

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
	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2023 #135 Enter Executive Session

Deputy Supervisor 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: employment history of a particular Individual.

NOW THEREFORE BE IT RESOLVED: Lynn Krajacic, Town Clerk, Kelly Kent, Senior Personnel Clerk and Ken Farrell, Town Attorney 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 #136 Accept Minutes

Deputy Supervisor George moved and Councilman Reitz seconded that the reading of the minutes of February 15, 2023 be dispensed with and accepted as submitted by the Town Clerk.

Communications

William Smith Evans Minor Subdivision Review Committee RE: dividing a 55.78± acre parcel to create 4 parcels; a 0.8± acre parcel, a 1.0± acre parcel, a 1.0± acre parcel and a 52.89± acre parcel all with frontage on Cradle Avenue, Angola NY, SBL# 235.09-5-1.111. Petitioner: Marguerite Hogg, 676 Cradle Avenue, Angola NY 14006.

RESOLUTION 2023 #137 Declare Lead Agency and SEQR Negative Declaration - Hogg

Councilman Schraft 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 February 23, 2023, 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 impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be 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# 235.09-5-1.111, dividing a 55.78± acre parcel to create:

1. a 0.8± acre parcel with 200± feet of frontage on Cradle Avenue,
2. a 1.0± acre parcel with 200± feet of frontage on Cradle Avenue,
3. a 1.0± acre parcel with 200± feet of frontage on Cradle Avenue, and
4. a 52.89± acre parcel with 1,267.72± feet of frontage on Cradle Avenue.

Petitioner: Marguerite Hogg, 676 Cradle Avenue, 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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #138 Minor Subdivision Approval - Hogg

Councilman Macko moved and Deputy Supervisor George seconded;

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, 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# 235.09-5-1.111, dividing a 55.78± acre parcel to create:

1. a 0.8± acre parcel with 200± feet of frontage on Cradle Avenue,
2. a 1.0± acre parcel with 200± feet of frontage on Cradle Avenue,
3. a 1.0± acre parcel with 200± feet of frontage on Cradle Avenue, and
4. a 52.89± acre parcel with 1,267.72± feet of frontage on Cradle Avenue.

Petitioner: Marguerite Hogg, 676 Cradle Avenue, Angola NY 14006

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #139 Assessment Review Board Appointment

Councilman Reitz moved and Deputy Supervisor George seconded;

WHEREAS; the Town of Evans Board of Assessment Review has one (1) vacancy due to resignations; and

WHEREAS; the Town desires to fill the vacancy for the remainder of the terms for those specific vacancy;

BE IT RESOLVED; effective immediately, that Laura Smith is hereby appointed to the Town of Evans Board of Assessment Review for the term ending September 30, 2023; and

FURTHER, BE IT RESOLVED; the above referenced appointments shall not receive compensation from 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 #140 Advertise RFP for 2023 Emergency Tree Removal Services

Deputy Supervisor George moved and Councilman Schraft seconded;

WHEREAS, the Town of Evans is issuing a Request for Proposals (RFP) for the 2023 Emergency Tree Removal Services for the purpose of removing Town owned trees from Town property and completing stump grinding afterwards; and property maintenance

WHEREAS, a full copy of the Request for Proposal shall be available by emailing the Consulting Town Engineer from Clark Patterson Lee, Steve Tanner at stanner@cplteam.com;

RESOLVED, the Evans Town Board shall authorize the Town Clerk to advertise a Request for Proposal regarding the above reference project; and

BE IT FURTHER RESOLVED, that sealed proposals are due to the Town of Evans Town’s Clerk Office at 8787 Erie Road, Angola, NY 14006 by 2:00 p.m. (local time) on Tuesday, March 21, 2023, at which time the sealed proposals will be opened as amended.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #141 Appointment of Planning Board Member

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, there is a currently vacancy on the Evans Planning Board; and

WHEREAS, Joseph M. Mesi meets the membership requirements of the Evans Planning Board being a resident of the Town and having work experience as a business owner and licensed contractor on large scale projects; and

WHEREAS, the Planning Director, William Smith has recommended the appointment of Joseph M. Mesi to fill the remainder of the term previously held by Michael Connors; and

WHEREAS, Joseph M. Mesi has agreed to serve as a member of the Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Evans Town Board hereby appoints Joseph M. Mesi as a member of the Evans Planning Board for a term which will expire on December 31, 2027 and

FURTHER BE IT RESOLVED, a copy of this resolution will be given to the Town Clerk's office for record.

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

RESOLUTION 2023 #142 Hourly Adjustment for Part Time Employee

Councilman Macko moved and Deputy Supervisor George seconded;

WHEREAS, with the increased volume in passport applications, there is a need for an additional Passport Agent in the Evans Town Clerk's office; and

WHEREAS, Ruth Davis has begun the process of training for the above referenced Passport Agent duties; and

WHEREAS, Town Clerk Lynn Krajacic will inform Human Resources/Payroll of the completion of said training;

NOW, THEREFORE, BE IT RESOLVED, upon completion of the Passport Agent training, Ruth Davis will assume the responsibilities of the aforementioned service; and

FURTHER BE IT RESOLVED, her hourly rate will be adjusted to \$16.70 per hour to reflect these additional duties.

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

RESOLUTION 2023 #143 Notary Training Reimbursement

Councilman Reitz moved and Councilman Schraft seconded;

WHEREAS, Town of Evans employees enrolled in on-site notary training course; and

WHEREAS, the training was held on Friday, February 24, 2023 at the Evans Town Hall at a cost of \$50.00 per person, paid by the employee;

NOW, THEREFORE, BE IT RESOLVED, the following employees, who have successfully completed the training, will be reimbursed \$50.00 each, which is the cost of the training per person:

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

RESOLUTION 2023 #144 Town Board Members Provided Requested Documentation

Deputy Supervisor George moved

WHEREAS, the Town Board is the legislative body of the Town of Evans and as per NYS Town Law, general powers of the Town Board include, but are not limited to, adopting budgets, managing and controlling Town finances and Town property, establishing policies and procedures, and adopting local laws; and

WHEREAS, Town Board members requesting documentation for review to perform and/or carry out the duties of their office shall direct all such request(s) to the appropriate Department Head;

NOW, THEREFORE, BE IT RESOLVED, Town Board members shall be provided with a copy of requested documentation solely necessary to address items appearing on the current agenda for the upcoming Town Board meeting, as long as such document(s) are not of a confidential nature or fall within a recognized exemption under the Freedom of Information Law, and

FURTHER, BE IT RESOLVED, if there is a question regarding whether documentation requested is of a confidential nature and/or exempt under the Freedom of Information Law, the Department Head shall not deliver such documents and notify the Town Supervisor accordingly; and

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to all Department Heads.

Failed for Lack of a "second"

RESOLUTION 2023 #145 Motion to Amend Resolution #144 Town Members Provided Requested Documentation

Councilman Macko moved and Councilman Schraft seconded to Amend Resolution #144 Town Board Members Provided Requested Documentation

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

RESOLUTION 2023 #146 Town Board Members Provided Requested Documentation as Amended

Deputy Supervisor George moved Councilman Macko seconded,

WHEREAS, the Town Board is the legislative body of the Town of Evans and as per NYS Town Law, general powers of the Town Board include, but are not limited to, adopting budgets, managing and controlling Town finances and Town property, establishing policies and procedures, and adopting local laws; and

WHEREAS, Town Board members requesting documentation for review to perform and/or carry out the duties of their office shall direct all such request(s) to the appropriate Department Head;

NOW, THEREFORE, BE IT RESOLVED, Town Board members shall be provided with a copy of requested documentation as long as such document(s) are not of a confidential nature or fall within a recognized exemption under the Freedom of Information Law, and

FURTHER, BE IT RESOLVED, if there is a question regarding whether documentation requested is of a confidential nature and/or exempt under the Freedom of Information Law, the Department Head shall not deliver such documents and notify the Town Supervisor accordingly; and

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to all Department Heads.

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

RESOLUTION 2023 #147 Climate Smart Committee Appointment

Councilman Schraft moved

Be it resolved, effective immediately and upon successful completion of the mandated background checks for all Review Boards, Advisory Boards and/or Town Committees, Edward Schneider is hereby appointed to the 2023 Town of Evans Climate Smart Committee.

Failed for Lack of a Second

RESOLUTION 2023 #148 Table Resolution to Advertise Sturgeon Point Concession RFP

Councilman Schraft moved and Councilman Macko seconded;

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #149 Approve Town Licenses

Councilman Schraft moved and Councilman Macko seconded,

1.) Peter Muscarella D/B/A American Legion Post 928 - Refreshment, Amusement, & Live Band Commercial

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 #150 Audit of Bills

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

<u>AUDIT OF BILLS</u>	
DATE	3/2/2023
ABSTRACT NO.	5
VOUCHER NO.	12077 - 12148
CHECK NUMBERS	85369 - 85425
APPROVED AT	Board Meeting
DATE	3/1/2023
GENERAL	\$191,511.64

PART TOWN	\$841.82
HIGHWAY DB	\$43,658.62
WATER	\$2,653.74
CAPITAL PROJECTS	\$192,543.10
SPECIAL DISTRICTS	\$0.00
DEBT SERVICE	
TOTAL	\$431,208.92

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

RESOLUTION 2023 #151 Adjournment

Deputy Supervisor George moved and Councilman Schraft seconded to adjourn Wednesday, March 15, 2023 at 6:00pm for a Work Session and the Regular Meeting to follow.

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

**OBSERVER
AFFIDAVIT OF PUBLICATION**

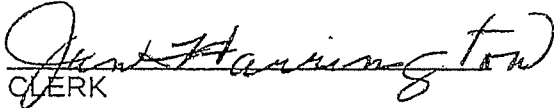
Observer
10 E SECOND ST
(716) 366-3000

I, JAN HARRINGTON, of lawful age, being duly sworn upon oath, deposes and says that I am the CLERK of Observer, a publication that is a "legal newspaper" as that phrase is defined for the city of DUNKIRK, for the County of CHAUTAUQUA, in the state of New York, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
8 Mar 2023

Notice ID: bmUWOtsAm2Ju8CDZU0Vc
Notice Name: Bid Emergency Tree Service

PUBLICATION FEE: \$27.62

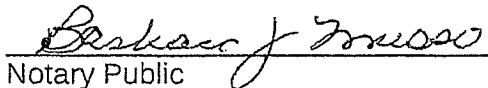

CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

10th day of March, A.D. 2023.


Notary Public

See Proof on Next Page

Notice to Bidders

**LEGAL NOTICE
NOTICE TO BIDDERS**

The Town of Evans is bidding for tree removal contractors for the purpose of removing town owned trees from town property and completing stump grinding afterwards for property maintenance purposes. The Town will ask for these removals as needed, however they will group tree removals and stump grinding so that the contractor will have a minimum of 4 trees or stumps to remove before they are called. Once trees are removed and stumps are ground, the areas shall be left clean and orderly, and the Town shall be notified.

A PDF copy of the complete RFP can be obtained by emailing the consulting Town Engineer, Steven R. Tanner, P.E. at stanner@cpTEAM.com. Sealed bids for the tree removal and stump grinding will be received and publicly opened at the stated date and time at the office of the Town Clerk of Evans, 8787 Erie Road, Angola, New York 14006 for the following project:

Project: 2023 Emergency Tree Removal Services

Contract Term: April 1, 2023 Through March 31, 2024.

Bid Opening: Tuesday, March 21, 2023 at 2:00pm

By: Order of the Town Board of the Town of Evans:
Mar 8, 2023

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 7/1/23