Meeting #10
Regular X Special _____

Wednesday May 21, 2025

AGENDA

Evans Town Board, Evans Town Hall, 8787 Erie Road, Angola, New York
www.townofevansny.gov

Item	Description	Disp.
I	Call the Meeting to Order	
II	Pledge of Allegiance	
III	Roll Call	
IV	Approval of the Minutes: May 7, 2025, Regular Town Board Meeting Minutes	
V	Communications:	
VI	Public Hearing & Bid Opening: 1.) Public Hearing - Proposed Local Law #2 - Amend Chapter 200 - Permitting of Ponds 2.) Public Hearing - Proposed Local Law #3 - Amend Chapter 101 - Road Cuts 3.) Public Hearing - Proposed Local Law #4 - Amend Chapter 149-5(E) - Trash Collection 4.) Public Hearing - Special Use Permit - Bed and Breakfast	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Accept quote for Fire Protection System Project 2.) Appointment of Part Time Clerk - Courts 3.) Change Order #3 Design and Engineering Services for SPM Dock Replacement and Reconfiguration Project 4.) Change Order # 4 Design and Engineering Services for South Creek Park Pool House Replacement Project 5.) Town of Evans Intent to Serve as Lead Agency for Melody Meadow Estates Expansion	
XII	Licenses: 1.) Evans Community Events - July 3rd 2025 Fireworks Celebration	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday June 4, 2025 at 6:00pm for the Work Session and Regular Meeting immediately to follow.	

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. Get the Agenda and Meeting Packet sent to your email! Subscribe to the Town of Evans Legal Paper: http://www.observertoday.com/store/ (716)366-3000 click Newsletter Signup under the Quick Links

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:	Kristen Bauer	Deputy Town Clerk
	Lisa Poch	Town Attorney

RESOLUTION 2025 #166 Accept Minutes

Supervisor Ashton moved and Councilman Reitz seconded that the reading of the April 16, 2025 Town Board 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:

Supervisor Ashton reported that the Supervisor's January and February 2025 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2025 #167 Town Clerk Report

Supervisor Ashton moved and Councilman Schraft;

Town Clerk Report	$42,352.18
Interest	$2.50
Greenspace Fee	$700.00
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 2025 #168 Advertise for Public Hearing - Special Use Permit (Barrett)
Supervisor Ashton moved and Councilman Wilson seconded;

WHEREAS, in a letter dated May 5th, 2025, the Planning Director has requested that the Town Board set a public hearing regarding the petition by Gina and William Barrett for a Special Use Permit for a proposed bed-and-breakfast operation as well as a wellness and counseling business involving small group yoga and other personal training programs to be located at their future residence. 7176 Lake Shore Road, Derby, NY 14047. SBL# 205.00-1-1.; and

WHEREAS, the Planning Board unanimously recommended approval of the Special Use Permit at their Planning Board meeting held on April 23nd, 2025.
NOW THEREFORE BE IT RESOLVED that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on May 21st, 2025 at 6:30 PM for the consideration of said special use permit; and
BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office and the Code Enforcement Office.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #169 Advertise for Public Hearing - Proposed Local Law #2 2025 (Private Ponds)
Councilman Schraft moved and Councilman Wilson seconded;
WHEREAS, the Evans Planning Board and Evans Code Review Committee are working together on Chapter 200, Article VIII- code for the permitting of private ponds to address any potential negative environmental impacts of private pond construction; and
WHEREAS, the Proposed Local Law #2 will provide regulation on the size and requirements of ponds based on acreage; and
WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and
WHEREAS, the Evans Planning Board held a public meeting on April 23rd, 2025 and voted unanimously to recommend approval of Proposed Local Law #2 of the year 2025; and

WHEREAS, in a letter dated May 5th, 2025 the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law # 2 of the year 2025, to be held on May 21, 2025 at 6:30 PM for the consideration of said Code Regulations; and

FURTHER BE IT 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 2025 #170 Advertise For Public Hearing for Proposed Local Law #3 of 2025 (Road Cutting Permitting Processes)

Councilman Wilson moved and Councilman Macko seconded;

WHEREAS, the Evans Planning Board and Evans Code Review Committee are working together to amend Chapter 101. Article II. Street Excavations to help streamline the permitting process and ensure interdepartmental coordination during the permitting of new construction; and

WHEREAS, the proposed Local Law #3 will provide regulation and coordination on road cut permitting processes; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the Evans Planning Board held a public meeting on April 23rd, 2025 and voted unanimously to recommend approval of Proposed Local Law #3 of the Year 2025; and

WHEREAS, in a letter dated May 5th, 2025 the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #3 of the year 2025, to be held on May 21st at 6:30 PM for the consideration of said Code Regulations; 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 2025 #171 Advertise for Public Hearing for Proposed Local Law #4 of 2025 - Amending Town Code Section 149-5(E) entitled "Property Maintenance Standards" to Further Define Garbage Collection

Councilman Reitz moved and Councilman Wilson seconded,

WHEREAS, the Town Board of the Town of Evans is considering amending Town Code § 149-5(E), entitled "Property Maintenance Standards" to include a better explanation on the use of Town approved garbage receptacles and bulk item pickup; and

WHEREAS, the Town recognizes the importance of efficient and safe waste management disposal while maintaining clean neighborhoods; and

WHEREAS, a copy of proposed Local Law No. 4 of the Year 2025 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 # 4 of the year 2025, to be held on Wednesday, May 21, 2025 at 6:30p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk shall make a copy of Proposed Local Law #4 of the year 2025 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 2025 #172 Appointment of Part Time Dispatcher

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, there is an opening for a part time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, Justin Renik has been interviewed, has experience as an EMT and medical dispatcher, and meets the qualifications to be a Public Safety Dispatcher;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Justin Renik , effective May 8, 2025, to the position of part time Police Dispatcher with the Evans Police Department, at an hourly rate set forth in the 2025 reorganizational resolution; and

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

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #173 Appointment of Part Time Seasonal Laborer - Highway Department

Supervisor Ashton moved, and Councilman Reitz seconded,

BE IT RESOLVED, effective May 12, 2025, the following individual will be appointed to a Part Time Seasonal Laborer position for the Town of Evans Highway Department, for up to a five (5) month period (September 12, 2025), working up to 39.5 hours per week, at the hourly rate indicated below;

NAME	SALARY
Brian Guest	$17.05; 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 2025 #174 Authorize Highway Superintendent to attend the NYS Highway Superintendent Association Conference

Councilman Schraft moved and Councilman Wilson seconded,

WHEREAS, the Town Highway Superintendent Jack Fritz hereby requests permission to attend the 2025 NYS Highway Superintendent Conference; and

WHEREAS, said conference will be held in Ithaca, New York from June 1 - June 4, 2025;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans grants permission to Jack Fritz, Highway Superintendent, to attend said conference and all appropriate and reasonable expenses shall 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 2025 #175 Budget Transfer

Councilman Wilson moved and Councilman Schraft seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfer for snow removal equipment (Trailer and Kubota) costs:

Transfer From:

BB00917.0000.00	Unassigned Fund Balance	$106,234.55

Transfer To:

BB08540.0424.00	Part Time Equipment	$106,234.55

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #176 Town of Evans Play Courts (Evans Town Park) Change Orders

Councilman Reitz moved and Supervisor Ashton seconded,

WHEREAS, the Town of Evans and Anastasi Trucking, Inc. entered into a contract to complete the Town of Evans Play Courts (Evans Town Park) Project;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes 4 Change Orders to the project to increase the aforementioned contract amount in the amount of $33,895.00.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #176 Advertise Cancellation of Public Hearing for Proposed Local Law #1 of 2025 - Authorizing the Use of Best Value Award Methodology in the Bidding Process

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, the Town Board of the Town of Evans authorized and directed 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 2025, to be held on Wednesday, May 21, 2025 at 6:30pm (local time); and

WHEREAS, the Town Board had determined that it is in the best interest of the Town of Evans to enact a Local Law authorizing the use of Best Value Award Methodology in the Bidding process for purchase contracts (including contracts for service work) as authorized by Section 103 of the General Municipal Law and as defined in Section 163 of the State Finance Law;

BE IT RESOLVED, that the Town Clerk is hereby authorized and directed to advertise the cancellation of the Public Hearing that was scheduled for Wednesday, May 21, 2025 at 6:30pm (local time) pursuant to the above referenced matter; and:

BE IT FURTHER RESOLVED, the above referenced cancelled Public Hearing will be rescheduled for a later date.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #177 Authorizing Law Section 284 Agreement to Spend Town Highway Funds

Councilman Reitz moved and Councilman Wilson seconded,

WHEREAS, the Town Board and the Superintendent of Highways are required by Highway Law Section 284 to enter into a written agreement stating the places ad manner in which the Highway Fund appropriations for repairs and improvements are to be expended: and

WHEREAS, in conjunction with the estimate submitted by the Highway Superintendent, the Highway Superintendent has submitted a proposed Highway Law Section 284 agreement to spend Town Highway Funds; and

WHEREAS, the Highway Superintendent has prepared an agreement to spend Town Highway Funds for the fiscal year commencing January 1, 2025, for general repairs and primary work, and permanent improvements subject to limitations set by NYS Capital Highway Improvement Program (CHIPS) funding;

NOW, BE IT RESOLVED, that the Town Board hereby approves said agreement to spend Town Highway Funds therefore, the Town Supervisor and Town Board Members are authorized and directed to execute said agreement as required by law in substantially the same form as annexed hereto.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #178 Approve Town Licenses

Councilman Wilson moved and Councilman Schraft seconded,

1) Connors Hot Dog Stand - Refreshment

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Code Enforcement Officer.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #179 Audit of the 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	5/8/2025
ABSTRACT NO.	9

VOUCHER NO.	16483 - 16599
CHECK NUMBERS	88955 - 89039
APPROVED AT	Board Meeting
DATE	5/7/2025
GENERAL	$211,070.34
PART TOWN	$5,068.28
HIGHWAY DB	$38,558.36
WATER	$5,318.83
CAPITAL PROJECTS	$71,459.92
SPECIAL DISTRICTS	$111,484.76
TOTAL	**$442,960.49**

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2025 #180 Enter Executive Session

Councilman Schraft moved and Councilman Wilson 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 2025 #181 Adjournment

Supervisor Ashton moved and Councilman Schraft seconded to adjourn to Wednesday May 21, 2025 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,

Kristen Bauer
Deputy Town Clerk

Lynn M. Krajacic
Town Clerk

P. H. #1

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, May 21st at 6:30 PM.** via Zoom, to which a link will be provided on the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #2 of the year 2025 to amend Chapter 200, Article VIII of the Evans Town Code regarding the permitting of ponds. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevansny.gov on or after May 8th, 2025. Questions and comments may be forwarded to the Planning Office by USPS or by email to wsmith@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom and/or In-Person Public Hearing to be held aforesaid.

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

P.H. Res 1

RESOLUTION – Proposed Local Law #2 of 2025 – Lead Agency

WHEREAS, the Evans Town Board wishes to amend Chapter 200, Article VIII of the Evans Town Code regarding the permitting of ponds.; and

WHEREAS, the Town Board of the Town of Evans desires to be the Lead Agency for the SEQR process regarding said amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #2 of the year 2025; and

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

ROLL CALL VOTE:

P.H. RES 2

RESOLUTION – Proposed Local Law #2 of 2025 – SEQR

WHEREAS, the Evans Town Board wishes to amend Chapter 200, Article VIII of the Evans Town Code regarding the permitting of ponds.; and

WHEREAS, the Town Board of the Town of Evans has declared Lead Agency for the SEQR process, and

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the proposed amendment will not result in any significant impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Proposed Local Law #2 of 2025; and

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

ROLL CALL VOTE:

P. H. Res 3

RESOLUTION – Adoption of Proposed Local Law #2 to Local Law #1 of 2025

WHEREAS, the Evans Town Board held a public hearing on May 21st, 2025 for consideration of Proposed Local Law #2 of the year 2025 to amend Chapter 200, Article VIII of the Evans Town Code regarding the permitting of ponds.; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #2 and recommended the code amendment for approval by unanimous vote at their April 23rd, 2025 public meeting; and

WHEREAS, the Planning Department has submitted a full statement of the proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M and has addressed their comments; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #2 of the year 2025, as amended, be adopted as Local Law #1 of the year 2025; and

FURTHER, BE IT RESOLVED, a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

ROLL CALL VOTE:

P. H. #2

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, May 21st at 6:30 PM.** via Zoom, to which a link will be provided on the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #3 of the year 2025 to amend Chapter 101. Article II. Street Excavations regarding the permitting of cuts made on or under Town roads. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevansny.gov on or after May 8th, 2025. Questions and comments may be forwarded to the Planning Office by USPS or by email to wsmith@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom and/or In-Person Public Hearing to be held aforesaid.

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

PH. Res 14

RESOLUTION – Proposed Local Law #3 of 2025 – Lead Agency

WHEREAS, the Evans Town Board wishes to amend Chapter 101. Article II. Street Excavations regarding the permitting of cuts made on or under Town roads; and

WHEREAS, the Town Board of the Town of Evans desires to be the Lead Agency for the SEQR process regarding said amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #3 of the year 2025; and

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

ROLL CALL VOTE:

P.H. Res 5

RESOLUTION – Proposed Local Law #3 of 2025 – SEQR

WHEREAS, the Evans Town Board wishes to amend Chapter 101. Article II. Street Excavations regarding the permitting of cuts made on or under Town roads; and

WHEREAS, the Town Board of the Town of Evans has declared Lead Agency for the SEQR process, and

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the proposed amendment will not result in any significant impacts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Proposed Local Law #3 of 2025; and

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

ROLL CALL VOTE:

P.H. Res 4

RESOLUTION – Adoption of Proposed Local Law #3 to Local Law #2 of 2025

WHEREAS, the Evans Town Board held a public hearing on May 21st, 2025 for consideration of Proposed Local Law #3 of the year 2025 to amend Chapter 101. Article II. Street Excavations regarding the permitting of cuts made on or under Town roads; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #3 and recommended the code amendment for approval by unanimous vote at their April 23rd, 2025 public meeting; and

WHEREAS, the Planning Department has submitted a full statement of the proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M and has addressed their comments; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law #3 of the year 2025, as amended, be adopted as Local Law #2 of the year 2025; and

FURTHER, BE IT RESOLVED, a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

ROLL CALL VOTE

P. H. #3

NOTICE OF PUBLIC HEARING – REGARDING TRASH COLLECTION

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 Wednesday, May 21, 2025 at 6:30pm in the Court Room of the Evans Municipal Center (located at 8787 Erie Road, Angola, NY 14006), to hear any and all persons either for or against a local law amending Chapter 149-5(E) ("Property Maintenance Standards") with regard to approved garbage receptacles and bulk item pickup.

Summary of Proposed Law:

This addition is intended to amend the code to better describe the mechanism for residents to dispose of their trash and bulk items.

P. H. Res 7

Resolution – Proposed Local Law #4 Adopted to Local Law #3 - Amend Town Code Section 149-5(E) entitled "Property Maintenance Standards" to further define garbage collection

WHEREAS, the Town Board of the Town of Evans is considering amending Town Code § 149-5(E), entitled "Property Maintenance Standards" to include to include a better explanation on the use of Town approved garbage receptacles and bulk item pickup; and

WHEREAS, the Town recognizes the importance of efficient and safe waste management disposal while maintaining clean neighborhoods; and

WHEREAS, the Town seeks amend the Town Code to establish the requirement its residents utilize Town approved and designated garbage receptacles for garbage collection, except that the last week of each month on their designated day, residents may further place out bulk items for disposal; and

WHEREAS, this proposed Code amendment is the product of discussions between and ultimate approval by the Planning Department and Building Department; and

WHEREAS, the proposed amendment further interprets and defines the existing code, and therefore constitutes a Type II Action under the State Environmental Quality Review Act (SEQRA) which does not require further review; and

WHEREAS, a duly scheduled public hearing was set for May 21, 2025, in order to amend the existing code by Local Law; and

WHEREAS, the Town Board of the Town of Evans held a public hearing with respect to the amendments and adoption of said Local Law on May 21, 2025 at 6:30 PM, at which time and place all persons were heard relative to this Code amendment; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans finds that the proposed Local Law No. 4 Amending Chapter 149-5(E) ("Property Maintenance Standards") of the Code of the Town of Evans be and hereby is adopted; and

BE IT FURTHER RESOLVED, that Local Law No. 3 of 2025 shall take effect twenty (20) days after filing with the Secretary of State of the State of New York, and

BE IT ENACTED by the Town Board of the Town of Evans adopts as follows:

SECTION 1. Chapter 149-5(E) ("Property Maintenance Standards") of the Evans Town Code is hereby amended to add the underlined words as follows:

149-5(E)(2) All garbage must be placed in Town designated containers and bins, except for the last full week of each month on your designated garbage day, residents may further place for pickup any individual bulk items.

ROLL CALL VOTE:

P.H #4

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **May 21st, 2025 at 6:30 P.M.** via Zoom, to which a link will be provided on the Town of Evans website at www.townofevansny.gov, and/or In-person Public Meeting to consider the petition of Gina and William Barret for a Special Use Permit for a proposed bed-and-breakfast operation as well as a wellness and counseling business involving small group yoga and other personal training programs. 7176 Lake Shore Road, Derby, NY 14047. SBL# 205.00-1-1. Questions and comments may be forwarded to the Planning Office via email at wsmith@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Public Hearing to be held aforesaid.

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

P.H. Res 8

Submitted by Evans Planning Department for the May 21, 2025 Town Board meeting:

RESOLUTION– Lead Agency – Special Use Permit Bed and Breakfast with Home Occupation

WHEREAS, the Evans Planning Board unanimously recommended approval of the proposed bed-and-breakfast operation as well as a wellness and counseling business involving small group yoga and other personal training programs to be located at the potential future residence of William and Gina Barrett. 7176 Lake Shore Road, Derby, NY 14047. SBL# 205.00-1-1.

WHEREAS, the Evans Town Board desires to be Lead Agency for the SEQR process regarding Special Use Permits.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for the Gina and William Barret Special Use Permit; and

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

ROLL CALL VOTE:

P.H. Res 9

Submitted by Evans Planning Department for the May 21, 2025 Town Board meeting:

RESOLUTION – SEQR – Special Use Permit Bed and Breakfast with Home Occupation

WHEREAS, the Evans Planning Board unanimously recommended approval of the proposed bed-and-breakfast operation as well as a wellness and counseling business involving small group yoga and other personal training programs to be located at the potential future residence of William and Gina Barrett. 7176 Lake Shore Road, Derby, NY 14047. SBL# 205.00-1-1.

WHEREAS, the Town Board of the Town of Evans has declared Lead Agency for the SEQR process, and

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form for this property and has determined that the amendment will not result in any significant impacts to the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the operation of a bed-and-breakfast operation as well as a wellness and counseling business involving small group yoga and other personal training programs at 7176 Lake Shore Rd, SBL# 205.00-1-1, and

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

ROLL CALL VOTE:

P.H. Res 10

Submitted by Evans Planning Department for the May 21, 2025 Town Board meeting:

RESOLUTION– Approval of Special Use Permit Bed and Breakfast with Home Occupation

WHEREAS, it is the responsibility of the Planning Board of the Town of Evans to make recommendation to the Town Board pertaining to the issuance of Special Use Permits (SUP); and

WHEREAS, the applicants William and Gina Barrett are requesting a SUP to operate a bed and breakfast including small group yoga and other wellness training programs from their future residence located at 7176 Lake Shore Road (SBL# 205.00-1-1) currently zoned in the Single Family Residential (R-1) District; and

WHEREAS, a bed and breakfast is permitted in the R-1 District under the design regulations of Section 200-16.1 of the Town Code and with the issuance of a SUP; and

WHEREAS, the Planning Department has received the required application, forms and fee from the applicants and reviewed the proposal with Planning Board at Work Session; and

WHEREAS, the Planning Board has determined that a SUP to operate a bed and breakfast with small group yoga and other wellness training programs is consistent with the Evans Local Waterfront Revitalization Program; and

WHEREAS, the issuance of the SUP is not anticipated to result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby recommends that the Town Board approve the proposed SUP to operate a bed and breakfast with related programming at 7176 Lake Shore Road.

AND BE IT FURTHER RESOLVED, the following conditions shall be placed on the approval of this action:

1. The owners shall operate the bed and breakfast in accordance with all provisions listed in Section 200-16.1 of the Town Code.
2. The number of overnight guests shall be limited to six, based on the availability of three guest bedrooms with an allowable maximum number of two guests per bedroom.
3. Indoor and outdoor programming shall be limited to quiet educational and therapeutic activities, including yoga, meditation, art, writing and business classes.
4. The number of guests participating in indoor and outdoor programming shall be limited to ten at any time, which includes all overnight guests of the bed and breakfast.
5. All programming shall be limited to two additional staff members and/or instructors at any time.
6. Formal indoor and outdoor programming affiliated with the abovementioned activities of the bed and breakfast (not including normal leisure time) shall be limited to the hours of 7:00 A.M. to 9:00 P.M.

7. Vehicle parking shall be contained to the areas located on the property as identified in the submitted site plan.
8. Any alterations to the approved site plan, bed and breakfast facilities or the affiliated programming shall be reviewed by the Planning Director and Code Enforcement Officer to determine if additional Planning Board and Town Board approvals shall be required.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Gina and William Barret for the operation of a bed-and-breakfast operation as well as a wellness and counseling business involving small group yoga and other personal training programs at 7176 Lake Shore Rd, SBL# 205.00-1-1. with the above noted conditions, and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office, the Assessor's Office and the Code Enforcement Office.

ROLL CALL VOTE:

Res 1

RESOLUTION – ACCEPT QUOTE FOR FIRE PROTECTION SYSTEM - TOWN OF EVANS WATER BUILDING, SENIOR CENTER BUILDING AND HIGHWAY BUILDING

WHEREAS, the Town of Evans desires to install fire protection systems at the Town of Evans Water Building, Senior Center Building and Highway Building; and

WHEREAS, the Town has received quotes for the above reference project, including a quote from Johnson Controls; and

WHEREAS, the Evans Town Board discussed the project at the May 7, 2025 Town Board Work Session;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board accepts the quotes from Johnson Controls in the amounts of Water Building $21,400, Senior Center Building $17,600, and Highway Building $31,500; and

FURTHER, BE IT RESOLVED, the Evans Town Board hereby authorizes Johnson Controls, located at 6850 Main Street, Williamsville, NY 14221 for said Fire Protection System project; and

FURTHER, BE IT RESOLVED, that Supervisor Ashton is authorized to sign all documents pursuant to the above referenced project, upon the review of the Town Attorney

ROLL CALL VOTE:

Res 2

RESOLUTION – APPOINTMENT OF PART-TIME CLERK (COURTS)

WHEREAS, there is a vacancy for a part time Clerk in the Town of Evans Courts; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Julie Boedo, effective Friday, May 23, 2025, to the position of part time Clerk with the Town of Evans Courts, at an hourly rate of $17.05 as set forth in the 2025 reorganizational resolution; and

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

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

ROLL CALL VOTE:

Authorized by _____

Chief of Police

Res 3

Resolution – Change Order Resolution #3 - Design and Engineering Services for the Sturgeon Point Marina Dock Replacement & Reconfiguration Project (Evans Parks and Sturgeon Point Marina Master Plan and Revitalization Study)

WHEREAS, the Town of Evans, through a competitive Request for Proposals process, contracted with Fisher Associates to develop the Evans Parks and Sturgeon Point Marina Master Plan and Revitalization Study (the "Master Plan"); and

WHEREAS, as part of the Master Plan, Fisher Associates conducted a market study and created concept plans to reconfigure Sturgeon Point Marina docks and slips, remove deteriorated docks, replace aged fueling infrastructure, and install new modern floating docks with updated utilities, lighting, walkway connections and signage (the "Project"); and

WHEREAS, Fisher Associates has assisted in securing funding to implement the Project in the amount of $1,368,321 from NYS Department of State's Local Waterfront Revitalization Program with a total project cost of $1,824,428; and

WHEREAS, Fisher Associates has provided Change Order Request #3 dated May 16, 2025 for design development, permitting, bidding, and construction phase services of the Project in the amount of $178,000.

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board hereby approves the Evans Parks & Sturgeon Point Master Plan Change Order Request #3 in the amount of $178,000.

ROLL CALL VOTE:

Res 4

Resolution – Change Order #4 – Design and Engineering Services for the
South Creek Park Pool House Replacement Project
(Evans Parks and Sturgeon Point Marina Master Plan and Revitalization Study)

WHEREAS, the Town of Evans, through a competitive Request for Proposals process, contracted with Fisher Associates to develop the Evans Parks and Sturgeon Point Marina Master Plan and Revitalization Study (the "Master Plan"); and

WHEREAS, as part of the Master Plan, Fisher Associates conducted community engagement and created a concept site plan and building elevations for a new pool house and other site improvements at the John K. Thompson-South Creek Park Pool to meet ADA accessibility standards, provide modern amenities, improve quality of life for Evans residents, and help beautify the area (the "Project"); and

WHEREAS, Fisher Associates has assisted in securing funding to implement the Project in the amount of $603,583.50 from NYS Office of Parks, Recreation and Historic Preservation with a total project cost of $1,207,167; and

WHEREAS, Fisher Associates has provided Change Order Request #4 dated May 16, 2025 for design development, permitting, bidding, and construction phase services of the Project in the amount of $129,500.

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board hereby approves the Evans Parks & Sturgeon Point Master Plan Change Order Request #4 in the amount of $129,500.

ROLL CALL VOTE:

Res 5

SEQR Resolution:
Planning Board Intent to Serve as Lead Agency
Melody Meadows Estates Expansion
8930 Erie Rd, Angola NY 14006

RESOLUTION – TOWN OF EVANS INTENT TO SERVE AS LEAD AGENCY FOR MELODY MEADOWS ESTATES EXPANSION

WHEREAS, the Evans Planning Board and Town Board have before them a Rezone Application prepared by Tredo Engineers and Melody Meadow Estates ("the Applicant") for a proposed rezone of a 35.1 acre portion of vacant land from Residential Two Family (R-2) to Mobile Home Residential (MHR-5) for expansion to the current mobile home park with proposed roadway and sidewalk extension plans and layout for 75 new units located at 8930 Erie Rd., Angola, NY (SBL. 235.00-2-6.1); and

WHEREAS, the Town Board seeks to commence coordinated review of this action and seeks to act as Lead Agency pursuant to the requirements of the State Environmental Quality Review Act ("SEQR"), New York State Environmental Conservation Law, Article 8 and 6 NYCRR Part 617; and

WHEREAS, the Town Board determines that it is the most appropriate agency to oversee the coordinated review of the Project, and will provide written notification to involved and interested agencies, for the purpose of making a determination of significance under SEQR regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans does hereby declare its intent to be designated as Lead Agency for this Project; and

BE IT FURTHER RESOLVED, that the Town of Evans Planning Department is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Friday, June 20, 2025.

ROLL CALL VOTE: