Lake Erie watershed, recognizes and values the importance of Lake Erie and continues to work diligently to safeguard and improve its own stewardship of Lake Erie and the Lake Erie Watershed, and

WHEREAS, the Town of Evans has great concern that New York State and/or any authority, agency, commission, or department thereof might allow private and/or public entities to construct, place, position, and/or install, with or without permanent bases, pylons, piers, or similar structures, one or more wind turbines in the waters of Lake Erie, and

WHEREAS, the Town of Evans has great concern that the fresh water of Lake Erie along with the overall health of Lake Erie, the wildlife that depends on Lake Erie, the wildlife that traverses Lake Erie, and the continuing restoration of Lake Erie will be placed at risk if wind turbines are constructed in the waters of Lake Erie, and generating electricity, and

WHEREAS, many questions concerning offshore wind energy facilities in fresh water bodies remain unanswered; and

WHEREAS, there are other alternatives which deserve significant consideration as possible future sources of power which do not negatively affect Lake Erie or other large bodies of water, and

WHEREAS, deep concern on the addition of Wind Turbines in Lake Erie has been expressed by elected officials throughout the region;

NOW THEREFORE BE IT RESOLVED, that the Evans Town Board declares that the Town of Evans opposes efforts to introduce offshore wind turbines in the waters of Lake Erie, and calls for a moratorium on the development and/or construction of any wind turbines in the waters of Lake Erie, and

BE IT FURTHER RESOLVED, that the Town Clerk shall forward a certified copy of this Town Board resolution to Honorable Governor Kathy Hochul, Honorable United States Congressman Nicholas Langworthy, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Senate Minority Leader Rob Ortt, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, Honorable New York State Senator Patrick Gallivan, Honorable New York State Senator George Borrello, Honorable New York State Assemblyman Andrew W. Goodell, Honorable New York State Assemblyman David DiPietro, Honorable New York State Assemblyman Jon Rivera, and the Western New York Delegation of the New York State Senate and New York State Assembly, Honorable Erie County Executive Mark Poloncarz, Clerk of the Erie County and Chautauqua County Legislatures, Honorable Erie County Legislator John Mills, Honorable Erie County Legislator John Gilmour, Honorable Supervisors of the Towns of Silver Creek, Eden, Hamburg, Concord, Springville, North Collins, and Dunkirk, Honorable Mayor of the City of Lackawanna Annette Iafallo, and Honorable Mayor of the City of Buffalo Byron Brown.

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

RESOLUTION 2024 #190 Audit of Bills

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

AUDIT OF BILLS	
DATE	4/18/2024
ABSTRACT NO.	8
VOUCHER NO.	14331 - 14399
CHECK NUMBERS	87249 - 87307
APPROVED AT	Board Meeting
DATE	4/17/2024
GENERAL	$37,067.94
PART TOWN	$3,415.20
HIGHWAY DB	$7,623.25
WATER	

CAPITAL PROJECTS	$30,618.00
SPECIAL DISTRICTS	$25.00
DEBT SERVICE	
TOTAL	$78,749.39

VOTE RESULT: ADOPTED BY ROLL CALL

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

Resolution 2024 #191 Adjournment

Supervisor Ashton moved and Councilman Schraft seconded to adjourn to Wednesday May 1, 2024 at 6:00pm for a Work Session and the Regular Meeting 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.

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
Town Clerk

Res. 2

RESOLUTION – ACCEPTING DONATION – PARKS DEPARTMENT

WHEREAS, the Galfo family has decided make a donation to replace the baseball backstop at the Evans Town Park; and

WHEREAS, no funds will be expended to purchase the above referenced backstop;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board graciously accepts the donation of the 3 sided (10' x 10' x 10') 12" high baseball backstop for the Evans Town Park baseball diamond.

ROLL CALL VOTE:

Res 2

RESOLUTION – APPOINTMENT OF SEASONAL PART TIME MARINA GATE GUARDS AND PARK LABORERS

BE IT RESOLVED, effective May 6, 2024, the following individuals are hereby appointed as Part Time Seasonal Marina Gate Guards and Park Laborers, for a five (5) month period, working up to 39 hours per week, at the hourly rates indicated:

NAME	TITLE	HOURLY RATE
Thomas Trevean	Marina Gate Guard	$15.30
Michael Mye	Marina Gate Guard	$15.30
Andrew Inglet	Marina Gate Guard	$15.30
Robert Sikorski	Marina Gate Guard	$15.30
John Kurtzhalts	Marina Gate Guard	$15.30
Robert Watts	Marina Gate Guard	$15.30
Leon Widelko	Marina Gate Guard	$15.30
Alexander Widelko	Marina Gate Guard	$15.30
William Hosler	Marina Gate Guard	$15.30
Shawna John	Marina Gate Guard	$15.30
Nathan Joseph Guarino	Park Laborer	$16.30
Dylan Barrett	Park Laborer	$16.30
James Bingenheimer	Park Laborer	$16.30
Jonathan Szewczyk	Park Laborer	$16.30
Bryce Coyle	Park Laborer	$16.30
Jake Logan	Park Laborer	$16.30

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

ROLL CALL VOTE:

Res 3

RESOLUTION – APPOINTMENT OF SEASONAL PART TIME PARK GATE GUARDS

BE IT RESOLVED, effective May 20, 2024, the following individuals are hereby appointed as Part Time Seasonal Park Gate Guards, for a five (5) month period, working up to 39 hours per week, at the hourly rates indicated:

NAME	TITLE	HOURLY RATE
Dale Zielonka	Park Gate Guard	$15.30
Mary Webster	Park Gate Guard	$15.30
Nancy Davis	Park Gate Guard	$15.30
Lydia Rivera	Park Gate Guard	$15.30

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

ROLL CALL VOTE:

Res 4

RESOLUTION – AUTHORIZING LAW SECTION 284 AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

WHEREAS, the Town Board and the Superintendent of Highways are required by Highway Law Section 284 to enter into a written agreement stating the places ad manner in which the Highway Fund appropriations for repairs and improvements are to be expended: and

WHEREAS, in conjunction with the estimate submitted by the Highway Superintendent, the Highway Superintendent has submitted a proposed Highway Law Section 284 agreement to spend Town Highway Funds; and

WHEREAS, the Highway Superintendent has prepared an agreement to spend Town Highway Funds for the fiscal year commencing January 1, 2024, for general repairs and primary work, and permanent improvements subject to limitations set by NYS Capital Highway Improvement Program (CHIPS) funding;

NOW, BE IT RESOLVED, that the Town Board hereby approves said agreement to spend Town Highway Funds therefore, the Town Supervisor and Town Board Members are authorized and directed to execute said agreement as required by law in substantially the same form as annexed hereto.

ROLL CALL VOTE:

Res 5

RESOLUTION – BUDGET TRANSFER – PARKS DEPARTMENT

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 Director of Finance to make the following budget transfer for various Marina/Parks repairs:

Transfer From:

A.917.000.00	Unassigned Fund Balance	$95,000.00

Transfer To:

A.7180.412.00	Facility Marina	$95,000.00

ROLL CALL VOTE:

Res 6e

RESOLUTION – EVANS CENTER VOLUNTEER FIRE COMPANY, INC. - LOSAP APPROVAL FORM FOR 2023

WHEREAS, an audit has been completed by the Town of Evans Finance Department for the Length of Service Award Program ("LOSAP") for the 2023 Evans Center 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 2023 Firefighter Records listing for Evans Center Volunteer Fire Company, Inc. and is authorized to execute the 2023 Sponsor Approval for as required by Article 11-A.

ROLL CALL VOTE:

Res 7

RESOLUTION – LAKE ERIE BEACH VOLUNTEER FIRE COMPANY, INC. - LOSAP APPROVAL FORM FOR 2023

WHEREAS, an audit has been completed by the Town of Evans Finance Department for the Length of Service Award Program ("LOSAP") for the 2023 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 2023 Firefighter Records listing for Lake Erie Beach Volunteer Fire Company, Inc. and is authorized to execute the 2023 Sponsor Approval for as required by Article 11-A.

ROLL CALL VOTE:

Res 8

RESOLUTION – SENIOR PERSONNEL CLERK FULL TIME PERMANENT APPOINTMENT

WHEREAS, Evans Town Board approved the position of the Senior Personnel Clerk by resolution per the Town of Evans Town Board Re-Organizational meeting; and

WHEREAS, Kelly Kent was appointed provisionally as full time Senior Personnel Clerk;

NOW, THEREFORE, BE IT RESOLVED, that effective immediately, Kelly Kent is hereby appointed full time permanent Senior Personnel Clerk for the Town of Evans, and

BE IT FURTHER RESOLVED, all relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the IBEW #41 collective bargaining agreement.

ROLL CALL VOTE: