Meeting #19 Wednesday October 16, 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 2 2024 Regular Town Board Meeting Minutes	
V	Communications:	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports: September 2024 Town Clerk Report $33,854.37 Interest $3.08 Greenspace Fee $3500.00 Petty Cash $650.00	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Advertise for Public Hearing 2025 Preliminary Budget 2.) Advertise for Public Hearing Fire Protection and Ambulance 3.) Appointment to Climate Smart Committee 4.) Approval of CDBG - 2025/2026 5.) Approve IBEW #41 MOU's 2018-2025 CBA 6.) Authorization to Execute Inter-Municipal Agreement (Pedestrian Walkway) 7.) Authorization to Execute Rural Transit Van Service Agreement 2025-2026 8.) Authorize Supervisor Ashton to Attend NYS Assosciation of Towns Training 2025 9.) Grant Permission to Evans Justices to Submit JCAP Grant 10.) Approve Preventive Maintenance Agreement HVAC Equipment 11.) Relevy Charges to 2025 Town and County Tax Bills 12.) Town Access Approval for work at 7358 Beechwood 13.) Authorizing EMS and Ambulance Fees Evans Center Volunteer Fire Company	
XII	Licenses:	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday November 6, 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
	Lisa Poch	Town Attorney

RESOLUTION 2024 #334 Accept Minutes

Supervisor Ashton moved and Councilman Macko seconded that the reading of the September 18, 2024 meeting minutes dispensed with and accepted as amended 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

Communications

RESOLUTION 2024 #335 Supervisor's Report - June, July, August

Supervisor Ashton moved and Councilman Schraft seconded; the Supervisor's monthly report has been made to the Town Board and a copy was filed with the Town Clerk's office in accordance with Town Law for June, July and August.

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

William Smith, Evans Minor Subdivision Review Committee, RE: Minor Subdivision - dividing a 2.8 ± acre parcel at 6633 Erie Road (a.k.a. NYS Route 5), Derby, NY 14047, SBL# 193.13-2-15 to create two parcels; a 0.32 ± acre parcel and a 2.48 ± acre parcel. Petitioner: David Braasch, 6633 Erie Road, Derby NY 14047

RESOLUTION 2024 #336 SEQR Negative Declaration - Braasch

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 September 27, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the

David Braasch 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 David Braasch Minor Subdivision

(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 193.13-2-15, dividing a 2.8 ± acre parcel to create:

1. a 0.32 ± acre parcel with 90.0 ± feet of frontage on Erie Rd. (a.k.a. NYS Route 5), and
2. a 2.48 ± acre parcel with 149.74 ± feet of frontage on Erie Rd.

Petitioner: David Braasch, 6633 Erie Road, Derby, NY 14006

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #337 Minor Subdivision Approval - Braasch

Councilman Macko moved and Councilman Reitz Seconded;

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 David Braasch Minor Subdivision,

a division of SBL# 193.13-2-15, dividing a 2.8+ acre parcel to create:

1. a 0.32 ± acre parcel with 90.0 ± feet of frontage on Erie Rd., (a.k.a. NYS Route 5), and

2. a 2.48 ± acre parcel with 149.74 ± feet of frontage on Erie Rd.

Petitioner: David Braasch, 6633 Erie Road, Derby, NY 14047

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #338 Sale Approval - 273 Dawn Avenue

Councilman Reitz moved and Councilman Wilson seconded;

WHEREAS, per resolution 2024 #265 regarding two (2) Town owned properties for sale in the Town of Evans which were bought from BENLIC:

273 Dawn Avenue, Angola, NY 14006 and 146 Potomac Avenue, Angola, NY 14006; and

WHEREAS, the Evans Town Board authorized the Town Clerk to advertise for bids for sale of the aforementioned properties in the Town of Evans, New York; and

WHEREAS, a bid was received and opened on September 4, 2024, in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the highest bid with the most potential benefits for the sale of the above referenced properties was submitted for the purchase of 273 Dawn Ave Angola, NY 14006; and

WHEREAS, the Town of Evans' Code Enforcement Officer and Town Assessor have reviewed the proposal from Daryl Clark of 5757 Southwestern Blvd, Hamburg, NY 14075 and;

WHEREAS, the bid for submitted by Daryl Clark of 5757 Southwestern Blvd, Hamburg, NY 14075

was $5,000 for the property that is located at 273 Dawn Ave, Angola 14006;

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned bid to purchase 273 Dawn Avenue, Angola, NY 14006 property in the Town of Evans, New York, by Daryl Clark of 5757 Southwestern Blvd, Hamburg, NY 14075 is hereby accepted by the Town of Evans Town Board, with a purchase amount of $5,000; and

BE IT FURTHER RESOLVED, that the Supervisor Ray Ashton is authorized to execute all bid award and/or contract documents for the purchase, upon the approval of the Town Attorney.

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

RESOLUTION 2024 #339 Reaffirm Climate Smart Communities Pledge

Councilman Schraft moved and Councilman Wilson Seconded;

WHEREAS, the Town of Evans believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Evans in order to reduce greenhouse gas emissions and adapt to a changing climate, reaffirms the commitment made on Nov 15, 2011 and supports the New York State Climate Smart Communities pledge, which comprises the following ten elements:

1) Build a climate-smart community.

2) Inventory emissions, set goals, and plan for climate action. Update Benchmarking Inventory by February 2025

3) Decrease energy usage and cost.

4) Shift to clean, renewable energy.

5) Use climate-smart materials management.

6) Implement climate-smart land use.

7) Enhance community resilience to climate change.

8) Support a green innovation economy.

9) Inform and inspire the public. 10) Engage in an evolving process of climate action.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #340 2024 Town of Evans Halloween Celebration

Councilman Wilson moved and Councilman Reitz Seconded;

WHEREAS, the Evans Town Board recognizes the celebration of Halloween in the Town of Evans for the year of 2024 on Thursday, October 31, 2024; 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 and Facebook page.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #341 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	10/3/2024
ABSTRACT NO.	18
VOUCHER NO.	15284 - 15360
CHECK NUMBERS	88003 - 88063
APPROVED AT	Board Meeting
DATE	10/2/2024

GENERAL	$133,926.09
PART TOWN	$7,700.42
HIGHWAY DB	$135,893.95
WATER	$28,118.76
CAPITAL PROJECTS	$141,319.62
SPECIAL DISTRICTS	$107,856.53
DEBT SERVICE	
TOTAL	$554,815.37

VOTE RESULT: ADOPTED BY ROLL CALL

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

Public Hearing

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 2, 2024 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 2024 #342 Open the Public Hearing

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

Edward Schneider spoke about potential projects for the Grant.

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

RESOLUTION 2024 #343 Close the Public Hearing

Supervisor Ashton moved and Councilman Schraft 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 #344 Adjournment

Supervisor Ashton moved and Councilman Reitz seconded to adjourn to Wednesday, October 16, 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

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

TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

October 1, 2024

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

Dear Supervisor Ashton,

Per transfer through Evans Bank, $37,357.45 was transferred to the Town of Evans Savings & Green Space account.

This represents the following:

Town Clerk September 1, 2024 - September 30, 2024	$33,854.37
Interest Earned on Checking Account September 1, 2024 - September 30, 2024	$ 3.08
Greenspace Fees/Trust & Agency Account September 1, 2024 - September 30, 2024	$ 3,500.00
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 – Advertise for Public Hearing 2025 Preliminary Budget

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.

ROLL CALL VOTE:

Res 2

Resolution – Advertise for Public Hearing Fire Protection/Ambulance

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.

ROLL CALL VOTE:

Res 3

Submitted by Councilman Schraft

RESOLUTION – APPOINTMENT TO CLIMATE SMART COMMITTEE

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.

ROLL CALL VOTE:

Res 4

Town of Evans
AUTHORIZING RESOLUTION
October 16, 2024

Erie County Community Development Program
for the
Community Development Block Grant (CDBG)

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.

ROLL CALL VOTE:

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:

Res 6

RESOLUTION - AUTHORIZATION TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF ERIE IN RELATION TO THE CONSTRUCTION OF A PEDESTRIAN WALKWAY

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.

ROLL CALL VOTE:

Res 7

RESOLUTION – AUTHORIZATION TO EXECUTE RURAL TRANSIT VAN SERVICE, INC. 2025-2026 CDBG YEAR

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.

ROLL CALL VOTE:

Res 8

RESOLUTION - AUTHORIZE SUPERVISOR ASHTON TO ATTEND THE ASSOCIATION OF TOWNS 2025 ANNUAL MEETING & TRAINING SCHOOL

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.

ROLL CALL VOTE:

Res 9

RESOLUTION – Grant Permission to Evans Justices to Submit Justice Court Assistance Program (JCAP) Grant

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.

ROLL CALL VOTE:

Res 10

RESOLUTION – PREVENTIVE MAINTENANCE AGREEMENT (HVAC EQUIPMENT)

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.

ROLL CALL VOTE:

Res 11

RESOLUTION - Re-Levy Charges to 2025 Town & County Tax Bill

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

Res 12

RESOLUTION – TOWN ACCESS APPROVAL FOR WORK AT 7358 BEECHWOOD ROAD

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, based on the safety concerns of the property owner; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board gives approval to to access the Sturgeon Point Marina property pathway, 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 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.

ROLL CALL VOTE:

Res 13
Pg 1

TOWN OF EVANS

RESOLUTIONS AUTHORIZING FEES AND CHARGES FOR EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICE

RESOLUTION NO. _____

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 July 8, 2022 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.

ROLL CALL VOTE:

SCHEDULE 'A'

Schedule of Fees and Charges

Res 13
pg 4

Pursuant to General Municipal Law 209-d(4)(a)

BLS Transport	Basic Life Support Basic EMT level provided	**$1100**
ALS 1 Transport	Advance Life Support Treatment above basic EMT level	**$1400**
ALS 2 Transport	3 or more drugs administered, or one of 7 procedures done to patients*	**$1700**
BLS Intercept	BLS – level on board another agency's transporting ambulance	**$700**
ALS Intercept	ALS – level on board another agency's transporting ambulance	**$750**
Treat and Release	BLS – level treatment or assessment to a patient who refuses transport	**$500**
Mileage	Loaded Mileage	**$36 per mile**

*The 7 procedures are as follows: Defibrillation, Cardioversion, External Pacemaker, Intraosseous infusion, Airway Device Intubation, Chest Decompression, Surgical Airway