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 #163 Accept Minutes

Supervisor Ashton moved Councilman Macko and seconded that the reading of the March 20, 2024 Meeting minutes be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

Bill Smith, Director of Planning and Community Development RE: Amendment to Evans Town Code to amend Chapter 95, entitled “Entertainment, Public; Refreshment Businesses,” Section 6 “Investigation of applicant and premises” to include fire/safety inspection.

RESOLUTION 2024 #164 Advertise for Public Hearing Chapter 95 Code Ammendment

Supervisor Ashton moved and Councilman Macko seconded;

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

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

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

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

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

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

Bill Smith Minor Subdivision Review Committee RE:Minor Subdivision – dividing a 60.884+ acre parcel with 1325.82+ feet of frontage on Sturgeon Point Road, known as SBL# 207.00-4-23 into two lots to create a 52.248+ acre parcel and an 8.636+ acre vacant parcel. Petitioner: Craig Mosgeller, 1800 Sturgeon Point Road, Derby, NY 14047.

RESOLUTION 2024 #165 SEQR Negative Declaration - Mosgeller

Councilman Schraft moved and Councilman Wilson 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 April 1, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the

Craig Mosgeller Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Craig Mosgeller Minor Subdivision.

(Addendum A SEQR Short Environmental Assessment Form),

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

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

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

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

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

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

RESOLUTION 2024 #166 Minor Subdivision Approval

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

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

WHEREAS, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Craig Mosgeller Minor Subdivision,

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

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

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

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

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

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

RESOLUTION 2024 #167 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 March, 2024:

Town Clerk Report	$52,983.04
Interest	$6.73
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 #168 Appointment of Part Time Clerk – Planning

Supervisor Ashton moved and Councilman Macko seconded;

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

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

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

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

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #169 Appointment to Community Events Committee

Councilman Reitz moved and Councilman Macko seconded;

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #170 Approve Broker of Change of Deferred Compensation Plan

Supervisor Wilson moved and Councilman Schraft seconded,

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

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

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

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

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

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #171 Table Resolution – Authorize ADP for Payroll Processing Services

Councilman Schraft moved and Councilman Macko seconded to Table the resolution.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #172 Authorize Director of Finance to Attend the Association of Towns Town Finance School

Councilman Schraft moved and Councilman Reitz seconded,

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

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

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #173 Authorization for Emergency Demolition

Councilman Macko moved and Councilman Wilson seconded,

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

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

WHEREAS, Erie County Sheriffs Fire Investigators and Code Enforcement Officer John Flading were present at the scene; and

WHEREAS, the Code Enforcement Officer did make contact with the members of the Town Board to authorize a Declaration of Emergency Demolition for the building located at 8439 N. Main Street, Angola, NY 14006 (SBL #235.07-2-2); and

WHEREAS, the contracted demolition company was contacted to proceed with demolition to remediate the imminent danger and remove the building;

BE IT RESOLVED, that pursuant to Chapter 74, Buildings, Unsafe, of the Evans Town Code, the Evans Town Board hereby approves the earlier referenced Declaration of Emergency and authorizes that Geiter Done of WNY, Inc. to proceed with the emergency demolition of 8439 N. Main Street, Angola, NY 14006; and

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

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

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #174 Approval of Lake Erie Beach Trail Project Change Order #02

Councilman Reitz moved and Councilman Wilson seconded,

WHEREAS, the Town of Evans and S. St. George Enterprises, Inc. entered into a contract regarding the Lake Erie Beach Trail project; and

WHEREAS, the following conditions are the circumstances for Change Order 02 pursuant to the above referenced project;

1. Tree removal and tree trimming;

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

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #175 Suspend the Rules of Order

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #176 Advertise Bids for Derby Road Culvert Replacement Project

Supervisor Ashton moved and Councilman Reitz seconded,

WHEREAS, the engineering and design team at C&S is hereby authorized to prepare an invitation to bid for replacement of the Derby Road Culvert over Pike's Creek; and

WHEREAS, the specifications for the invitation to bid shall be available at the Evans Town Clerk's Office, 8787 Erie Road, Angola, NY 14006, beginning Thursday, March 21st, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that the bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 1:45 p.m. (local time) on Thursday, April 11th, 2024, to be publicly opened and read aloud at 2:00 p.m. at the Town of Evans Town Clerk's Office; and

BE IT FURTHER 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 #177 Approve Town Licenses

Councilman Wilson moved and Councilman Schraft seconded,

1) Tracy Spada D/B/A The Lucy Goose Bar & Grill- Refreshment, Amusement, Live Band Commercial

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

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

RESOLUTION 2024 #178 Audit of Bills

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

	AUDIT OF BILLS
DATE	4/4/2024
ABSTRACT NO.	7
VOUCHER NO.	14251 - 14330
CHECK NUMBERS	87183 - 87248
APPROVED AT	Board Meeting
DATE	4/3/2024
GENERAL	$222,753.84
PART TOWN	$6,859.68
HIGHWAY DB	$50,720.80
WATER	$6,290.92
CAPITAL PROJECTS	$115,497.21
SPECIAL DISTRICTS	$227,131.77
DEBT SERVICE	
TOTAL	$629,254.22

VOTE RESULT: ADOPTED BY ROLL CALL

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

Supervisor Ashton announced a Special Meeting will be held on Wednesday, April 10, 2024 and the Regular Town Board Meeting will be held on Wednesday, April 17, 2024 at 6pm for a Work Session and a Regular Meeting to follow.

RESOLUTION 2023 #179 Enter Executive Session

Supervisor Ashton moved and Councilman Reitz 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 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