Evans Town Board

At a meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	John Wilson	Councilman
	Raymond Ashton	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Lisa Poch	Town Attorney

RESOLUTION 2024 #98 Enter 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 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

RESOLUTION 2024 #99 Accept Minutes

Supervisor Ashton moved and Councilman Schraft seconded that the reading of the January 17, 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

RESOLUTION 2024 #100 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 January 2024:

Town Clerk Report	$40,934.61
Interest	$2.30
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

Old Business

RESOLUTION 2024 #101 Remove Item #1 from Old Business – Director of Finance Appointment

Supervisor Ashton moved and Councilman Schraft seconded to remove item #1 from Old Business – Director of Finance

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #102 Appointment of Director of Finance

Supervisor Ashton moved and Councilman Macko seconded,

BE IT RESOLVED, the Evans Town Board acknowledges the appointment of

William Reece as the Director of Finance, effective February 5, 2024, at a compensation of $85,000 annually, payable bi-weekly; and

FURTHER, BE IT RESOLVED, all relative issues, rules and regulations will be understood to all parties subject to the employment agreement between the Town and employee as executed; and

FURTHER, BE IT RESOLVED, this resolution is considered nunc pro tunc, 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 #103 Amend Resolution 2024-020

Councilman Schraft moved and Councilman Macko seconded;

RESOLVED, that the following individuals are authorized signatures for the following Town of Evans Accounts with the Evans Bank, Angola, New York 14006:

Asset Forfeiture Fund – Police (xxxxx6000)	Gregory Szarowicz, Chief of Police
Police Reserve (x2001)	Ray Ashton, Supervisor
Combined Checking (xxx2468)	Ray Ashton, Supervisor
Combined Savings (xxxx0409)	William Reece, Director of Finance
BAN Account (xx4000)	
Bid Deposits Account (xx4379)	
Retiree Banks (xxx6573)	
Payroll (xxxxx0000)	
T&A Greenspace (xxxxx5000)	
Grant Reserve (xx4001)	
Revolving Loan (xx6000)	
Senior Meal Plan Account (xx9809)	
Water Surcharge (xx2283)	
Senior Activity Account (xx9775)	Ray Ashton, Supervisor William Reece, Director of Finance Veronica Sullivan, Director of Senior Services; and

BE IT FURTHER RESOLVED, that Ray Ashton, Town of Evans Supervisor will remain as the designated System Administrator of the online banking.

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

RESOLUTION 2024 #104 Appointment of Part Time Seasonal - Highway

Councilman Wilson moved and Councilman Reitz seconded;

BE IT RESOLVED, effective January 29th, 2024, the following individual to be appointed to a Part Time Seasonal Laborer position for the Town of Evans Highway Department, for up to a five (5) month period (June 29, 2024), working up to 39.5 hours per week, at the hourly rate indicated below;

NAME	SALARY
Lawrence Jenkins	$16.30; and

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

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

RESOLUTION 2024 #105 Approval of PILOT Agreement – SL Evans, LLC

Councilman Macko moved and Counciman Reitz seconded,

WHEREAS, SL Evans, LLC has requested that the Town Board approve a 20 year Payment in Lieu of Taxes ("PILOT") Agreement for the solar energy system proposed for the premises located on Southwestern Boulevard (Tax Map Lots ## 270.00-4-11.1 and 207.00-4-21) in the Town of Evans; and

WHEREAS, representatives of Erie County Industrial Development Agency (ECIDA), Erie County, Town of Evans Planning Department, and Eden Central School District have conferred on the subject project and the applicant's request for consideration of a PILOT Agreement;

WHEREAS, in connection with the requested PILOT Agreement, SL Evans, LLC has submitted a proposed PILOT Payment Schedule by which the 20-year term shall commence on the first taxable status date following completion of the construction of the Project (the "Commencement Date"), and shall end the twentieth fiscal year following the Commercial Operations Date, with the first annual payment in the total amount of $5,500.00 per Megawatt AC of capacity; and

WHEREAS, the annual PILOT payment to be received by the Town of Evans shall increase by 2 percent annually for the 20 year term;

WHEREAS, the Town Board held a public hearing on the PILOT of January 17, 2024; and

THEREFORE BE IT RESOLVED, the Town Board approves the requested 20 year PILOT Agreement for SL Evans, LLC subject to those provisions contemplated in the subject agreement, and hereby authorizes the Supervisor of the Town of Evans to sign the PILOT Agreement between SL Evans, LLC and 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 #106 Approval of HCA Agreement regarding SL Evans, LLC

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, SL Evans, LLC has requested that the Town Board approve a 20 year Host Community Agreement ("HCA") for the solar energy system proposed for the premises located on Southwestern Boulevard (Tax Map Lots ## 270.00-4-11.1 and 207.00-4-21) in the Town of Evans; and

WHEREAS, in connection with the requested HCA, SL Evans, LLC has submitted a proposed HCA Payment Schedule by which the 20-year term shall commence with the 2023 Town tax roll, and shall end the twentieth fiscal year following, with the first annual payment in the total amount of $2,250.00 per Megawatt AC of capacity; and

WHEREAS, the annual PILOT payment to be received by the Town of Evans shall increase by 2 percent annually for the 20 year term;

WHEREAS, the Town Board held a public hearing on a PILOT amount of $5,500.00 per Megawatt AC and HCA of $2,250.00 per Megawatt AC; and

THEREFORE BE IT RESOLVED, the Town Board approves the requested 20 year HCA for SL Evans, LLC subject to those provisions contemplated in the subject agreement, and hereby authorizes the Supervisor of the Town of Evans to sign the HCA between SL Evans, LLC and 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 #107 Approve PBA Collective Bargaining Agreement

Supervisor Ashton moved and Councilman Wilson seconded,

WHEREAS, the collective bargaining agreement between the Town of Evans and the Police Benevolent Association (hereinafter "PBA") expired on December 31, 2020; and

WHEREAS, an arbitration ruling extended the collective bargaining agreement from January 1, 2021 through December 31, 2022; and

WHEREAS, the Town of Evans and PBA have negotiated a proposed collective bargaining agreement for the period of January 1, 2023 through December 31, 2027; and

WHEREAS, the Evans Town Board has reviewed and discussed the proposed collective bargaining agreement packet;

NOW THEREFORE BE IT RESOLVED, that the Town of Evans hereby approves the proposed collective bargaining agreement with PBA for the period of January 1, 2023 through December 31, 2027; and

FURTHER BE IT RESOLVED, that Supervisor Ray Ashton is hereby authorized to execute the above referenced proposed agreement between PBA and the Town of Evans, on behalf of 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 #108 Authorize Highway Superintent to Attend NYSAOTSOH

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, Town of Evans Highway Superintendent Jack Fritz will be attending the NYS Association of Town Superintendents of Highways Advocacy Day in Albany on March 5th & March 6th 2024;

NOW THEREFORE BE IT RESOLVED, the Board of the Town of Evans shall grant permission for all appropriate and reasonable hotel accommodations during said stay 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 #109 Designate Local Official for NYSDOT Equitable Business Opportunity

Councilman Wilson moved and Councilman Reitz seconded,

WHEREAS, NYS DOT requires that, on Locally Administered Federal Aid projects, the Equitable Business Opportunities (EBO) software be used to track data for the project,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby designates Director of Planning and Development William Smith as the Responsible Local Official (RLO); and

BE IT FURTHER RESOLVED, that William Smith is hereby authorized and directed to execute the Request for EBO System Log-in/Password, a copy of which is attached and made part of this resolution; and

BE IT FURTHER RESOLVED, that William Smith as the Town's RLO for NYS DOT Locally Administered Federal Aid projects, hereby delegates himself as the Project Manager and as Primary Log-In Holder for the EBO software.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #110 Approve Employee Stipend

Councilman Wilson moved and Councilman Reitz seconded,

RESOLVED, that Alex Haley, shall receive additional compensation in the sum of $1,000 annually for additional duties performed pursuant to the administration of the Town of Evans website, payable bi-weekly.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #111 Institute Trap-Neuter-Vaccinate-Return (TNVR)

Councilman Reitz moved and Supervisor Ashton seconded,

WHEREAS, the Town of Evans desires to recognize and institute a program within its jurisdictional boundaries that addresses feral and community cats for the purpose of reducing the population of free-roaming cats, reducing annoyance caused to some residents by feral and community cats; and

WHEREAS, a regionally recognized program known as TRAP-NEUTER-VACCINATE-RETURN (TNVR), has been the proven mechanism to stabilize and/or reduce existing feral and community cat populations and addresses potential disease concerns; and

WHEREAS, Feral Cat FOCUS Inc. P.O. Box 404 East Aurora , NY (1888-902-9717) (www.FeralcatFocus.org) has developed TRAP-NEUTER- VACCINATE-RETURN programs and has promoted safe non-lethal and humane control programs for feral and free roaming community cats;

NOW THEREFORE BE IT RESOLVED;

A) TNVR of community cats will henceforth be utilized in the Town of Evans and Town of Evans Residents are encouraged to participate in and support TNVR activities on a voluntary basis.

B) Town of Evans residents, officials, and employees of the Town of Evans should be familiar with and implement the guidelines provided by the Feral Cat FOCUS Inc. regarding appropriate methods of TNVR and officials and employees of the Town of Evans should use appropriate opportunities to inform Town Residents about TNVR and Feral Cat FOCUS Inc.

C) It is suggested that an ear tipped cat received by local shelters be released on site or returned to the location where trapped unless veterinary care is required. The Town of Evans and its employees will take advice from the humane animal shelter as to what is in the best interest of the animal.

D) It is suggested that appropriate efforts be undertaken to re-socialize and put up for adoption through a humane animal shelter socialized cats and that appropriate efforts be undertaken to socialize kittens capable of socialization.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #112 Advertise Public Hearing for Local Law #1 of 2024 - Amending Town Code 57-Animals

Supervisor Ashton moved and Councilman Reitz seconded,

WHEREAS, the Town Board has determined that it is in the best interest of the Town of Evans to amend the Evans Town Code, specifically Chapter 57, Animals; and

WHEREAS, a copy of Proposed Local Law No. 1 of the Year 2024 was presented to each member of the Town Board;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans authorizes and directs the Town Clerk to publish a notice of public hearing for the purpose of hearing all persons interested in Proposed Local Law #1 of the year 2024, to be held on Wednesday, February 21, 2024 at 7:10 p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk shall make a copy of Proposed Local Law #1 of the year 2024 available at her office for inspection and distribution to any interested person during normal business hours.

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

RESOLUTION 2024 #113 Suspend the Rules of Order

Supervisor Ashton moved and Councilman Schraft 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 #114 Award Contract for Lake Shore Road Water Main Replacement

Councilman Schraft moved and Councilman Wilson seconded,

WHEREAS, there is a need to replace the existing water mains along approximately 2.2 miles of Lake Shore Road (from the bridge at Muddy Creek heading north to Lake Street) due to age, condition, presence of lead joints, and potential conflict with the Shoreline Trail project; and

WHEREAS, on August 8, 2023 the Evans Town Board adopted resolution to appropriate funds for the replacement and installation of water mains and to authorize the issuance of the Town's serial bonds and bond anticipation notes to finance said appropriations; and

WHEREAS, the Town received competitive proposals from qualified and experienced firms for design, construction administrative and inspection services related to the Lake Shore Road Water Main Replacement; and

WHEREAS, the Director of Planning and Development reviewed the proposal from C&S Companies and have confirmed the firm's understanding of the requirements of the project; and

WHEREAS, the Town is currently under contract with C&S Companies to perform design and construction services on the Shoreline Trail project; and

WHEREAS, the cost for the proposal submitted by C&S Companies was a total $197,000.00.

NOW, THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes the amendment of the current contract with C&S Companies for the Shoreline Trail project to include design and construction administrative and inspection services for the Lake Shore Road water main replacements in the amount of $197,000; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any necessary contract documents.

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

RESOLUTION 2024 #115 Approve Town Licenses

Councilman Wilson moved and Councilman Schraft seconded,

1.) Beach Party LLC d/b/a Stroh's (Refreshment, Amusement & Live Band Commercial)
2.) Eden Valley Brewing d/b/a Tim Hortons-Angola (Refreshment)
3.) Edmundo Estrada d/b/a The Tilted Taco (Refreshment)

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

RESOLUTION 2024 #116 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	2/8/2024
ABSTRACT NO.	3-A (2023 bills)
VOUCHER NO.	13911 - 13920
CHECK NUMBERS	26881 - 86897
APPROVED AT	Board Meeting
DATE	2/7/2024
GENERAL	$50,476.42
PART TOWN	$3,552.05
HIGHWAY DB	$58,954.46
WATER	$12,537.17
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$0.00
DEBT SERVICE	
TOTAL	$125,520.10

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #117 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	2/8/2024
ABSTRACT NO.	3
VOUCHER NO.	13921 - 14032
CHECK NUMBERS	86898 - 86988
APPROVED AT	Board Meeting
DATE	2/7/2024
GENERAL	$231,459.51
PART TOWN	$6,612.08

HIGHWAY DB	$59,482.71
WATER	$2,441.30
CAPITAL PROJECTS	$31,590.86
SPECIAL DISTRICTS	$679,200.96
DEBT SERVICE	
TOTAL	$1,010,787.42

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #118 Adjournment

Supervisor Ashton moved and Councilman Schraft seconded to adjourn to Wednesday, February 21, 2024 at 6:00pm 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