Evans Town Board

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

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

RESOLUTION 2024 #243 Enter Executive Session

Supervisor Ashton moved and Councilman Macko 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: Employment History of a Particular Person.

NOW THEREFORE BE IT RESOLVED: Town Attorney, Lisa Poch 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 #244 Accept Minutes

Supervisor Ashton moved Councilman Reitz and seconded that the reading of the June 5, 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

William Smith RE: Minor Subdivision – a 0.23+ acre parcel at 277 Garfield Ave., Angola NY, SBL# 250.10-4-11.1 to create two parcels; a 0.18+ acre parcel and a 0.14+ acre parcel. Petitioner: Nancy Ward, 277 Garfield Ave., Angola NY 14006.

RESOLUTION 2024 #245 SEQR Negative Declaration - Ward

Councilman Wilson moved and Councilman Macko 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 June 12, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the

Nancy Ward 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 Nancy Ward Minor Subdivision

(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 250.10-4-11.1, dividing a 0.23+ acre parcel to create:

1. a 0.18± acre parcel with 80± feet of frontage on Garfield Ave., SBL# 250.10-4-11.1; and

2. a .046± acre parcel portion to be annexed to her adjacent parcel at 283 Garfield Ave, SBL# 250.10-4-13 to form a .14± acre parcel with 60± feet of frontage on Garfield Avenue.

Petitioner: Nancy Ward, 277 Garfield Ave., Angola, 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 #246 Minor Subdivision Approval - Ward

Councilman Macko moved and Supervisor Ashton seconded;

WHEREAS, the proposed subdivision does not meet the requirements to be referred to the Erie County Department of Environment and Planning for a 239M Review, and

WHEREAS, an annexation approval agreement has been filed with the Town confirming Ms. Ward's agreement to annex the .046± acre parcel portion to her adjoining parcel, known as 283 Garfield Ave., SBL# 250.10-4-13; 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 Nancy Ward Minor Subdivision,

a division of SBL# 250.10-4-11.1, dividing a 0.23+ acre parcel to create:

1. a 0.18± acre parcel with 80± feet of frontage on Garfield Ave., SBL# 250.10-4-11.1; and

2. a .046± acre parcel portion to be annexed to her adjacent parcel at 283 Garfield Ave,

SBL# 250.10-4-13 to form a 0.14± acre parcel with 60± feet of frontage on Garfield Ave.

Petitioner: Nancy Ward, 277 Garfield Ave., Angola, 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

William Smith RE: Minor Subdivision dividing a 43.51+ acre parcel at 8830 Erie Rd., Angola NY, SBL# 235.00-2-44.1 to create two parcels; a 27.76+ acre parcel and a 15.75+ acre parcel. Petitioner: Dean S. Hogg, 8830 Erie Rd., Angola NY 14006.

RESOLUTION 2024 #247 SEQR Negative Declaration - Hogg

Councilman Reitz moved and Supervisor Ashton 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 June 12, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the

Dean S. Hogg 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 Dean S. Hogg Minor Subdivision

(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 235.00-2-44.1, dividing a 43.51+ acre parcel to create:

1. a 27.76± acre parcel with 429.50± feet of frontage on Erie Rd., SBL# 235.00-2-44.1; and

2. a 15.75± acre parcel portion to be annexed to the adjacent parcel at 8930 Erie Rd., SBL# 235.00-2-6.1 to expand the Melody Meadows Estate property.

Petitioner: Dean S. Hogg, 8830 Erie Rd., Angola, 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 #248 Minor Subdivision Approval - Hogg

Supervisor Ashton moved and Councilman Wilson seconded;

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required in which they offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, in accordance with the Dean S. Hogg application, the applicant has agreed to annex the 15.75± acre parcel portion to the adjoining Melody Meadows Estate parcel at 8930 Erie Rd., known as SBL# 235.00-2-6.1; 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 Dean S. Hogg Minor Subdivision,

a division of SBL# 235.00-2-44.1, dividing a 43.51+ acre parcel to create:

1. a 27.76± acre parcel with 429.50± feet of frontage on Erie Rd., SBL# 235.00-2-44.1; and

2. a 15.75± acre parcel portion to be annexed to the adjacent parcel at 8930 Erie Rd., SBL#

235.00-2-6.1 to expand the Melody Meadows Estate property.

Petitioner: Dean S. Hogg, 8830 Erie Rd., Angola, 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

William Smith Evans Minor Subdivision Review Committee RE: dividing a 14.16+ acre parcel at 8870 Erie Rd., Angola NY, SBL# 235.00-2-5.1 to create two parcels; a 4.92+ acre parcel and a 9.24+ acre parcel. Petitioner: Marguerite Hogg, 8870 Erie Rd., Angola NY 14006.

RESOLUTION 2024 #249 SEQR Negative Declaration - Hogg

Councilman Wilson 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 June 12, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the

Marguerite Hogg 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 Marguerite Hogg Minor Subdivision

(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 235.00-2-5.1, dividing a 14.16+ acre parcel to create:

1. a 4.92± acre parcel with 80.38± feet of frontage on Erie Rd., SBL# 235.00-2-5.1; and

2. a 9.24± acre parcel portion to be annexed to the adjacent parcel at 8930 Erie Rd., SBL# 235.00-2-6.1 to expand the Melody Meadows Estate property.

Petitioner: Marguerite Hogg, 8870 Erie Rd., Angola, 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 #250 Minor Subdivision Approval - Hogg

Supervisor Ashton moved and Councilman Wilson seconded;

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, in which they offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, in accordance with the Marguerite Hogg application, the applicant has agreed to annex the 9.24± acre parcel portion to the adjoining Melody Meadows Estate parcel at 8930 Erie Rd., known as SBL# 235.00-2-6.1; 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 Marguerite Hogg Minor Subdivision,

a division of SBL# 235.00-2-5.1, dividing a 14.16+ acre parcel to create:

1. a 4.92± acre parcel with 80.38± feet of frontage on Erie Rd., SBL# 235.00-2-5.1; and

2. a 9.24± acre parcel portion to be annexed to the adjacent parcel at 8930 Erie Rd., SBL#

235.00-2-6.1 to expand the Melody Meadows Estate property.

Petitioner: Marguerite Hogg, 8870 Erie Rd., Angola, 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

William Smith Evans Minor Subdivision Review Committee RE: Minor Subdivision – dividing a 52.38+ acre vacant parcel on Cradle Ave., Angola NY, SBL# 235.09-5-51.1 to create two parcels; a 43.22+ acre parcel and a 9.16+ acre parcel. Petitioner: Testamentary Credit Shelter, Trust of Marguerite M. Hogg, 676 Cradle Ave., Angola NY 14006.

RESOLUTION 2024 #251 SEQR Negative Declaration - Hogg

Councilman Wilson 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 June 12, 2024, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the

Testamentary Credit Shelter, Trust of Marguerite M. Hogg, 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 Testamentary Credit Shelter, Trust of Marguerite M. Hogg Minor Subdivision

(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 235.09-5-51.1, dividing a 52.38+ acre vacant parcel to create:

1. a 43.22± acre vacant parcel with 100± feet of frontage on Cradle Ave., SBL# 235.09-5-51.1; and

2. a 9.16± acre vacant parcel portion to be annexed to the adjacent parcel at 8930 Erie Rd., SBL# 235.00-2-6.1 to expand the Melody Meadows Estate property.

Petitioner: Testamentary Credit Shelter, Trust of Marguerite M. Hogg, 676 Cradle Ave., Angola, 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 #252 Minor Subdivision Approval - Hogg

Supervisor Ashton moved and Councilman Wilson seconded;

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required in which they offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, in accordance with the Testamentary Credit Shelter, Trust of Marguerite M. Hogg application, the applicant has agreed to annex the 9.16± acre vacant parcel portion to the adjoining Melody Meadows Estate parcel at 8930 Erie Rd., known as SBL# 235.00-2-6.1; 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 Testamentary Credit Shelter, Trust of Marguerite M. Hogg Minor Subdivision,

a division of SBL# 235.09-5-51.1, dividing a 52.38+ acre vacant parcel to create:

1. a 43.22± acre vacant parcel with 100± feet of frontage on Cradle Ave., SBL# 235.09-5-51.1; and

2. a 9.16± acre vacant parcel portion to be annexed to the adjacent parcel at 8930 Erie Rd., SBL# 235.00-2-6.1 to expand the Melody Meadows Estate property.

Petitioner: Testamentary Credit Shelter, Trust of Marguerite M. Hogg, 676 Cradle Ave., Angola,

NY 14006

AND BE IT FURTHER RESOLVED, in keeping with the Town's Minor Subdivision policy, only four Minor Subdivisions are permitted in a 10-year period, thus no further subdivisions of this remaining Cradle Avenue parcel shall be permitted for a 10-year period due to previous approved subdivisions, 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

Old Business

RESOLUTION 2024 #253 Remove Item #1 from Old Business

Supervisor Ashton moved and Councilman Reitz seconded to remove item #1, Approve UAW proposed Collective Bargaining Successor Agreement 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 #254 UAW Collective Bargaining Agreement Approval

Supervisor Ashton moved and Councilman Reitz seconded;

WHEREAS, the collective bargaining agreement between the Town of Evans and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) Amalgamated Local No. 55 (Dispatchers), (hereinafter "UAW") expired on December 31, 2019; and

WHEREAS, the Town of Evans and the UAW have negotiated a proposed collective bargaining agreement for the period of January 1, 2020 through December 31, 2024; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby approves the proposed collective bargaining agreement with the UAW for the period of January 1, 2020 through December 31, 2024; and

FURTHER, BE IT RESOLVED, that Supervisor Ray Ashton is hereby authorized to execute the above referenced proposed agreement between SEIU 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 #255 Appointment of Part Time Seasonal Life Guards & Pool Gate Guards

Supervisor Ashton moved and Councilman Reitz seconded;

BE IT RESOLVED, effective immediately, the following individuals are hereby appointed as Part Time Seasonal Lifeguards/Pool Gate Guards for a five (5) month period, working up to 39.5 hours per week, at the hourly rates indicated, as amended

NAME TITLE HOURLY RATE
Alexander Bauer Seasonal Head Lifeguard $20.00
Paris Smith Seasonal Lifeguard (Captain) $19.00
Jillian Guziec Seasonal Lifeguard (Captain) $19.00
Izzy Marchitte Seasonal Lifeguard (Captain) $19.00
Mitch Kiefer Seasonal Lifeguard $18.00
Jake Hopkins Seasonal Lifeguard $18.00
Jacob Siegel Seasonal Lifeguard $18.00
Sophie Lehnen Seasonal Lifeguard $18.00
Cailum Irwin Seasonal Lifeguard $18.00

Joseph Redman Seasonal Lifeguard $18.00
Sophia Rupp Seasonal Lifeguard $18.00
Malea Reilly Seasonal Lifeguard $18.00
Joshua Ninan Seasonal Lifeguard $18.00
Kate Kennedy Seasonal Lifeguard $18.00
Troy Kennedy Seasonal Lifeguard $18.00
Kyrie Buffalo Seasonal Lifeguard $18.00
Rachel Hooper Seasonal Lifeguard $18.00
Samantha Crowe Seasonal Lifeguard $18.00
Emily Ginnitti Seasonal Lifeguard $18.00
Claire Smaldino Seasonal Lifeguard $18.00
Jason Conklin Seasonal Lifeguard $18.00
Kelsey Dynas Seasonal PT Gate Guard $15.30
Alyssa Michalawski Seasonal PT Gate Guard $15.30

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #256 Appointment of Part Time Seasonal Laborer

Councilman Wilson moved and Councilman Reitz seconded,

BE IT RESOLVED, effective Tuesday, June 11, 2024, Nicholas Cirocco is hereby appointed as Part Time Seasonal Laborer for the Town of Evans Highway Department, for up to a five (5) month period, working up to 39.5 hours per week, at the hourly rate of $16.30 per hour, payable bi-weekly; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and the Superintendent of Highways; 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 #257 Waiver of Additional Service Fee - Graycliff

Councilman Wilson moved and Councilman Reitz seconded,

WHEREAS, Graycliff hosts weekly summer markets at Frank Lloyd Wright's Graycliff ("The Market at Graycliff") on Thursday evenings from July 11 to and including August 29 from 5:00pm to 8:00pm; and

WHEREAS, Graycliff has submitted the Special Event Application and all applicable paperwork; and

WHEREAS, all applicable Town of Evans' departments have review and submitted the additional services fee(s) in conjunction with the above referenced event; and

WHEREAS, Graycliff has submitted a request to waive the additional service for

Code Enforcement Officer/Fire Marshall fee (after hours 5:00pm to 8:00pm) of $85.00; and

NOW, BE IT RESOLVED, the Town Board does hereby grant a waiver of the Code Enforcement Officer/Fire Marshall fee of $85.00, as submitted by the applicable Town Department, for the above referenced events; and

FURTHER BE IT RESOLVED, a copy of this resolution be given to the appropriate Town Departments.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #258 Appointment of Full Time Senior Personnel Clerk

Councilman Reitz moved and Supervisor Ashton seconded,

WHEREAS, the Evans Town Board established the Senior Personnel Clerk position by resolution #2018-104; and

WHEREAS, a vacancy exits for the Senior Personnel Clerk position; and

WHEREAS, a certified Erie County Civil Service list was obtained by the Town of Evans and canvassed; and

WHEREAS, interviews for the position were conducted;

NOW, THEREFORE, BE IT RESOLVED, effective Thursday, June 20, 2024, the Town of Evans hereby appoints Melissa Lingenfelter as full time Senior Personnel Clerk with the salary of $56,650 yearly and benefits, payable bi-weekly per the employment agreement with the Town of Evans.

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

PUBLIC HEARING

LEGAL NOTICE TOWN OF EVANS

NOTICE OF PUBLIC HEARING PLEASE TAKE NOTICE that pursuant to Evans Town Code, the provisions of the Town Law and Municipal Home Rule of the State of New York, the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on June 19 2024 at 7:00 pm in the Court Room of the Evans Municipal Center (located at 8787 Erie Road, Angola, NY 14006) to consider demolition of the following properties: 9650 Court St Angola, NY 14006 SBL # 250.09-3-83 1393 Elwood Dr Derby, NY 14047 SBL# 206.08-2-19 1950 South Creek Rd Derby, NY 14047 SBL# 207.07-2-1 655 Lake St Angola, NY 14006 SBL# 234.16-4-3 9136 Brown St Angola, NY 14006 SBL# 234.16-1-32 893 Bennett Rd Angola, NY 14006 SBL#220.19-5-1 6722 Prescott Dr Derby, NY 14047 SBL#192.20-1-8 The purpose of the hearing is to provide an opportunity for property owners and other interested persons/entities to voice opposition or consideration that shall be given to the Town's interest in demolition of the aforementioned properties.

By Order of the Evans Town Board
Lynn M. Krajacic, Town Clerk

RESOLUTION 2024 #259 Open Public Hearing

Supervisor Ashton moved and Councilman Macko seconded to Open the Public Hearing;

Margaret Borrello, Rose Ann Breau and Wayne Forestor spoke in Favor of the proposed demolitions

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #260 Close Public Hearing

Supervisor Ashton moved and Councilman Wilson 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 #261 Buildings & Structures Unsafe and Appropriate for Demolition

Councilman Wilson moved and Councilman Macko seconded;

WHEREAS, pursuant to Chapter 74 of the Code of the Town of Evans entitled, "Buildings Unsafe", the Town has duly noticed the following property owners and/or those with an interest in the property of the Town's interest in demolition of any such building or structure is considered unsafe or dangerous of:

9650 Court Street, Angola, NY 14006 SBL # 250.09-3-83 1393 Elwood Drive, Derby, NY 14047 SBL# 206.08-2-19 1950 South Creek Road, Derby, NY 14047 SBL# 207.07-2-1 655 Lake Street, Angola, NY 14006 SBL# 234.16-4-3 9136 Brown Street, Angola, NY 14006 SBL# 234.16-1-32 893 Bennett Road, Angola, NY 14006 SBL# 220.19-5-1 6722 Prescott Drive, Derby, NY 14047 SBL# 192.20-1-8

WHEREAS, all owners, executors, administrators, agents, lessees or any persons having a vested or contingent interest in the subject unsafe building, as shown by the record of the Receiver of Taxes of the Town of Evans or the County Clerk of the County of Erie, were advised of the existing condition of the buildings or structures located on their respective premises; and

WHEREAS, all owners, executors, administrators, agents, lessees or any persons having a vested or contingent interest in the subject unsafe building, as shown by the record of the Receiver of Taxes of the Town of Evans or the County Clerk of the County of Erie, have had an opportunity to timely repair their respective properties and have failed to complete the same; and WHEREAS, all owners, executors, administrators, agents, lessees or any persons having a vested or contingent interest in the subject unsafe building, as shown by the record of the

Receiver of Taxes of the Town of Evans or the County Clerk of the County of Erie, have had an opportunity to be heard before this Town Board in opposition to the notice of unsafe or dangerous conditions; and

WHEREAS, the Town Board has received and reviewed the report of the Building Inspector on each of the foregoing properties sought to be removed; and WHEREAS, the Town Board deems it to be in the public interest to complete the demolition of the certain properties herein; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby deemed the following buildings or structures unsafe and appropriate for demolition:

9650 Court Street, Angola, NY 14006 SBL # 250.09-3-83 1393 Elwood Drive, Derby, NY 14047 SBL# 206.08-2-19 1950 South Creek Rd, Derby, NY 14047 SBL# 207.07-2-1 655 Lake Street, Angola, NY 14006 SBL# 234.16-4-3 9136 Brown Street, Angola, NY 14006 SBL# 234.16-1-32 893 Bennett Road, Angola, NY 14006 SBL# 220.19-5-1 6722 Prescott Drive, Derby, NY 14047 SBL# 192.20-1-8 and

BE IT FURTHER RESOLVED, that the Town Board hereby confirms the report of the Building Inspector and directs that the building or structures at issue be removed; and BE IT FURTHER RESOLVED, that the cost of the demolition will be added as a lien on the subject property; and

BE IT FURTHER RESOLVED, that Code Enforcement is hereby authorized and directed to initiate the above-referenced demolition projects located on those approved premises listed herein, 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 #262 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 #263 Deferred Compensation Amended and Restate the Model Plan

Councilman Reitz moved and Councilman Wilson seconded;

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Town of Evans, New York (the "Model Plan") and offers the Model Plan for adoption by local employers; and,

WHEREAS, Town of Evans, New York, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Town of Evans, New York; and,

WHEREAS, effective June 19, 2024 the Board amended the Model Plan to adopt the following provisions:

Including provisions related to the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019; which extends the required start date for Required Minimum Distributions (RMD) to begin at the age of 72, changes the RMD rules for beneficiaries, creates new categories of beneficiaries, includes ability for plan sponsors to reduce the in-service distribution age from 70 ½ to as low as 59 ½, allows for in-service withdrawals for the birth or adoption of a child up to $5,000.

Including provisions related to the Coronavirus Aid, Relief, and Economic Security (CARES) act of 2020; which waived RMDs for the calendar year of 2020, allowed for in service distributions of up to $100,000 to qualified individuals no later than December 31, 2020, allowed for loans up to $100,000 to qualified individuals (up to 100% of the account value), and allowed for deferment of plan loan repayments for one year for qualified individuals.

Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.

Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.

Clarifying the first date a participant may make deferrals in compliance with Internal Revenue Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.

Clarifying compensation available for deferral for purposes of calculating contributions

and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.

Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.

Making technical recognition of the waiver of required minimum distributions ("RMDs") for 2009.

Clarifying that a beneficiary form must be received in good order to be considered valid.

Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.

Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.

Including language allowing for future delivery of participant communications through electronic means, where appropriate.

Codifying that periodic and lump sum payments must be a minimum of one hundred dollars ($100) per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.

Clarifying that the fifty thousand-dollar ($50,000) loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.

Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.

Allowing a surviving spouse beneficiary to name a beneficiary on their account.

Including the five-year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age seventy and one-half (70½) deaths.

Allowing earlier distributions due to severance of employment as long as a balance of $500 remains in the account for 45 days after a severance from employment.

Providing that outstanding loans from another New York State Section 457(b) plan may be

allowed to be transferred or rolled in with a full account transfer.

Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.

Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.

Limiting indemnification to Committee Members only.

Including provisions related to the American Taxpayer Relief Act of 2012, expanding the ability of participants to convert all or a portion of their plan assets from a pre-tax account to an in-plan Roth account any time including while in employment.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Evans, New York has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Evans, New York by adopting the amended Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that Town of Evans, New York hereby amends the Deferred Compensation Plan for Employees of Town of Evans, New York by adopting the amended Model Plan effective June 19, 2024.

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

RESOLUTION 2024 #264 Budget Amendment – Records Management

Supervisor Ashton moved and Councilman Reitz seconded;

WHEREAS, the Town of Evans Town Board approved the 2024 budget on November 15, 2023 by resolution 2023-500; and,

WHEREAS, the Town finds it necessary to amend the 2024 budget pursuant to Records Management;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2024 budget; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget amendment:

A/C # Account Description Dr Cr

Revenue A.01410.0413.01 Records Management Grant $75,000.00
Expense A.1410.0210.00 Records Management Grant $75,000.00

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #265 Advertise Public Hearing - Sale of Town Owned Properties

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, on November 20, 2019, the Town of Evans passed a resolution requesting the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) acquire, 273 Dawn and 146 Potomac Avenue in the Town of Evans on behalf of the Town at any subsequent Erie County Tax Foreclosure Auction; and

WHEREAS, on December 15, 2021, the Town of Evans adopted Resolution 2021-456 directing the removal/demolition of all unsafe structures on sixteen (16) listed properties pursuant to Evans Town Code, Chapter 74, Unsafe Buildings, including 273 Dawn and 146 Potomac Avenue; and

WHEREAS, the Town of Evans has now duly acquired the above referenced properties from BENLIC for the purchase price of $1.00 each and effectuated the demolition of all unsafe structures on the subject properties; and

WHEREAS, the Town of Evans has determined the above referenced properties have no usefulness to the Town and should therefore be sold; and

WHEREAS, the Town believes it is in the best interest of the residents of the Town to sell the above-referenced properties; and

WHEREAS, the sale of any Town owned properties would be subject to a Permissive Referendum;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans authorizes and directs the Evans Town Clerk to publish a notice of public hearing for the purpose of hearing all persons interested in the proposed sale of the Town owned properties located at 273 Dawn

and 146 Potomac Avenue, to be held on Wednesday, July 17, 2024 at 7:00PM at the Evans Town Hall, 8787 Erie Road, Angola, NY 14006.

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

RESOLUTION 2024 #266 Approve Town Licenses

Councilman Wilson moved and Councilman Schraft seconded,

The Market at Graycliff – Special Events
Evans Community Events- Special Events
Tyler Erdley D/B/A/ Los Gringos Taco – Refreshment
Steven Meckes D/B/A Steveo's Taco & Subs - 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 #267 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	6/19/2024
ABSTRACT NO.	12
VOUCHER NO.	14677 - 14758
CHECK NUMBERS	87525 - 87589
APPROVED AT	Board Meeting
DATE	6/20/2024

GENERAL	$210,945.19
PART TOWN	$9,230.78
HIGHWAY DB	$108,198.80
WATER	$286.60
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$37,037.12
DEBT SERVICE	
TOTAL	$365,698.49

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #268 Adjournment

Supervisor Ashton moved and Councilman Macko seconded to adjourn to Tuesday, July 9, 2024 at 9:30am for a Special Meeting and then to Wednesday July 17, 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