

Evans Town Board

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

PRESENT:	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Deputy Supervisor

ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2023 #383 Enter Executive Session

Deputy Supervisor George moved and Councilman Schraft seconded,

WHEREAS: the Evans Town Board wishes to enter Executive Session, and;

BE IT RESOLVED: that the public shall be excluded from discussion of and action upon hereinafter specified subject matter.

The general nature of the subject matter to be discussed as follows: matters relating to collective negotiations under the Taylor Law.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, and Kelly Kent, Human Resources are invited to attend the Evans Town Board Executive Session.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	Aye

RESOLUTION 2023 #384 Accept Minutes

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of August 2, 2023 and August 8, 2023 dispensed with and accepted as submitted by the Town Clerk.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	Aye

PUBLIC HEARING

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 August 16, 2023 at 7:10 P.M. via a Zoom and/or In-person Public Meeting to consider the adoption of Proposed Local Law #8 of the year 2023 which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) - Provision for Official Zoning Map, for the purpose of rezoning a 20.485± acre vacant parcel on Sturgeon Point Road, near the corner of Delamater Road, Angola, NY 14006 a part of SBL# 206.00-5-37.1 from Rural Residential (RR) to Rural Agriculture (RA) on the Town’s official map. 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 or Wednesday from 9am - 5pm and the Town’s website www.townofevans.org on or after August 4, 2023. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@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 Public Hearing to be held aforesaid.

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

RESOLUTION 2023 #385 Open the Public Hearing

Deputy Supervisor George moved and Councilman Macko seconded to open the public hearing.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	Aye

There was nobody wishing to speak in favor or opposition

RESOLUTION 2023 #386 Close the Public Hearing

Deputy Supervisor George moved and Councilman Schraft seconded to close the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Reitz Aye
 Councilman Macko Aye
 Councilman Schraft Aye
 Deputy Supervisor George Aye

Jeff Magavern explained the project
 Michael J. Ellis, Rich Fox spoke in favor
 Thomas Uhl spoke about the project
 Patricia Fulcher and Diane Winters spoke in opposition
 Anthony Casucci needed more information

RESOLUTION 2023 #387 SEQR Lead Agency Proposed Local Law #8 - Uhl

Councilman Schraft moved and Deputy Supervisor George seconded;

WHEREAS, David J & Theresa M DiPietro, property owners, and Thomas & Patricia Snyder Uhl, potential buyers, have requested that the Town Board of the Town of Evans rezone a 20.485+ acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road from Rural Residential (RR) to Rural Agriculture (RA) for the purpose of operating a small farm and spreading compost, part of SBL# 206.00-5-37.1; and

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

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #8 of the year 2023; and

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

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Reitz Aye
 Councilman Macko Aye
 Councilman Schraft Aye
 Deputy Supervisor George Aye

RESOLUTION 2023 #388 SEQR Proposed Local Law #8 - Uhl

Deputy Supervisor George moved and Councilman Reitz seconded;

WHEREAS, the Town Board of the Town of Evans held a public hearing on August 16, 2023 for consideration of the rezone of a 20.485+ acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road from Rural Residential (RR) to Rural Agriculture (RA) for the purpose of operating a small farm and spreading compost, part of SBL# 206.00-5-37.1; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #8 of 2023 and recommended the rezone for approval by a unanimous vote at their July 26, 2023 public

meeting for reasons that the action is consistent with the Town of Evans Comprehensive Plan, is in character with the surrounding community, will constitute the use of an underutilized property and is not expected to result in any significant adverse impacts; and

WHEREAS, the Planning Department submitted a full statement of the proposed action to the Erie County Division of Environment and Planning pursuant to GMU Section 239-M, which was deemed a matter of local concern; 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 #8 of the year 2023, as amended, which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law, and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) - Provision for Official Zoning Map, for the purpose of rezoning the 20.485+ acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road on the Town’s official zoning map be adopted as Local Law # 8 of the year 2023;

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning, Assessment and Code Enforcement Offices.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #389 Adopt Local Law #8 2023 - UHL

Deputy Supervisor George moved and Councilman Reitz seconded;

WHEREAS, David J & Theresa M DiPietro, property owners, and Thomas & Patricia Snyder Uhl, potential buyers, have requested that the Town Board of the Town of Evans rezone a 20.485+ acre vacant parcel on Sturgeon Point Road near the corner of Delamater Road from Rural Residential (RR) to Rural Agriculture (RA) for the purpose of operating a small farm and spreading compost, part of SBL# 206.00-5-37.1; 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 rezone 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 Local Law #8 of 2023.

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #390 Town Clerk's Reports

Deputy Supervisor George moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of July 2023:

Town Clerk Report	\$76,891.46
Interest	\$4.90
Greenspace Fee	\$700.00
Petty Cash	\$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #391 Authorize Town Justice Cooper to attend NYS Magistrates Annual Conference

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS; Town Justice Moira Cooper requests permission to attend the New York State Magistrates Association 113th Annual Conference; and

WHEREAS; said annual conference will be held in Syracuse, New York from Sunday, October 1, 2023 to Wednesday, October 4, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Judge Moira Cooper, 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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #392 Grandview Bay WMU Project Sub Division Plat Review

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, the Town Board has reviewed the proposed revision to the previously approved subdivision plat prepared by Grandview Bay, LLC. (the “Applicant”); and

WHEREAS, the applicant is requesting to revise the previously approved plat from the development of 8 separate tax parcels to 6 parcels for the purpose of retaining and renovating the existing restaurant building, constructing a new mixed use building, and constructing 4 single family homes located along the waterfront portion of the site; and

WHEREAS, per Section 178-6.b of the Town Code pertaining to procedures for obtaining subdivision approval, the Planning Board shall review the plat for compliance with Town requirements as well as SEQR and make its recommendation to the Town Board; and

WHEREAS, the Planning Board carefully reviewed the proposed site plan amendment and considered all of the criteria for determination of significance listed in the SEQR regulations and approved the revised site plan at their meeting on May 24, 2023 and has found that the proposed action is not anticipated to result in any significant adverse impacts to the environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby accepts Planning Board’s recommendation and approves the amendment to the subdivision plat; and

BE IT FURTHER RESOLVED, that the Town Board issues a negative declaration, thereby concluding that the amendment to the previously approved plat will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	Aye

RESOLUTION 2023 #393 Appointments to Climate Smart Committee

Councilman Reitz moved and Councilman Macko seconded;

BE IT RESOLVED, effective immediately, Dr. Joseph Mecca and Ken West is hereby appointed to the Town of Evans Climate Smart Committee.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	Aye

RESOLUTION 2023 #394 Approve IBEW Proposed Collective Bargaining Successor Agreement

Deputy Supervisor George moved and Councilman Macko seconded;

WHEREAS, the collective bargaining agreement between the Town of Evans and the International Brotherhood of Electrical Workers Local 41 (hereinafter "IBEW") expired on December 31, 2017; and

WHEREAS, the Town of Evans and IBEW have negotiated a proposed collective bargaining agreement for the period of January 1, 2018 through December 31, 2025; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby approves the proposed collective bargaining agreement with IBEW for the period of January 1, 2018 through December 31, 2025; and

FURTHER BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute the above referenced proposed agreement between IBEW and the Town of Evans, on behalf of the Town of Evans.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	Aye

RESOLUTION 2023 #395 Budget Amendment - Highway

Councilman Schraft moved

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

WHEREAS, the Town finds it necessary to amend the 2023 budget to recognize the receipt of funds associated Resolution 2022 #463 (Heavy Duty In-Ground Lift) - Highway Department;

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

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

Increase:	
DB.5100.220	\$324,710.13

RESOLUTION 2023 #396 Table Budget Amendement - Highway

Councilman Schraft moved and Councilman Macko seconded to Table the resolution for the Highway Budget Amendement

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #397 Suspend the Rules of Order

Deputy Supervisor George moved and Councilman Schraft seconded;

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #398 Part Time Laborer Appointments - Highway Department

Councilman Macko moved and Councilman Schraft seconded,

BE IT RESOLVED, effective September 11th, 2023, the following individuals are to be appointed as PT Seasonal Laborers 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 indicated below;

<u>NAME</u>	<u>SALARY</u>
Russell Dean	\$15.20; and
Cameron Skinner	\$15.20; 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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #399 Town Licenses

Councilman Schraft moved and Councilman Reitz seconded,

- 1) Dance Connection 1 George Nablo Pkwy, Derby, NY 14047 - Special Event - 8/26/2023
- 2) Matt Shaw D/B/A Skylighters of NY LLC 8234 Lake Shore Road Angola 9/2/2023 - Fireworks

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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #400 Audit of Bills

Deputy Supervisor George moved and Councilman Macko seconded that all properly audited bills be paid out of their respective accounts as follows:

<u>AUDIT OF BILLS</u>	
DATE	8/17/2023
ABSTRACT NO.	15
VOUCHER NO.	12986 - 13063
CHECK NUMBERS	86127 - 86192
APPROVED AT	Board Meeting
DATE	8/16/2023
GENERAL	\$158,924.09
PART TOWN	\$3,603.24
HIGHWAY DB	\$26,213.20
WATER	\$2,194.11
CAPITAL PROJECTS	\$618,054.42
SPECIAL DISTRICTS	\$25.00
DEBT SERVICE	
TOTAL	\$809,014.06

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #401 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Wednesday, September 6, 2023 at 6:00pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of David Sippell.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	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 RMC
Town Clerk