Meeting #18 Wednesday October 2, 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: September 18, 2024 Regular Town Board Meeting Minutes	
V	Communications: 1.) The Supervisor's Monthly Report for June, July, August 2024 2.) 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	
VI	Public Hearing & Bid Opening: Federal Community Development Grant Public Hearing.	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Approve sale of 273 Dawn Ave Property. 2.) Reaffirm Climate Smart Communities Pledge. 3.) Halloween 2024	
XII	Licenses:	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday October 16, 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 (Zoom)
	Raymond Ashton	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Lisa Poch	Town Attorney

RESOLUTION 2024 #321 Accept Minutes

Supervisor Ashton moved and Councilman Macko seconded that the reading of the September 4, 2024 meeting minutes 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

RESOLUTION 2024 #322 Town Clerk's Reports

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

Town Clerk Report	$38,510.62
Interest	$3.54
Greenspace Fee	$2,100.00
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 #323 Appointment of Part Time Van Driver - Going Places Van

Supervisor Ashton moved and Councilman Macko Seconded;

WHEREAS, there is a vacancy for a part time van driver for the Going Places Van; and

WHEREAS, the above referenced position was posted accordingly;

BE IT RESOLVED, Susan Lonkey is hereby appointed to the position, effective September 4, 2024, at an hourly rate of $15.30 payable biweekly; and

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

FURTHER BE IT RESOLVED, the Town Clerk shall give a copy of this resolution to the HR Department and the Parks Department.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #324 Advertise for Public Hearing CDBG 2025-2026

Councilman Macko moved and Councilman Wilson seconded;

WHEREAS, the Town of Evans will be applying for a Community Development Block Grant for the year 2025-2026; and

WHEREAS, the Evans Town Board authorizes the Town Clerk to advertise a public

hearing on October 2, 2024 at 7:10pm for the purpose of soliciting citizen input

regarding the Town's Community Block Development Grant.

THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes Supervisor Ashton and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Grant Program; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to the Office of Planning and Community Development.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #325 Appointment of Part Time Dispatcher

Councilman Wilson moved and Councilman Schraft Seconded;

WHEREAS; there is an opening for a part time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS; Nicholas Emhof has been interviewed and has met the qualifications to be a Public Safety Dispatcher;

NOW, THEREFORE BE IT RESOLVED; the Town Board of the Town of Evans hereby appoints Nicholas Emhof, US Army Veteran, effective 9/19/2024, to the position of part time Police Dispatcher with the Evans Police Department, at an hourly rate set forth in the 2024 reorganizational resolution; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #326 Highland Hose Special Event/Live Band Approval

Councilman Schraft moved and Councilman Macko Seconded;

WHEREAS, both a special event and live band application for the Highland Hose Volunteer Fire Company, Inc., (Highland Happenings) beginning at 7:00pm to 11:00pm on September 14, 2024 and 7:00pm to 11:00pm on September 15, 2024, was filed by Michael Conti of the Highland Hose Volunteer Fire Company, Inc. on August 28, 2024, and approved by the Chief of Police,

Code Enforcement Officer and all other applicable Town of Evans' Departments, with all documentation submitted;

NOW, THEREFORE, BE IT RESOLVED, that the above referenced Special Event and Live Band Applications are hereby granted; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #327 Approval to attend Association of Towns Planning & Zoning School

Supervisor Ashton moved and Councilman Wilson Seconded;

WHEREAS; the Planning and Community Development Specialist requests permission to attend the 2024 Annual Association of Towns Planning and Zoning School; and

WHEREAS; said training will be held in Amherst, NY on October 28, 2024; and

WHEREAS; conference registration is required in advance to secure attendance; and

WHEREAS; all appropriate and reasonable expenses shall be paid per Town policy and budget transfer.

NOW THEREFORE BE IT RESOLVED; the Town Board of the Town of Evans grants permission to Jigar Sandhu, Planning and Community Development Specialist, to attend said training and all appropriate and reasonable expenses shall be paid by the Town.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #328 Suspend the Rules of Order

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2027 #330 Approve Town Licenses

Councilman Wilson moved and Councilman Schraft seconded,

1) David Jacobson D/B/A Pat's Pizzeria - Refreshment

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #331 Approval to attend Association of Towns Planning & Zoning School

Councilman Wilson moved and Councilman Macko Seconded;

WHEREAS, the Town of Evans previously contracted with Fisher Associates to conduct the Evans Parks and Sturgeon Point Marina Master Plan and Revitalization Study (the "Master Plan") in the amount of $378,000; and

WHEREAS, the Master Plan is being funded in part by grants from the NYS Department of State and NY Sea Grant in the amount of $131,250 and $48,000; and

WHEREAS, at the recommendation of involved agencies the Town wishes to amend the scope of work to update the previous wetlands delineation at Sturgeon Point in order to refine Master Plan recommendations, and 2) to amend the Town's Local Waterfront Revitalization Program to incorporate changes recommended in the Master Plan; and

WHEREAS, the Board has reviewed the attached change order request with the Director of Planning and Community Development, including a detailed list of tasks and associated costs to complete the work.

THEREFORE, BE IT RESOLVED that Change Order No. 2 for the Master Plan in the amount of $25,000 bringing the final project cost to $403,000 is hereby approved.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #332 Audit of Bills

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

AUDIT OF BILLS

DATE	9/19/2024
ABSTRACT NO.	17
VOUCHER NO.	15200 - 15283
CHECK NUMBERS	87934 - 88002
APPROVED AT	Board Meeting
DATE	9/18/2024
GENERAL	$105,552.46
PART TOWN	$687.89
HIGHWAY DB	$20,578.46
WATER	$573.20
CAPITAL PROJECTS	$114,818.97
SPECIAL DISTRICTS	$8,952.00
DEBT SERVICE	
TOTAL	$251,162.98

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #333 Adjournment

Supervisor Ashton moved and Councilman Reitz seconded to adjourn to Wednesday, October 2, 2024 at 5:30pm 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.
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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 1

Communication

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.

June, July, August, 2024

Comm 2
pg 1

Submitted for the October 2, 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 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_____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.

Comm 2
pg 2

Submitted for the October 2, 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 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.

P.H.

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

Res 1

RESOLUTION - APPROVE SALE OF 273 DAWN AVENUE PROPERTY

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.

ROLL CALL VOTE:

Res 2

Resolution – Reaffirm Climate Smart Communities Pledge

Submitted by Councilman Schraft

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.

Roll Call Vote:

Res 3

RESOLUTION – 2024 TOWN OF EVANS HALLOWEEN CELEBRATION

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.

ROLL CALL VOTE: