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
	Thomas George	Deputy Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2024 #57 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: Matters relating to collective negotiations under the Taylor Law and 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 #58 Accept Minutes

Supervisor Ashton moved and Councilman Reitz seconded that the reading of the minutes of December 20, 2023 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

Old Business

RESOLUTION 2024 #59 Remove and Dispense with Old Business #1

Supervisor Ashton moved and Councilman Macko seconded to Remove and Dispense with Resolution #1 Use of Capital Reserve.

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

RESOLUTION 2024 #60 Remove Resolution #2 from Old Business -

Councilman Macko moved and Councilman Schraft seconded to Remove Old Business #2 Use of Tax Stabilization Reserve Fund from Old Business.

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

RESOLUTION 2024 #61 Use of Tax Stabilization Reserve Fund

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS; the Town established the Tax Stabilization Fund in the amount of $1,000,000 on January 4, 2024 pursuant to Subdivision 2 of Section 6-e of the General Municipal Law for purpose of accumulating monies to finance certain unanticipated revenue losses or unanticipated expenditures chargeable to eligible portion of the annual budget and to lessen or prevent projected increases in the real property tax levy;

NOW, THEREFORE, BE IT RESOLVED; the Town Board of the Town of Evans hereby authorizes the “use of tax stabilization reserve” of $386,477 related to the settling of collective bargaining unit agreements; and

FURTHER, BE IT RESOLVED; the $386,477 will be returned to the unassigned fund balance.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #62 2024 Fee Schedule

Councilman Schraft moved and Councilman Wilson seconded;

WHEREAS, all Town of Evans Departments have reviewed their fee schedules for the 2024 year; and

WHEREAS, some of those fees have been amended accordingly for the 2024 year;

NOW, THEREFORE, BE IT RESOLVED, effective immediately, the attached Town of Evans 2024 Fee Schedule is hereby approved and set forth by the Evans Town; (see attached)

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #63 Appointment of Part Time Van Driver – Going Places Van

Councilman Wilson 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, Kenneth Saccomando is hereby appointed to the position, effective January 15, 2024, at an hourly rate of $15.30 payable biweekly.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #64 Budget Amendment – Highway Department – 2023 Dodge Ram

Councilman Reitz moved and Councilman Wilson seconded;

WHEREAS, the Town of Evans Highway Department is in need of a 2023 Dodge Ram 4500 to service the Town of Evans' resident; and

WHEREAS, the Evans Town Board acknowledges the imminent need for the above referenced equipment; and

WHEREAS, the Evans Town Board acknowledges the Highway Department's adherence to Town of Evans procurement policy during the process of purchasing the equipment, meeting the requirements of General Municipal Law, Section 104-b;

THEREFORE, BE IT RESOLVED, the Evans Town Board approves the use of $74,998 from the DB Fund Balance Reserve into the Highway machinery equipment budget line, DB.5110.220.00.

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

RESOLUTION 2024 #65 Budget Amendment – Highway Department – Chipper

Councilman Schraft moved and Counciman Reitz seconded,

WHEREAS, the Town of Evans Highway Department is in need of an additional chipper to service the Town of Evans' resident; and

WHEREAS, the Evans Town Board acknowledges the imminent need for the above referenced equipment; and

WHEREAS, the Evans Town Board acknowledges the Highway Department's adherence to Town of Evans procurement policy during the process of purchasing the equipment, meeting the requirements of General Municipal Law, Section 104-b;

THEREFORE, BE IT RESOLVED, the Evans Town Board approves the use of $79,254 from the DB Fund Balance Reserve into the Highway machinery equipment budget line, DB.5110.220.00.

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

RESOLUTION 2024 #66 Supervisor to Attend Association of Towns

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, Supervisor Ray Ashton request permission to attend the annual Association of Towns Newly Elected Town Officials School; and

WHEREAS, said training will be held in Rochester, New York on January 10-12, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Supervisor Ray 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 #67 Councilman to Attend Association of Towns

Councilman Reitz moved and Supervisor Ashton seconded,

WHEREAS, Councilman John Wilson request permission to attend the annual Association of Towns 2024 Annual Meeting & Training School; and

WHEREAS, said training will be held in New York, New York on February 18 – 21, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Councilman John Wilson 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 #68 Table Declare Surplus – Parks Department Equipment

Councilman Schraft moved and Councilman Reitz seconded to Table Declare Surplus – 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 #69 Budget Amendment – Community Events

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans Town Board approved the 2023 budget on November 16, 2022 by resolution 2022-425; and,

WHEREAS, the Town finds it necessary to amend the 2023 budget to recognize the receipt of funds associated with various donations;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2023 budget; and,

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

Increase:

AA.02705.000.01	$1,000
AA.07550.0400.03	$1,000

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #70 NYS Association of Towns Delegate & Alternate Designation for 2024

Councilman Wilson moved and Councilman Schraft seconded,

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

WHEREAS, the Association of Towns will hold their 2024 Annual Meeting & Training School from February 18 – 21, 2024; 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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #71 Suspend the Rules of Order

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #72 Revolving Loan – Bagel Jar

Councilman Macko moved and Councilman Wilson seconded,

WHEREAS, the Town of Evans has established a Business Revolving Loan Fund from funding of the U.S. Department of Agriculture Business Program, offering the ability for successful applicants to receive loan funding for local businesses to expand operations, improve facilities, promote job creation and retention, and remaining competitive in the global marketplace; and

WHEREAS, Applicants John and Morgan Popple of The Bagel Jar, LLC have applied for a loan of $30,500.00, with said application and supporting documentation having been reviewed and approved by the Town of Evans Business Revolving Loan Fund Committee; and

WHEREAS, the Town of Evans Business Revolving Loan Fund Committee has determined Applicants John and Morgan Popple, and The Bagel Jar, LLC, are a suitable local candidate for short term funding, with said monies being utilized to effectively expand local business operations; and

WHEREAS, Applicants John and Morgan Popple will be required to execute a personal guarantee and promissory note on any monies loaned to the applicants or their business, The Bagel Jar, LLC; and

WHEREAS, Applicants John and Morgan Popple, and The Bagel Jar, LLC, once in receipt of funds, will submit to monthly periodic payments of $527.95, with an annual interest rate of no greater than 1.5%; now therefore be it

RESOLVED, that the Town Board hereby approves the funding of no more than $30,500.00 from the Town of Evans Business Revolving Loan Fund to Applicants John and Morgan Popple, and The Bagel Jar, LLC, with any Erie County Clerk's Office filing fees associated by such transaction to be borne by the applicants.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #73 IDA Solar Pilot Negoitiations

Councilman Wilson moved and Councilman Reitz seconded,

WHEREAS, clean energy projects are increasing in popularity across the State, and many proposed developments seek certain financial assistance and/or incentives provided by municipalities, including Payment in Lieu of Taxes ("PILOT") Agreements; and

WHEREAS, the Town recognizes clean energy projects potentially produce local jobs, provide residents and local businesses with discounted utilities, and assist with the State's renewable energy goal; and

WHEREAS, PILOT Agreements can involve and consider multiple taxing jurisdictions, including the Town, County, and the local school district; and

WHEREAS, an industrial development agency (IDA) can assist in negotiating PILOTs to recapture lost tax revenues from the exemptions otherwise provided, and operate for the benefit of all those taxing jurisdictions involved; and
WHEREAS, upon the offer of the Erie County Industrial Development Agency (ECIDA), the Town seeks to utilize the ECIDA's resources and bargaining tools to negotiate clean energy project PILOTs to the satisfaction of all involved taxing jurisdictions;

THEREFORE, BE IT RESOLVED, the Town Board grants authority to the ECIDA to negotiate requested PILOT Agreements on behalf of the Town when any such proposals are introduced; and

BE IT FURTHER RESOLVED, any delegation of PILOT negotiations shall be at the request of the Town of Evans Director of Planning and Community Development; and

BE IT FURTHER RESOLVED, the Town Board shall have final approval of all PILOTs negotiated by the ECIDA.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #74 Advertise Public Hearing SL Evans, LLC Solar Energy System Pilot Agreement

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, SL Evans, LLC has requested that the Town Board approve a 20-year Payment in Lieu of Taxes ("PILOT") Agreement and Host Community Agreement ("HCA") for the 10 MW solar energy system proposed for the premises located on Southwestern Boulevard (Tax Map Lots ## 270l00-4-11.1 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 & Development Department, and Lake Shore Central School District have conferred on the subject project and the applicant's request for consideration of a PILOT and HCA;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on January 17, 2024 at 7:10 PM for the consideration of said PILOT and HCA.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #75 Approve UAW Amalgamated Local #55 Memorandum of Understanding (Dispatchers)

Councilman Schraft moved and Councilman Reitz seconded,

WHEREAS, the Town of Evans and UAW have negotiated a tentative MOU (Memorandum of Understanding) agreement for the period of August 1, 2023 through and including December 31, 2024; and
WHEREAS, the Evans Town Board has reviewed and discussed the tentative MOU packet;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby approves the tentative MOU agreement with UAW Amalgamated Local No. 55 (Town of Evans Dispatchers) for the period of August 1, 2023 through and including December 31, 2024; and

FURTHER BE IT RESOLVED, that Supervisor Ray Ashton is hereby authorized to execute the above referenced tentative MOU agreement between UAW Amalgamated Local No. 55 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 #76 Declare Surplus – Parks Department

Councilman Reitz moved and Councilman Wilson seconded,

BE IT RESOLVED, the following Parks Department equipment is hereby declared surplus equipment and will be sold at auction with proceeds being deposited in the Town's General Fund account:

Brush Hog: model # 305/serial # 1106143
Angle Plow: model # A5/serial # 518
Leaf sucker giant vac: model # unreadable/ serial # 94 243614
Yellow snow blower attachment: model # B3/serial # 709
Red finishing mower attachment: model # ATH720/serial # 12-02175

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #77 Approve Town Licenses

Councilman Wilson moved and Councilman Reitz seconded,

1.) Shixing Haung d/b/a China King (Refreshment)
2.) SunCliff on the Lake LLC (Refreshment & Live Band)
3.) Lake Erie Beach Fire Company (Refreshment & Live Band)
4.) William Connors d/b/a Connors Hot Dog Stand (Refreshment)
5.) William Connors d/b/a Connors Hot Dog Stand (Sturgeon Point Marina) (Refreshment)

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #78 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	12/29/2023
ABSTRACT NO.	24
VOUCHER NO.	13780-13826/13843-13848
CHECK NUMBERS	86764 - 86805
APPROVED AT	Board Meeting
DATE	1/3/2024
GENERAL	$49,397.69
PART TOWN	$426.74
HIGHWAY DB	$18,047.90
WATER	$2,613.66
CAPITAL PROJECTS	$242,597.02
SPECIAL DISTRICTS	$565.36
DEBT SERVICE	
TOTAL	$313,648.37

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #79 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	1/4/2024
ABSTRACT NO.	1
VOUCHER NO.	13827-13842/13849-13851
CHECK NUMBERS	86806 - 86824
APPROVED AT	Board Meeting
DATE	1/3/2024
GENERAL	$31,561.86
PART TOWN	$2,268.04

HIGHWAY DB	$2,292.80
WATER	$573.20
CAPITAL PROJECTS	$0.00
SPECIAL DISTRICTS	$1,752.03
DEBT SERVICE	
TOTAL	$38,447.93

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #80 Adjournment

Supervisor Ashton moved and Councilman Reitz seconded to adjourn to Wednesday, January 17, 2024 at 6:00pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of Leonard Pero.

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