Meeting #21 Wednesday November 6, 2024
Regular _X_ Special _____

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: October 9 2024 and October 16, 2024 Regular Town Board Meeting Minutes	
V	Communications: Minor Subdivision - dividing a 4.03 ± acre parcel with 360.97± feet of frontage on Erie (a.k.a. NYS Route 5), Angola, NY 14006, known as SBL# 251.05-1-55.1 into 4 parcels; a 2.54 ± acre parcel, a .749 ± acre parcel, a .327± acre parcel to be annexed to the adjoining property at 9466 Erie Rd to form a .97± acre parcel, and a .397± acre parcel to be annexed to the adjoining property at 705 Herr Rd to form a .643± acre parcel. Petitioner: Daryl Clark, 5757 Southwestern Blvd, Hamburg NY 14075.	
VI	Public Hearing & Bid Opening: 1.) Fire Departments/Ambulance Services 2.) Preliminary Budget 2025	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business: Approve IBEW #41 MOU for January 1 2018 to December 31 2025 Collective Bargaining Agreement	
X	Privilege of the Floor:	
XI	Resolutions: 1.) 2025 NYS Association of Towns Delegate and Alternate Designation 2.) Budget Amendment Highway. 3.) Budget Transfer - Highway 4.) Budget Transfer - Parks 5.) Budgets Transfer - Police (Car 47) 6.) Budget Transfer - Police (DCO car) 7.) Budget Transfer - Police 8.) Declare Surplus Equipment - Parks 9.) Declare Surplus - Police Vehicle and Transfer to Code Enforcement 10.) Declare Surplus Vehicle - Building Maintenance 11.) Declare Surplus Vehicles - Police 12.) Approve Parks and Marina Fees for 2025	
XII	Licenses:	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday November 13, 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:	Lynn Krajacic	Town Clerk

RESOLUTION 2024 #345 Executive Session

Councilman Schraft 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: employment history of a particular Individual.

NOW THEREFORE BE IT RESOLVED: nobody is invited to attend the Evans Town Board Executive Session.

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

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:	Lynn Krajacic	Town Clerk
	Lisa Poch	Town Attorney

RESOLUTION 2024 #346 Executive Session

Supervisor Ashton 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: pending litigation

NOW THEREFORE BE IT RESOLVED: Lisa Poch, Town Attorney and Greg Szarowicz, Chief of Police are invited to attend the Evans Town Board Executive Session.

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

RESOLUTION 2024 #347 Accept Minutes

Supervisor Ashton moved and Councilman Schraft seconded that the reading of the October 2, 2024 meeting minutes dispensed with and accepted and 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

RESOLUTION 2024 #348 Town Clerk's Reports

Supervisor Ashton moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of September 2024:

Town Clerk Report	$33,854.37
Interest	$3.08
Greenspace Fee	$ 0
Petty Cash	$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #349 Advertise Public Hearing - 2025 Preliminary Budget

Councilman Schraft moved and Councilman Macko seconded;

BE IT RESOLVED, that in accordance with Article 8, Section 108 of Town Law, that a Public Hearing be held to hear those individuals wanting to discuss the Preliminary Budget on Wednesday, November 6, 2024 at 7:10pm at the Evans Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk advertise said Public Hearing in accordance with Town Law.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #350 Advertise Public Hearing Fire Protection/Ambulance

Councilman Wilson moved and Councilman Reitz Seconded;

BE IT RESOLVED, that in accordance with Section 184 of Town Law, that a Public Hearing be held to hear those individuals wanting to discuss the Fire Protection and/or Emergency Ambulance Service Agreements on Wednesday, November 6, 2024 at 7:10pm at the Evans Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk advertise said Public Hearing in accordance with Town Law.

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

RESOLUTION 2024 #351 Appointment to Climate Smart Committee

Councilman Schraft moved and Councilman Reitz Seconded;

WHEREAS, the Town of Evans has established a Climate Smart Committee to inform, education, and advise Town residents on how to adapt to the changing climate and lower greenhouse gas emissions;

NOW, THEREFORE, BE IT RESOLVED, Carol Matson is hereby appointed to the Climate Smart Committee for 2024.

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

RESOLUTION 2024 #352 2025 Community Development Block Grant (CDBG)

Supervisor Ashton moved and Councilman Reitz Seconded;

WHEREAS, the Town Board desires to pursue funding opportunities for the following projects, hereafter known as "the Projects":

1. Wendt Landing - Public Waterfront Access
2. Rural Transit

WHEREAS, the Town Board desires to provide new and improved public space and amenities to residents at the lowest possible cost to the Town and Town taxpayers, and to improve the quality of life for low-to-moderate income persons who reside in the Town of Evans; and

WHEREAS, the Town Board desires to apply for financial assistance from the Erie County Community Development Program through the Community Development Block Grant (CDBG); and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed Projects.

NOW, THEREFORE BE IT RESOLVED, that Ray Ashton as Supervisor of the Town of Evans, is hereby authorized and directed to accept funds from the Erie County Community Development Program: CDBG, in an amount not to exceed $150,000, and enter into and execute a project agreement with Erie County for such financial assistance to complete "the Projects"; and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance the Town will make available up to $155,000 in matching funds, from the Town's municipal 2025 budget to satisfy the requirements of the funding program.

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

RESOLUTION 2024 #353 Table Approve IBEW#41 Memorandums of Understanding

Councilman Macko moved and Councilman Reitz Seconded to Table this resolution.

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

RESOLUTION 2024 #354 Authorization to Execute an Inter-Municipal Agreement - Pedestrian Walkway

Councilman Wilson moved and Councilman Reitz Seconded;

WHEREAS, the County of Erie (the "County") and the Town of Evans (the "Town") are authorized, pursuant to Article 5-G of the General Municipal Law, to enter into inter-municipal agreements; and

WHEREAS, the County is undertaking a project to rehabilitate Lake Shore Road (CR 111) within the Town, spanning from Evans Town Park to Bennett Beach (hereinafter referred to as the ("Project"); and

WHEREAS, the Project includes a Pedestrian Accommodation Betterment ("Betterment"), consisting of a paved asphalt pedestrian walkway, ADA ramps, stripped crosswalks, Rectangular Rapid Flash Beacon (RRFB) and pedestrian signage as a part of the road rehabilitation project, referred to formerly as Phase II of the Lakeshore Shoreline Trail Multi-Use Pathway; and

WHEREAS, the County agrees to be responsible for the construction costs of the betterment, including approved and related cost overruns for said betterment, and further providing the Town with indemnity for any actions during or relating to the Project's construction; and

WHEREAS, after near-completion of construction of the aforementioned Project, the County has proposed relinquishing final ownership, maintenance, and operations of said facilities to the Town via an inter-municipal agreement; and

WHEREAS, per the proposed agreement, the Town agrees to take over ownership, and be responsible for operation and maintenance of the betterment after completion of construction; and

WHEREAS, it is in the best interests of the Town to share in the undertaking of municipal improvement projects and other purposes through joint projects or programs with other municipalities; and

WHEREAS, the construction of the Pedestrian Accommodation Betterment will provide additional and safer access to certain areas in the Town, for the benefit and in the best interests of the constituents of both the Town and the County; and

NOW THEREFORE BE IT RESOLVED, that Evans Town Board authorizes the Town Supervisor to execute any inter-municipal agreements relating to the Project described herein.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #355 Authorization to Execute 2024-2025 Rural Transit Van Service

Councilman Reitz moved and Councilman Macko Seconded;

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

BE IT RESOLVED, Town of Evans Supervisor Ray Ashton is authorized to execute an agreement with Rural Transit Service, Inc. for van services for the 2025-2026 CDBG year, upon the approval of the Town Attorney for the Town of Evans.

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

RESOLUTION 2024 #356 Authorize Supervisor Ashton to Attend Association of Towns 2025 Annual Meeting & Training School

Councilman Schraft moved and Councilman Wilson Seconded;

WHEREAS, Supervisor Ray Ashton request permission to attend the annual Association of Towns 2025 Annual Meeting & Training School; and

WHEREAS, said training will be held in New York, New York on February 16 - 19, 2025;

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

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

RESOLUTION 2024 #357 Authorize Evans Justices to submit Justice Court Assistance Program (JCAP) Grant

Councilman Macko moved and Councilman Wilson Seconded;

WHEREAS, the Town Justices request permission to submit the Justice Court Assistance Program (JCAP) grant to the New York Unified Court System for the year 2024-2025;

NOW, THEREFORE, BE IT RESOLVED, the Board of the Town of Evans authorizes the Evans Town Court to apply for a JCAP grant in the 2024-2025 grant cycle up to $10,489.77

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

RESOLUTION 2024 #358 Preventative Maintenance Agreement - HVAC Equipment

Councilman Wilson moved and Councilman Schraft Seconded;

BE IT RESOLVED; that Supervisor Ray Ashton is hereby authorized to execute any and all documents pursuant to the HVAC Preventive Maintenance Agreement with DV Brown & Associates, 567 Vickers Street, Tonawanda, New York 14150, upon the approval of the Town Attorney; and

FURTHER BE IT RESOLVED; inspections will be for the 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; and

FURTHER BE IT RESOLVED, inspections will be for the Town of Evans Pool located at 1525 South Creek Road for the May and October preventive maintenance checks; and

FURTHER BE IT RESOLVED, this agreement shall become effective October 1, 2024 for one year, with the agreement pricing of $7,180.00 and shall be paid in triannual payments of $2,393.33; and

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

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

RESOLUTION 2024 #359 Re-Levy Charges to 2024 Town & County Bill

Councilman Macko moved and Councilman Wilson Seconded;

BE IT RESOLVED, in accordance with New York State Town Law, Section 198, the Evans Town Board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below; and

BE IT FURTHER RESOLVED, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town of Evans Assessor's master computer assessment roll file:

TOTAL Unpaid Water Evans $6,088.68
TOTAL Unpaid Water ECWA $3,059.07
TOTAL Unpaid Water Surcharge ECWA $1,744.43
TOTAL Clean-Up Charges $22,070.00

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

RESOLUTION 2024 #360 Town Access Approval for Work at 7358 Beechwood Road

Supervisor Ashton moved and Councilman Macko Seconded;

WHEREAS, the Town of Evans Code Enforcement Office has received a request for access to a portion of the Sturgeon Point Marina property pathway in order to secure rip rap, from Mesi Enterprises based on the safety concerns of the property owner Gregory Crispell; and

WHEREAS, this property is located at 7358 Beechwood Road; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board gives approval to access the Sturgeon Point Marina property pathway from October 21st 2024 to April 1st 2025, owned by the Town of Evans provided the following criteria and compliance is completed and approved:

A DEC permit has been obtained and submitted to the Town of Evans

The Town of Evans is provided a certificate of liability insurance naming the Town of Evans as an additional insured, from both the property owner and contractor

Access and Use Agreement between the Town, property owner and property owner's contractor, including hold harmless/indemnification provision

The Town of Evans Waterfront Assessment Form is completed, submitted and approved

Submittal of the contractor's safety plan, equipment staging plan, daily hours of operation, timeframe of the referenced project (ie: number of weeks), restoration plan for the accessed property

BE IT FURTHER RESOLVED, that said access shall be allowed during such dates as approved by the Chief Code Enforcement Officer and solely to conduct the above referenced work, if the above referenced criteria is met. Such access shall be granted from October 21st 2024 and be suspended during any use of the Sturgeon Point Marina property pathway by the Town, including without limitation any repair and/or improvement of Sturgeon Point Marina.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #361 Authorizing EMS & Ambulance Fees - Evans Center Volunteer Fire Company

Councilman Macko moved and Councilman Wilson seconded;

WHEREAS, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the "Law") provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

WHEREAS, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

WHEREAS, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a

minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

WHEREAS, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

WHEREAS, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Council Member of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

WHEREAS, the Town of Evans ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Evans Center Volunteer Fire Company, Inc. ("ECVFC") to provide emergency medical services including basic life support ("BLS") ambulance services (within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

WHEREAS, the Board of the Town of Evans ("Board") after due deliberation, finds it in the best interest of the Town of Evans to authorize fees and charges for emergency medical services and ambulance services ECVFC as authorized by Law and these Resolutions;

NOW THEREFORE, it is hereby resolved, that the Town of Evans hereby authorizes fees and charges for emergency medical services and ambulance services by ECVFC as authorized by Law and as provided for by these Resolutions; and it is further

RESOLVED, that the fees and charges collected shall be collected and used by ECVFC as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and ECVFC for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

RESOLVED, that the Board hereby directs that ECVFC shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the ECVFC for such purposes and under such terms and conditions as the ECVFC may in its discretion find appropriate; and it is further

RESOLVED, that the Board hereby directs that such revenue recovery by the ECVFC for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

RESOLVED, that the Board hereby determines that commencing at 12:01 a.m. on October 17, 2024 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Town or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for such service; and it is further

RESOLVED, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Town, waive any co-pay or deductible due from any resident of the Town; and it is further

RESOLVED, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other ECVFC funds and used for the delivery of emergency medical and ambulance services as the ECVFC may properly determine in its sole discretion; and it is further

RESOLVED, that the Board hereby directs that it shall not, directly or indirectly, by Town personnel or its agents and employees, including the Town's billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

RESOLVED, that except as otherwise provided herein, these resolutions shall take effect immediately, 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 #362 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	10/17/2024
ABSTRACT NO.	19
VOUCHER NO.	15361 - 15439
CHECK NUMBERS	88064 - 88125
APPROVED AT	Board Meeting
DATE	10/16/2024
GENERAL	$58,835.21
PART TOWN	$7,124.00
HIGHWAY DB	$19,792.20
WATER	$586.73
CAPITAL PROJECTS	$612,188.43
SPECIAL DISTRICTS	$200.00
DEBT SERVICE	
TOTAL	$698,726.57

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #363 Adjournment

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

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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

DRAFT

Comm pg 1

Submitted for November 6, 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 November 1, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Daryl Clark 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 Daryl Clark Minor Subdivision
(Addendum_____SEQR Short Environmental Assessment Form),

a division of SBL# 251.05-1-55.1, dividing a 4.03± acre parcel to create:

1. A 2.54± acre parcel with 200.97± feet of frontage on Erie Rd. (a.k.a. NYS Route 5), and
2. A .749± acre parcel with 130.00± feet of frontage on Erie Rd.
3. A .327± acre parcel to be annexed to the adjoining parcel at 9466 Erie Rd to form a .97± acre parcel with 173.66± feet of frontage on Erie Rd.
4. A .397± acre parcel to be annexed to the adjoining parcel at 705 Herr Rd to form a .643 ±acre parcel with 120± feet of frontage on Herr Rd.

Petitioner: Daryl Clark, 5757 Southwestern Blvd, Hamburg NY 14075.

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

Comm pg 2

Submitted for the November 6, 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 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 Daryl Clark Minor Subdivision,

a division of SBL# 251.05-1-55.1, dividing a 4.03± acre parcel to create:

1. A 2.54± acre parcel with 200.97± feet of frontage on Erie Rd. (a.k.a. NYS Route 5), and
2. A .749± acre parcel with 130.00± feet of frontage on Erie Rd.
3. A .327± acre parcel to be annexed to the adjoining parcel at 9466 Erie Rd to form a .97± acre parcel with 173.66± feet of frontage on Erie Rd.
4. A .397± acre parcel to be annexed to the adjoining parcel at 705 Herr Rd to form a .643 ±acre parcel with 120± feet of frontage on Herr Rd.

Petitioner: Daryl Clark, 5757 Southwestern Blvd, Hamburg NY 14075.

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

P. H. 1

Legal Notice
Notice of Public Hearing
Town of Evans

Notice is hereby given that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York at the Evans Town Hall, 8787 Erie Road, Angola, New York at **7:10 pm** on **Wednesday, November 6, 2024**, in accordance with Section 184 of the Town Law and all other applicable statutes, for the purpose of considering proposed contracts with the Village of Angola and the Village of Angola Fire Company, Evans Center Fire Company, Lake Erie Beach Fire Company and Highland Hose Fire Company for fire protection and/or emergency ambulance service to be furnished by said fire departments to the Angola Fire Protection District established in the Town of Evans upon the following general term:

A.) The fire department shall answer and attend upon all calls in said Angola Protective Fire District.

B.) For such service said fire departments shall receive the following amount:

Angola Fire Company
$15,000 Emergency Ambulance Service
$75,000 Fire Protection
$5,000 Turnout Gear replacement

Lake Erie Beach Fire Company
$15,000 Emergency Ambulance Service
$270,000 Fire Protection
$10,000 Turnout Gear Replacement

Evans Center Fire Company
$15,000 Emergency Ambulance Service
$270,000 Fire Protection
$10,000 Turnout Gear Replacement

Highland Hose Fire Company
$15,000 Emergency Ambulance Service

The contract is for the period of January 1, 2025 through December 31, 2025 and such other incidental terms as may be necessary or proper in connection with such contract.

All parties in 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

P.H. 2

Legal Notice
Town of Evans
Notice of Public Hearing
on
Preliminary Budget
Year 2025

Notice is hereby given that the Preliminary Budget of the Town of Evans, Erie County, New York for the fiscal year beginning January 1, 2025 will be completed and filed in the office of the Town Clerk at 8787 Erie Road, Angola, New York on **Monday, October 28, 2024**, where it is available for inspection by any interested person during regular business hours Monday, Tuesday, Thursday, Friday 8:00 a.m. to 4:00 p.m. and Wednesday from 9:00 a.m. to 5:00 p.m. The Preliminary Budget can be viewed and printed out at no cost at www.townofevans.org.

Further notice is hereby given, that the Town Board of the Town of Evans, pursuant to all applicable statutes, will meet and review the Preliminary Budget at the Evans Town Hall, 8787 Erie Road, Angola, New York and hold a public hearing at **7:10 pm** on **Wednesday, November 6, 2024,** and that at such hearing any person may be heard in favor or against the preliminary budget as compiled and for or against any item or items therein contained.

And further notice is given pursuant to Section 108, of the Town Law that the proposed salaries of the following Town Officers are hereby specified as follows, to wit:

Supervisor	$42,230
Budget Officer	$15,836
Councilmen (4) each	$16,153
Town Clerk	$61,292
Registrar of Vital Statistics	$11,958
Superintendent of Highways	$73,731
Town Justices (2) each	$24,091

By Order of the Town Board
of the Town of Evans
Lynn M. Krajacic RMC
Town Clerk

Old Business
~~Res 5~~

RESOLUTION – Approve IBEW #41 Memorandums of Understanding for January 1, 2018 to December 31, 2025 Collective Bargaining Agreement

WHEREAS, per Resolution #2023-394, the Evans Town Board approved the IBEW #41 successor collective bargaining agreement (January 1, 2018 – December 31, 2025); and

WHEREAS, three (3) Memorandums of Understanding (MOUs) related to Appendix A (New Hires), Recognition Clause referencing Appendix A Wages (Maintenance Worker II), and Recognition Clause referencing Appendix A Wages (Deputy Town Clerk), have been agreed to by the Town of Evans and IBEW Local #41;

NOW, THEREFORE, BE IT RESOLVED, the above referenced Memorandums of Understanding (MOUs), are hereby accepted and approved by the Evans Town Board, to be incorporated into the IBEW Local #41 successor agreement (January 1, 2018 – December 31, 2025).

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

ROLL CALL VOTE:

MD Table RD

Res 1

RESOLUTION – NYS ASSOCIATION OF TOWNS DELEGATE AND ALTERNATE DESIGNATION FOR 2025

WHEREAS, the Town of Evans is a member of the NYS Association of Towns; and

WHEREAS, the Association of Towns will hold their 2025 Annual Meeting & Training School from February 16-19, 2025; and

WHEREAS, the Annual Business Session will be held during the above referenced week; and

WHEREAS, pursuant to Section 6 of Article III of the Constitution and Bylaws of the NYS Association of Towns, the Town shall designate a Delegate and Alternate;

NOW, THEREFORE, BE IT RESOLVED, that Town of Evans Supervisor Ray Ashton has been designated Delegate and Councilman John Wilson has been designated as Alternate for voting purposes; and

FURTHER, BE IT RESOLVED, a copy of this resolution be given to the Town Clerk and sent to the Association of Towns of the State of New York.

ROLL CALL VOTE:

Res 2

RESOLUTION – BUDGET AMENDMENTS – HIGHWAY

WHEREAS, the Town of Evans Town Board approved the 2024 budget on November 15, 2023 by resolution #2023-500; and,

WHEREAS, the Town finds it necessary to amend the 2024 budget to adjust to NYS DOT Official Apportionments for 2024-2025;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2024 budget; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget amendments:

Account	Approved Appropriation	Change	Amended Appropriations
DB.5112.230.01	$217,116.00	+ $9,205.76	$226,321.76
DB.5112.230.02	$ 42,590.00	+ $ .23	$ 42,590.23
DB.5112.230.03	$ 51,006.00	+ $ 144.50	$ 51,150.50
DB.5112.230.04	$ 34,004.00	+ $ 96.34	$ 34,100.34

ROLL CALL VOTE:

Res 3

RESOLUTION – BUDGET TRANSFER – HIGHWAY

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 machinery equipment and parts:

Transfer From:

DB.5110.401.06	Supplies - Guardrails	$24,519.70

Transfer To:

DB.5130.410.00	Equipment – Parts and Supplies	$24,519.70

ROLL CALL VOTE:

Res 4

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 Planned Purchases:

Transfer From:

A7180.412.00	Facility – Marina	$3,000.00

Transfer To:

A7110.401.00	Supplies – Parks	$3,000.00

ROLL CALL VOTE:

Res 5

RESOLUTION – BUDGET TRANSFER – POLICE DEPARTMENT (Car 47)

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 Change Over on Car 47:

Transfer From:

A3120.210.00	Information Technology	$2,997.01

Transfer To:

A3120.220.02	Machinery/Motor Vehicles Changeovers	$2,997.01

ROLL CALL VOTE:

Res 6e

RESOLUTION – BUDGET TRANSFER – POLICE DEPARTMENT (DCO Car)

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 DCO Car Repairs:

Transfer From:

A3120.411.00	Maintenance - Vehicle	$2,000.00

Transfer To:

A3510.411.00	Maintenance - Vehicle	$2,000.00

ROLL CALL VOTE:

Res 7

RESOLUTION – BUDGET TRANSFER – POLICE

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 Veterinarian Care/Services:

Transfer From:

A3510.401.03	Animal Disposal/Vet Care Brant	$1,000.00

Transfer To:

A3510.401.01	Supplies – Disposal	$1,000.00

ROLL CALL VOTE:

Res 8

Resolution 2024 - Declare Surplus Equipment – Parks Department

FURTHER, BE IT RESOLVED, that the following Parks Department Equipment are hereby declared surplus vehicles and will be sold at auction with the proceeds being deposited in the Towns General Fund account:

Jacobsen Textron Turfcat T628D: SN: 94671300221

Jacobsen Texton HR-51111

John Deere Gator

ROLL CALL VOTE:

Res 9

Resolution - Declare Surplus Vehicle from Police Department and Transfer to Code Enforcement Department

BE IT RESOLVED, that the following Police vehicle is hereby declared surplus from the Town of Evans Police Department inventory and will be transfer to the Town of Evans Code Enforcement Department.

2021 Ford Explorer PI VIN: 1FM5K8AB3MGA50883

ROLL CALL VOTE:

Res 10

Resolution 2024 - Declare Surplus Vehicle – Building Maintenance

FURTHER, BE IT RESOLVED, that the following town vehicle is hereby declared a surplus vehicle and will be sold at auction with the proceeds being deposited in the Towns General Fund account:

2004 Chevy Silverado 1500 VIN: 1GCEC14VX4E356361

ROLL CALL VOTE:

Res 11

Resolution 2024 - Declare Surplus Vehicles – Police Department

FURTHER, BE IT RESOLVED, that the following Police Department Vehicles are hereby declared surplus vehicles and will be sold at auction with the proceeds being deposited in the Towns General Fund account:

2020 Ford Explorer PI	VIN: 1FM5K8AB5LGC99801
2019 Ford Explorer PI	VIN: 1FM5K8AR9KGB44101

ROLL CALL VOTE:

Res 12.

RESOLUTION – APPROVE PARKS AND MARINA FEES FOR 2025

RESOLVED, that the attached fees be approved for the calendar year 2025 for the Town of Evans Parks and Marina; and

FURTHER BE IT RESOLVED, that effective immediately, the Parks Department is hereby directed to advertise the 2025 Parks and Marina fees; and

BE IT FURTHER RESOLVED, that all boat slip and dry dock fees shall be due to the Parks Department by March 1, 2025; and

BE IT FURTHER RESOLVED, that relocation day for same sized slips shall be Saturday, November 9, 2024; and

BE IT FURTHER RESOLVED, that Shelter/Pavilion Reservation day shall be Saturday, March 8, 2025.

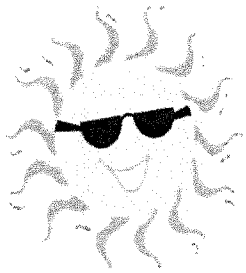
ROLL CALL VOTE:

Attachment

2025 SEASON PRICES

TOWN OF EVANS

Parks Department
8787 Erie Road, Angola, NY 14006
(716)549-0970



MARINA – BOAT SLIPS

18 ft. Slip	$ 835.00
20 ft. Slip	$ 955.00
22 ft. Slip	$ 1196.00
24 ft. Slip	$ 1314.00
28 ft. Slip (with electric)	$ 1705.00
30 ft. Slip (with electric)	$ 1908.00
40 ft. Slip (with electric)	$ 2583.00
Jet Ski only (based on slip price)	$ varies
Extra Jet Ski (in slip 20ft or larger)	$ 100.00
Dry Dock (price per foot)	$ 25.00

MARINA – LAUNCH, GAS, BAIT, ECT.

Daily Launch Pass	$ 15.00
Senior/Veteran Daily Launch Pass	$ 10.00
Season Launch Pass	$175.00
Senior/Veteran Season Launch Pass	$110.00
Overnight Wet Slip	$ 50.00
Overnight Dry Slip	$ 25.00
Bait	$ varies
Ice - 8 lb. bag	$ varies
Gas	$ varies
Waitlist (per boat length)	$ 25.00

MARINA IS OPEN FROM MAY 15TH – OCTOBER 15TH

TOWN PARK – PAVILLIONS & SHELTERS

Pavillion #1 (Parkside)	$ 100.00
Pavillion #2 (Beachside)	$ 200.00
Small Shelters	$ 30.00
Two Small Shelters	$ 55.00
Three Small Shelters	$ 75.00

Our town park is for residents only, non-residents are welcomed when accompanied by a town resident or are attending an event hosted by the town or a resident, and parking fees still apply

TOWN PARK – STICKERS & PARKING

Yearly resident sticker (under 65)	$ 10.00
Senior yearly sticker (65 or older)	FREE
Non-Residents Daily (attending resident function)	$ 10.00

Special Events as determined by town Holidays (Memorial Day, 3rd & 4th of July and Labor Day)

- Residents with yearly sticker — FREE
- Residents without yearly sticker — $ 10.00
- Non-Residents — $ 20.00

Town Park is open year round
Park stickers are good for the entire year

POOL – RESIDENTS

Season Family Pass (up to 4 family members)	$ 80.00
Each additional family Member	$ 20.00
Tots (5 and under) w/ paying adult	$ 10.00
Youth (6 to 17)	$ 25.00
Adults (18-64)	$ 40.00
Seniors (65 & over)	$ 25.00
Daily - Main Pool	$ 5.00

POOL – NON-RESIDENTS

Season Family Pass (up to 4 family members)	$160.00
Each additional family Member	$ 40.00
Tots (5 and under) w/ paying adult	$ 40.00
Youth (6 to 17)	$ 50.00
Adults (18-64)	$ 60.00
Seniors (65 & over)	$ 45.00
Daily - Main Pool	$ 10.00

***Note: Children under 5 years of age must be accompanied at the pool by an adult, at least 18 years of age.**

SENIOR AEROBICS – Residence have preference

(Held at South Creek Pool)

Residents	$ 35.00
Non-Residents	$ 75.00

Seniors are considered 65 years or older & must provide proof of age.
Veterans must provide proof (one of the following):

- **Driver's license indicating veteran status**
- **DD-214 indicating honorable discharge**
- **Erie County veteran's card**
- **VA Healthcare Card**

SOFTBALL LEAGUE FEES

(Mens', Womens', Boys' & Girls')
$100.00 per team per season

VOLLEYBALL LEAGUE FEES

(Mens', Womens', Boys' & Girls')
$80.00 per team per season

NOTE TO ALL LEAGUES & PLAYERS: Insurance certificates and a waiver for each player are required prior to the season beginning.