

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:	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2023 #355 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: employment history of a particular Individual.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, and Mike Franey, Dog Control Officer, 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 #356 Accept Minutes

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of July 19, 2023, July 27, 2023 be 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

Communications

William B. Smith, Director of Planning & Community Development Re: Rezone- Proposed rezone of a 20.485 ± acre vacant parcel from Rural Residential (RR) to Rural Agriculture (RA) on Sturgeon Point Road near the corner of Delamater Road, part of SBL# 206.00-5-37.1, for the purpose of operating a small farm and spreading compost. Petitioner: Thomas & Patricia Snyder Uhl, 4101 S 4000 West, West Haven, UT 84401.

RESOLUTION 2023 #357 Advertise for Public Hearing Local Law #8

Deputy Supervisor George moved and Councilman Macko seconded

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

WHEREAS, in a letter dated July 28, 2023 the Evans Planning Board voted unanimously to recommend said rezone from Rural Residential (RR) to Rural Agriculture (RA) at their July 26th meeting; and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Thomas & Patricia Snyder Uhl and David & Theresa DiPietro.

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 #8 of the year 2023, to be held on August 16, 2023 at 7:10pm for the consideration of said rezoning,

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning, Code Enforcement 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 #358 Remove and Dispose of Old Business #1 Appointment of Full Time Assistant Code Enforcement Officer.

Councilman Macko moved and Councilman Reitz seconded to Remove and Dispose of Resolution #1 on old business.

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

RESOLUTION 2023 #359 Remove Resolution's 5 and 6 from Old Business

Councilman Macko moved and Councilman Schraft seconded to move and act on resolutions 5 and 6 from old business.

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

RESOLUTION 2023 #360 (202b) Improvements to Be Made to The Town Of Evans Water District Nos. 1, 1x, 1xx, 2, 2x, 3, 4 And 5

Councilman Macko moved and Councilman Reitz seconded;

<p>Rescinded 8/8/2023</p>

WHEREAS, the Town Board (the "Town Board") of the Town of Evans, Erie County, New York (the "Town") is considering authorizing certain improvements to the facilities serving the Town of Evan's Water District Nos. 1, 1X, 1XX, 2, 2X, 3, 4 and 5 (collectively, the "Districts"), consisting of the replacement and installation of water mains throughout the Districts (collectively, the "Project"), all as more particularly described in an engineering report dated July 2023 prepared by CPL Engineers, engineers duly licensed by the State of New York (the "Engineers"), prepared at the direction of the Town Board and on file for inspection with the office of the Town Clerk, at an estimated maximum cost of \$13,525,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed \$13,525,000; and

WHEREAS, by resolution adopted on July 17, 2023 at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on July 27, 2023 at 9:00 a.m. at the Town of Evans Town Hall, 8787 Erie Road, Evans, Angola, New York 14006; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *The Observer*, an official newspaper of the Town, on July 18, 2023 and a copy of such notice was posted on the signboard maintained by the Town Clerk on July 18, 2023, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, by resolution adopted on July 27, 2023, immediately prior to the adoption of this resolution, the Town Board determined that the Project constitutes a "Type II" action under the

New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)(1)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated maximum cost of \$13,525,000, including the issuance of serial bonds and/or bond anticipation notes issued in anticipation of such serial bonds in an amount not to exceed \$13,525,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Erie, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

RESOLUTION 2023 #361 Serial Bonds of the Town to Undertake Certain Improvements - Bond Resolution

Councilman Schraft moved and Councilman Macko seconded;

**Rescinded
8/8/2023**

WHEREAS, the Town Board of the Town of Evans, Erie County, New York (the "Issuer" or the "Town") is considering authorizing certain improvements to the facilities serving the Town of Evan's Water District Nos. 1, 1X, 1XX, 2, 2X, 3, 4 and 5 (collectively, the "Districts"), consisting of the replacement and installation of water mains throughout the Districts (collectively, the "Project"), all as more particularly described in an engineering report dated July 2023 prepared by CPL Engineers, engineers duly licensed by the State of New York (the "Engineers"), prepared at the direction of the Town Board and on file for inspection with the office of the Town Clerk; and

WHEREAS, by resolution adopted on July 27, 2023, the Town Board determined that the Project constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)(1)) (collectively, "SEQRA") and

therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, by resolution adopted on July 27, 2023 immediately prior to the adoption of this resolution, and in accordance with Section 202-b of the Town Law of the State of New York, the Town Board determined it to be in the public interest to undertake the Project at an estimated maximum cost of \$13,525,000; and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to \$13,525,000 principal amount of serial bonds (including, without limitation, statutory installment bonds), or bond anticipation notes in anticipation of such bonds pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$13,525,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$13,525,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, (ii) the application of monies from a Water Infrastructure Improvement Act grant expected to be received by the Town from the State of New York Environmental Facilities Corporation with respect to the Project, (iii) the assessment, levy and collection of assessments or surcharges upon the benefited properties within the District, and (iv) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a

declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

RESOLUTION 2023 #362 Provisional Appointment of Building and Zoning Clerk

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS; a vacancy exists for a Building and Zoning Clerk; and

WHEREAS; Civil Service canvassing has been performed to fill the vacancy; and

WHEREAS; the Civil Service canvass did not lead to an acceptance by eligible candidates; and

WHEREAS; Human Resources, Kelly Kent and Code Enforcement Officer, John Flading conducted interviews;

NOW, THEREFORE, BE IT RESOLVED; that Alex Haley is hereby appointed provisionally as Building and Zoning Clerk for the Town of Evans, effective August 7, 2023, at an annual salary of \$55,551 and all terms and conditions of the IBEW #41 current collective bargaining agreement; subject to creation of the position of Building & Zoning Clerk pursuant to civil service law and

FURTHER, BE IT RESOLVED; all relative issues, rules and regulations will be understood to all parties' subject to Civil Service Law and the IBEW #41 collective bargaining agreement.

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

RESOLUTION 2023 #363 Authorize Code Enforcement Officer to Attend the Western Southern Tier Building Officials Association Conference (Wstboa)

Councilman Macko moved and Deputy Supervisor George seconded;

WHEREAS; Code Enforcement Officer John Flading requests permission to attend the Western Southern Tier Building Officials Association Conference; and

WHEREAS; said annual conference will be held in the Chautauqua Harbor Hotel, Celeron, New York from Wednesday, September 13, 2023 to Friday, September 15, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Code Enforcement Officer John Flading, 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 #364 WNY Imaging Copier(s) Agreements

Deputy Supervisor George moved and Councilman Reitz seconded;

WHEREAS, the lease/maintenance agreements between the Town of Evans and WNY Imaging are expiring for three (3) copiers (Mailroom, Police Department and Dispatch office); and

WHEREAS, there is a need to upgrade the Senior Center copier from black/white to a colored copier; and

WHEREAS, there is a one (1) year lease remaining on the Senior Center copier; and

WHEREAS, WNY Imaging will buy out the remaining one (1) year lease on the Senior Center copier; and

WHEREAS, all machines are comparable or superior to the existing machines; and

BE IT RESOLVED, the Town of Evans enter into renewal Lease/Maintenance agreements with WNY Imaging, located at 411 Maryvale Drive, Buffalo, New York 14225 for the period of 60 months at a cost of \$845.00 per month (which is a savings of \$209.59 per month) for the Town of Evans above referenced copiers; and

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute the above referenced agreements, upon the approval of the Town Attorney; and

FURTHER, BE IT RESOLVED, this resolution is resolved nunc pro tunc.

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

RESOLUTION 2023 #365 Authorize Assessor to Attend Assessors' Association Annual Conference

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS; the Assessor Jeneen Hill request permission to attend the New York State Assessors' Association Annual Conference and Organizational meeting; and

WHEREAS; said annual conference will be held in Saratoga, New York on October 2-6, 2023; and

WHEREAS; the Town Board recognizes Assessor Hill’s duties as the New York State Assessors’ Association Past President is to improve the standards of assessment practice; to promote professionalism; to provide a clearing house for the collection and distribution of useful information relating to the assessment of real property; to educate assessing officers; to engage in research and improve assessment technique and practice; to advocate for legislative proposals relating to assessing and taxation; to cooperate with other agencies interested in the improvement of tax administration throughout New York State.

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Assessor Jeneen Hill to preform her duties as the Past President of the New York State Assessors’ Association and attend said conference, installation and meetings and all appropriate and reasonable expenses shall be reimbursed by the New York State Office of Real Property Tax Services with remaining training expense balance to be split between Town of Evans, Collins and North Collins equally not to exceed \$400.00 per town.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #366 Evans Center Volunteer Fire Company, Inc. - Losap Approval Form for 2022

Councilman Reitz moved and Councilman Macko seconded;

WHEREAS, an audit has been completed by the Town of Evans Finance Department for the Length of Service Award Program (“LOSAP”) for the 2022 Evans Center Volunteer Fire Company, Inc. records listing per Article 11-A for the New York State General Municipal Law.

BE IT RESOLVED, that the Evans Town Board hereby approves the 2022 Firefighter Records listing for Evans Center Volunteer Fire Company, Inc. and is authorized to execute the 2022 Sponsor Approval for as required by Article 11-A.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #367 Approve CSEA Collective Bargaining Agreement

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the collective bargaining agreement between the Town of Evans and Civil Service Employees Association Local 1000 AFSCME, AFL-CIO (hereinafter “CSEA”) expired on December 31, 2017; and

WHEREAS, the Town of Evans and CSEA have negotiated a proposed collective bargaining agreement for the period of January 1, 2018 through December 31, 2024; 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 CSEA for the period of January 1, 2018 through December 31, 2024; and

FURTHER BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute the above referenced proposed agreement between CSEA 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 #368 Adopt Town of Evans 2023 Updated Fee Schedule

Councilman Macko moved and Councilman Reitz seconded;

WHEREAS, all Town of Evans Departments have reviewed their fee schedules for the 2023 year; and

WHEREAS, some of those fees have been amended accordingly for the 2023 year;

NOW, THEREFORE, BE IT RESOLVED, effective immediately, the attached Town of Evans 2023 Fee Schedule is hereby approved and set forth by the Evans Town; (see attached)

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #369 Suspend the Rules of Order

Deputy Supervisor George moved and Councilman Reitz seconded, to suspend the rules of order for additional resolutions.

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

RESOLUTION 2023 #370 Appointment of Deputy Town Clerk

Councilman Reitz moved and Councilman Schraft seconded,

WHEREAS, due to a retirement of a Town of Evans employee, there is a vacant position in the Town Clerk’s Office; and

WHEREAS, is it the recommendation of the Town of Evans Town Clerk Lynn Krajacic to appoint Kristen Bauer as Deputy Town Clerk for the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED, effective August 7, 2023, the Evans Town Board hereby acknowledges the Town Clerk’s appointment of Kristen Bauer as Deputy Town Clerk, with salary and benefits to follow the IBEW CBA; and

BE IT FURTHER RESOLVED, the salary for the above referenced position is \$43,643 annually, paid bi-weekly, in accordance with the current IBEW #41 collective bargaining agreement; and

BE IT FURTHER RESOLVED, in conjunction with the above referenced appointment, that an additional annual stipend of \$1,150 (pro-rated from date of appointment (August 7, 2023) for the remainder of 2023), be paid bi-weekly, for the additional duty and responsibility of Subregistrar of Vital Statistics; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and IBEW #41 collective bargaining agreement; and

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

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

RESOLUTION 2023 #371 Amend Appointment of Deputy Town Clerk

Councilman Reitz moved and Councilman Schraft seconded,

WHEREAS, due to a Town of Evans employee accepting another position, there is a vacant position in the Town Clerk’s Office; and

WHEREAS, is it the recommendation of the Town of Evans Town Clerk Lynn Krajacic to appoint Kristen Bauer as Deputy Town Clerk for the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED, effective August 7, 2023, the Evans Town Board hereby acknowledges the Town Clerk’s appointment of Kristen Bauer as Deputy Town Clerk, with salary and benefits to follow the IBEW CBA; and

BE IT FURTHER RESOLVED, the salary for the above referenced position is \$43,643 annually, paid bi-weekly, in accordance with the current IBEW #41 collective bargaining agreement; and

BE IT FURTHER RESOLVED, in conjunction with the above referenced appointment, that an additional annual stipend of \$1,150 (pro-rated from date of appointment (August 7, 2023) for the remainder of 2023), be paid bi-weekly, for the additional duty and responsibility of Subregistrar of Vital Statistics; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and IBEW #41 collective bargaining agreement; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources as amended.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #372 Authorization to Execute Right of Way Agreements - Shoreline Trail Phase 4

Deputy Supervisor George moved and Councilman Schraft seconded,

WHEREAS, pursuant to Resolution 2023 #270, dated June 7, 2023, the Town previously authorized C & S Companies to provide the remaining design, engineering and right-of-way services for the Lake Erie Beach Multi-Use Trail (Phase 4) (herein and after known as the “Project”); and

WHEREAS, a portion of the construction of the Project will require the acquisition of additional land for right of way and construction, either by purchase, donation, or condemnation; and

WHEREAS, C & S Companies’ project engineer has identified specific real property which the County shall need to acquire in fee or as permanent easements or as temporary easements in order to accomplish this project; and

WHEREAS, acquisition of the land for right of way and temporary easements must be completed; and

WHEREAS, C & S Companies' has been negotiating with the owners of these necessary parcel portions for their acquisition as required for the construction of the Project; and

WHEREAS, based upon consult with the owners of certain real property located at 9497 and 9483 Lake Shore Road (Identified as FEE-02) and 9455 Lake Shore Road (Identified as FEE-03), the parties have agreed portions of these lands would be donated to the Town for the Project's right of way easements; and

WHEREAS, based upon examination of an appraisal for a portion of certain real property located at 216 Garfield Avenue (Identified as FEE-01), C & S Companies, in consult with the Town Planning Director, agree with the recommended compensation of \$1,600 for said property; and be it

RESOLVED, that the Town Board hereby authorizes C & S Companies to complete negotiations with the property owner of the above parcel for the acquisition of that portion of the real property on behalf of the Town at the recommended compensation fee; and, be it further

RESOLVED, the Town Board authorizes Acting Deputy Supervisor Thomas George to execute any purchase agreements for right-of-way incidental and acquisition costs relative to a portion of certain real property located at 216 Garfield Avenue (Identified as FEE-01), 9497 and 9483 Lake Shore Road (Identified as FEE-02) and 9455 Lake Shore Road (Identified as FEE-03), as a Town right of way in furtherance of the Lake Erie Beach Multi-Use Trail (Phase 4) project.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #373 Town Licenses

Councilman Schraft moved and Councilman Reitz seconded,

1) Dance Connection 1 George Nablo Pkwy, Derby, NY 14047 - Live Band Special Event - 8/26/2023

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 #374 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	8/3/2023
ABSTRACT NO.	14
VOUCHER NO.	12901 - 12985
CHECK NUMBERS	86059 - 86126
APPROVED AT	Board Meeting
DATE	8/2/2023
GENERAL	\$61,152.70
PART TOWN	\$718.40
HIGHWAY DB	\$344,405.86
WATER	\$9,682.74
CAPITAL PROJECTS	\$816,905.84
SPECIAL DISTRICTS	\$117,278.32
DEBT SERVICE	
TOTAL	\$1,350,143.86

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #375 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Tuesday, August 8, 2023 8am for a Special Meeting and then to Wednesday, August 16, 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

Alex Haley
Deputy Town Clerk