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 #346 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 and Greg Szarowicz, Chief of Police are 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 #347 Accept Minutes

Supervisor Ashton moved and Councilman Schraft seconded that the reading of the October 2, 2024 meeting minutes dispensed with and accepted and 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 #348 Town Clerk's Reports

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

Town Clerk Report	$33,854.37
Interest	$3.08
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 #349 Advertise Public Hearing – 2025 Preliminary Budget

Councilman Schraft moved and Councilman Macko seconded;

BE IT RESOLVED, that in accordance with Article 8, Section 108 of Town Law, that a Public Hearing be held to hear those individuals wanting to discuss the Preliminary Budget on Wednesday, November 6, 2024 at 7:10pm at the Evans Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk advertise said Public Hearing in accordance with Town Law.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #350 Advertise Public Hearing Fire Protection/Ambulance

Councilman Wilson moved and Councilman Reitz Seconded;

BE IT RESOLVED, that in accordance with Section 184 of Town Law, that a Public Hearing be held to hear those individuals wanting to discuss the Fire Protection and/or Emergency Ambulance Service Agreements on Wednesday, November 6, 2024 at 7:10pm at the Evans Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk advertise said Public Hearing in accordance with Town Law.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #351 Appointment to Climate Smart Committee

Councilman Schraft moved and Councilman Reitz Seconded;

WHEREAS, the Town of Evans has established a Climate Smart Committee to inform, education, and advise Town residents on how to adapt to the changing climate and lower greenhouse gas emissions;

NOW, THEREFORE, BE IT RESOLVED, Carol Matson is hereby appointed to the Climate Smart Committee for 2024.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #352 2025 Community Development Block Grant (CDBG)

Supervisor Ashton moved and Councilman Reitz Seconded;

WHEREAS, the Town Board desires to pursue funding opportunities for the following projects, hereafter known as “the Projects”:

1. Wendt Landing – Public Waterfront Access
2. Rural Transit

WHEREAS, the Town Board desires to provide new and improved public space and amenities to residents at the lowest possible cost to the Town and Town taxpayers, and to improve the quality of life for low-to-moderate income persons who reside in the Town of Evans; and

WHEREAS, the Town Board desires to apply for financial assistance from the Erie County Community Development Program through the Community Development Block Grant (CDBG); and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed Projects.

NOW, THEREFORE BE IT RESOLVED, that Ray Ashton as Supervisor of the Town of Evans, is hereby authorized and directed to accept funds from the Erie County Community Development Program: CDBG, in an amount not to exceed $150,000, and enter into and execute a project agreement with Erie County for such financial assistance to complete "the Projects"; and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance the Town will make available up to $155,000 in matching funds, from the Town's municipal 2025 budget to satisfy the requirements of the funding program.

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

RESOLUTION 2024 #353 Table Approve IBEW#41 Memorandums of Understanding

Councilman Macko moved and Councilman Reitz Seconded to Table this resolution.

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

RESOLUTION 2024 #354 Authorization to Execute an Inter-Municipal Agreement – Pedestrian Walkway

Councilman Wilson moved and Councilman Reitz Seconded;

WHEREAS, the County of Erie (the "County") and the Town of Evans (the "Town") are authorized, pursuant to Article 5-G of the General Municipal Law, to enter into inter-municipal agreements; and

WHEREAS, the County is undertaking a project to rehabilitate Lake Shore Road (CR 111) within the Town, spanning from Evans Town Park to Bennett Beach (hereinafter referred to as the ("Project"); and

WHEREAS, the Project includes a Pedestrian Accommodation Betterment ("Betterment"), consisting of a paved asphalt pedestrian walkway, ADA ramps, stripped crosswalks, Rectangular Rapid Flash Beacon (RRFB) and pedestrian signage as a part of the road rehabilitation project, referred to formerly as Phase II of the Lakeshore Shoreline Trail Multi-Use Pathway; and

WHEREAS, the County agrees to be responsible for the construction costs of the betterment, including approved and related cost overruns for said betterment, and further providing the Town with indemnity for any actions during or relating to the Project's construction; and

WHEREAS, after near-completion of construction of the aforementioned Project, the County has proposed relinquishing final ownership, maintenance, and operations of said facilities to the Town via an inter-municipal agreement; and

WHEREAS, per the proposed agreement, the Town agrees to take over ownership, and be responsible for operation and maintenance of the betterment after completion of construction; and

WHEREAS, it is in the best interests of the Town to share in the undertaking of municipal improvement projects and other purposes through joint projects or programs with other municipalities; and

WHEREAS, the construction of the Pedestrian Accommodation Betterment will provide additional and safer access to certain areas in the Town, for the benefit and in the best interests of the constituents of both the Town and the County; and

NOW THEREFORE BE IT RESOLVED, that Evans Town Board authorizes the Town Supervisor to execute any inter-municipal agreements relating to the Project described herein.

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

RESOLUTION 2024 #355 Authorization to Execute 2024-2025 Rural Transit Van Service

Councilman Reitz moved and Councilman Macko Seconded;

WHEREAS, Rural Transit Service, Inc. continues to provide a valuable service to the residents of the Town of Evans;

BE IT RESOLVED, Town of Evans Supervisor Ray Ashton is authorized to execute an agreement with Rural Transit Service, Inc. for van services for the 2025-2026 CDBG year, upon the approval of the Town Attorney for 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 #356 Authorize Supervisor Ashton to Attend Association of Towns 2025 Annual Meeting & Training School

Councilman Schraft moved and Councilman Wilson Seconded;

WHEREAS, Supervisor Ray Ashton request permission to attend the annual Association of Towns 2025 Annual Meeting & Training School; and

WHEREAS, said training will be held in New York, New York on February 16 – 19, 2025;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Supervisor 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 #357 Authorize Evans Justices to submit Justice Court Assistance Program (JCAP) Grant

Councilman Macko moved and Councilman Wilson Seconded;

WHEREAS, the Town Justices request permission to submit the Justice Court Assistance Program (JCAP) grant to the New York Unified Court System for the year 2024-2025;

NOW, THEREFORE, BE IT RESOLVED, the Board of the Town of Evans authorizes the Evans Town Court to apply for a JCAP grant in the 2024-2025 grant cycle up to $10,489.77

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

RESOLUTION 2024 #358 Preventative Maintenance Agreement – HVAC Equipment

Councilman Wilson moved and Councilman Schraft Seconded;

BE IT RESOLVED; that Supervisor Ray Ashton is hereby authorized to execute any and all documents pursuant to the HVAC Preventive Maintenance Agreement with DV Brown & Associates, 567 Vickers Street, Tonawanda, New York 14150, upon the approval of the Town Attorney; and

FURTHER BE IT RESOLVED; inspections will be for the cooling Spring/Summer and heating Fall/ Winter to include Town of Evans Municipal Building located at 8787 Erie Road and Town of Evans Senior Center located at 999 Sturgeon Point Road; and

FURTHER BE IT RESOLVED, inspections will be for the Town of Evans Pool located at 1525 South Creek Road for the May and October preventive maintenance checks; and

FURTHER BE IT RESOLVED, this agreement shall become effective October 1, 2024 for one year, with the agreement pricing of $7,180.00 and shall be paid in triannual payments of $2,393.33; and

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

FURTHER BE IT RESOLVED, a copy of this resolution shall be given to the Finance Department 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 #359 Re-Levy Charges to 2024 Town & County Bill

Councilman Macko moved and Councilman Wilson Seconded;

BE IT RESOLVED, in accordance with New York State Town Law, Section 198, the Evans Town Board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below; and

BE IT FURTHER RESOLVED, in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the Town of Evans Assessor's master computer assessment roll file:

TOTAL Unpaid Water Evans $6,088.68
TOTAL Unpaid Water ECWA $3,059.07
TOTAL Unpaid Water Surcharge ECWA $1,744.43
TOTAL Clean-Up Charges $22,070.00

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

RESOLUTION 2024 #360 Town Access Approval for Work at 7358 Beechwood Road

Supervisor Ashton moved and Councilman Macko Seconded;

WHEREAS, the Town of Evans Code Enforcement Office has received a request for access to a portion of the Sturgeon Point Marina property pathway in order to secure rip rap, from Mesi Enterprises based on the safety concerns of the property owner Gregory Crispell; and

WHEREAS, this property is located at 7358 Beechwood Road; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board gives approval to access the Sturgeon Point Marina property pathway from October 21st 2024 to April 1st 2025, owned by the Town of Evans provided the following criteria and compliance is completed and approved:

A DEC permit has been obtained and submitted to the Town of Evans

The Town of Evans is provided a certificate of liability insurance naming the Town of Evans as an additional insured, from both the property owner and contractor

Access and Use Agreement between the Town, property owner and property owner's contractor, including hold harmless/indemnification provision

The Town of Evans Waterfront Assessment Form is completed, submitted and approved

Submittal of the contractor's safety plan, equipment staging plan, daily hours of operation, timeframe of the referenced project (ie: number of weeks), restoration plan for the accessed property

BE IT FURTHER RESOLVED, that said access shall be allowed during such dates as approved by the Chief Code Enforcement Officer and solely to conduct the above referenced work, if the above referenced criteria is met. Such access shall be granted from October 21st 2024 and be suspended during any use of the Sturgeon Point Marina property pathway by the Town, including without limitation any repair and/or improvement of Sturgeon Point Marina.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #361 Authorizing EMS & Ambulance Fees – Evans Center Volunteer Fire Company

Councilman Macko moved and Councilman Wilson seconded;

WHEREAS, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the "Law") provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

WHEREAS, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

WHEREAS, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a

minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

WHEREAS, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

WHEREAS, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Council Member of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

WHEREAS, the Town of Evans ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Evans Center Volunteer Fire Company, Inc. ("ECVFC") to provide emergency medical services including basic life support ("BLS") ambulance services (within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

WHEREAS, the Board of the Town of Evans ("Board") after due deliberation, finds it in the best interest of the Town of Evans to authorize fees and charges for emergency medical services and ambulance services ECVFC as authorized by Law and these Resolutions;

NOW THEREFORE, it is hereby resolved, that the Town of Evans hereby authorizes fees and charges for emergency medical services and ambulance services by ECVFC as authorized by Law and as provided for by these Resolutions; and it is further

RESOLVED, that the fees and charges collected shall be collected and used by ECVFC as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and ECVFC for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

RESOLVED, that the Board hereby directs that ECVFC shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the ECVFC for such purposes and under such terms and conditions as the ECVFC may in its discretion find appropriate; and it is further

RESOLVED, that the Board hereby directs that such revenue recovery by the ECVFC for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

RESOLVED, that the Board hereby determines that commencing at 12:01 a.m. on October 17, 2024 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Town or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for such service; and it is further

RESOLVED, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Town, waive any co-pay or deductible due from any resident of the Town; and it is further

RESOLVED, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other ECVFC funds and used for the delivery of emergency medical and ambulance services as the ECVFC may properly determine in its sole discretion; and it is further

RESOLVED, that the Board hereby directs that it shall not, directly or indirectly, by Town personnel or its agents and employees, including the Town's billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

RESOLVED, that except as otherwise provided herein, these resolutions shall take effect immediately, 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 #362 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	10/17/2024
ABSTRACT NO.	19
VOUCHER NO.	15361 - 15439
CHECK NUMBERS	88064 - 88125
APPROVED AT	Board Meeting
DATE	10/16/2024
GENERAL	$58,835.21
PART TOWN	$7,124.00
HIGHWAY DB	$19,792.20
WATER	$586.73
CAPITAL PROJECTS	$612,188.43
SPECIAL DISTRICTS	$200.00
DEBT SERVICE	
TOTAL	$698,726.57

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2024 #363 Adjournment

Supervisor Ashton moved and Councilman Reitz seconded to adjourn to Wednesday, November 6, 2024 at 6:00 pm 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