Meeting #6
Regular X Special _____

Wednesday March 18, 2026

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:** March 4, 2026 Regular Town Board Meeting Minutes	
V	**Communications:**	
VI	**Public Hearing & Bid Opening:** 1.) Proposed Local Law # 1 - Keeping of Chickens in Residential Districts 2.) Proposed Local Law # 2 - Provisions Applicable to All Residential Districts: Permitted Locations for Parcels Abutting Navigable Waterways"	
VII	**Committee & Department Head Reports:**	
VIII	**Town Clerk's Reports:** February 2026 Town Clerk Report $ 131,019.04 Interest $ 4.01 Greenspace Fee $ 2,800.00 Petty Cash $ 650.00	
IX	**Old Business:**	
X	**Privilege of the Floor:**	
XI	**Resolutions** 1.) Adopt Proposed Local Law # 1 as Local Law # 1 of 2026 - New Section Chapter 200-17- Chickens 2.) Adopt Proposed Local Law #2 as Local Law # 2 of 2026 - Amend Town Code Section 200-17 I 3.) Appointment of Part Time Crossing Guard 4.) Declaring Intent to Act as SEQR Lead Agency - Commercial Street Major Subdivision 5.) Approve Lead Agency for SEQR Minor Subdivision - Sager 6.) Approval of Minor Subdivision - Sager 7.) Approve Property Maintenance Fees - Board Up Opening and Close Up of Inground Pool 8.) Approve Property Maintenance Fees - Grass Cutting 9.) Authorization to Advertise for Property Maintenance Services Town of Evans 2026 10.) Authorization to Advertise for RFP for 2026 Emergency Tree Removal Services 11.) Formation of Town of Evans Local Development Corporation (LDC)	
XII	**Licenses:** 1.) The Bagel Jar (Refreshment) 2.) David Jacobson d/b/a Pat's Pizzeria (Refreshment) 3.) American Legion Post 928 (Refreshment, Amusement, Live Band - Commercial) 4.) Overseas Vets of Evans (VFW) (Refreshment)	
XIII	**Audit of Bills:**	
XIV	**Adjournment to:** Wednesday April 1, 2026 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:	John Wilson	Councilman
	Laurie Reitz	Councilman (Zoom)
	Steve Paluch	Councilman
	Jonica DiMartino	Councilman
	Raymond Ashton	Supervisor
ALSO PRESENT:	Kristen Bauer	Deputy Town Clerk
	Brittanylee Penberthy	Town Attorney

RESOLUTION 2026 #108 Accept Minutes

Supervisor Ashton moved and Councilman Wilson seconded that the reading of the February 18, 2026 Town Board Meeting minutes be dispensed with and accepted as submitted by the Town Clerk.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Wilson	Aye
	Councilman Reitz	No Vote Due To Technical Difficulties
	Councilman Paluch	Aye
	Councilman DiMartino	Aye
	Supervisor Ashton	Aye

RESOLUTION 2026 #109 Appointment of Part Time Dispatcher

Councilman Paluch moved and Councilman DiMartino seconded,

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

WHEREAS, Bruce Green Jr. meets the qualifications to be a Public Safety Dispatcher and has previously held the title as P/T Public Safety Dispatcher with the Town of Evans and has recently retired after 23+ years of service with the Town of Evans Police Department as a Police Officer and Detective;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Bruce Green Jr., effective immediately, to the position of part time Public Safety Dispatcher with the Evans Police Department; at an hourly rate set forth in the 2026 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 Wilson	Aye
Councilman Reitz	No Vote Due to Technical Difficulties
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #110 Approval of Change Orders For Senior Center Window Project

Councilman Wilson moved and Supervisor Ashton seconded,

WHEREAS, the Town of Evans and Catalano Contracting entered into a contract, per an awarded bid, to complete the Town of Evans Senior Center window project;

WHEREAS, the following fourteen (14) change orders totaling to the amount of $50,496.77 (see below):

#1 8/20/2025 Louvers $ 1,050.00 $ 157.50 $ 1,207.50

#2 9/4/2025 Cabinet Demo $ 1,200.00 $ 180.00 $ 1,380.00

#3 9/17/2025 Window Jam/Sills $ 4,022.00 $ 603.30 $ 4,625.30

#4 9/17/2025 Plenum Boxes $ 5,629.25 $ .00 $ 5,629.25

#5 --- ------ ---- ---- $ .00

#6 9/17/2025 Mats $ .00 $ .00

#7 9/22/2025 Grates -$ 1,600.00 $ .00 -$ 1,600.00

#8 9/22/2025 Oval Window $ .00 $ .00

#9 9/22/2025 Oval Window $ .00 $ .00

#10 11/25/2025 Cabinet Carpentry $ 1,200.00 $ 180.00 $ 1,380.00

#11 12/1/2025 Interior Window Trim $ 9,215.00 $1,382.25 $10,597.25

(Material)

#12 12/1/2025 Gym Framing $ 6,261.00 $ 939.15 $ 7,200.15

#13 2/23/2025 Interior Window Trim $15,900.00 $2,385.00 $18,285.00

(Labor)

#14 2/23/2026 Additional Bonding $ 1,558.54 $ 233.78 $ 1,792.32

TOTAL $50,496.77;

WHEREAS, the $10,000 contingency was utilized to reduce the total increase to $40,496.77;

NOW, THEREFORE, BE IT RESOLVED, the Town of Evans Board authorizes the fourteen (14) change orders, which increases the above referenced project by $40,496.77 to a total of $484,088.78.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	No Vote Due to Technical Difficulties
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #111 Approve New Sign Purchase and Construction for Town of Evans Town Hall

Supervisor Ashton moved and Councilman DiMartino seconded,

WHEREAS, the Town of Evans is requesting to construct a new sign in front of the Evans Town Hall located at 8787 Erie Rd, Angola, NY 14006; and

WHEREAS, the Town of Evans Town Code Section 200-29(I)(1)9b)[6][c] does not allow a monumental sign to be any taller than 6 feet from grade without having a 6 foot open space from the lowest member of the sign (not including support structures) at the minimum setback of 10 feet from right of way; and

WHEREAS, the projected sign is 12 feet 1¼ inches tall from grade with an enclosed base and will be setback to a minimum of 15 feet from right of way; and

WHEREAS, this project pricing quote is a NYS Sourcewell Contract (#030223-DAK) through Toth's Sports, 71 Victor Heights Pkwy, Victor, NY 14564;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board hereby grants approval of the purchase and construction of the above referenced Town of Evans sign to be located at Evans Town Hall located at 8787 Erie Rd, Angola, NY 14006, to allow a monumental sign taller than 6 feet from grade with an enclosed base at a minimum setback of 15 feet from right of way; and

FURTHER BE IT RESOVLED, that the Town Board authorizes the Town Supervisor to sign all documents and agreements related to the purchase of the Town Hall sign, upon approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	No Vote Due to Technical Difficulties
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #112 Authorization to Advertise for Public Hearing - Evans Parks and Marina Master Plan

Councilman DiMartino moved and Councilman Wilson seconded,

WHEREAS, the Town procured Fisher Associates and team of subconsultants to provide various planning, architectural, engineering, research and public outreach services required to complete the Evans Parks and Sturgeon Point Marina Master Plan; and

WHEREAS, Fisher Associates have now prepared a complete draft of the Master Plan, which incorporates input received from the local community and the involved stakeholder committee, and includes conceptual plans and detailed recommendations for improvements; and

WHEREAS, the Master Plan outlines responsible capital and operational investments, while emphasizing functionality, universal design, sustainability, accessibility and resiliency; and

WHEREAS, the Evans Planning Board held a public meeting on January 28, 2026, and unanimously voted to recommend the adoption of the Evans Parks and Sturgeon Point Marina Master Plan; and

WHEREAS, in a letter dated February 27, 2026, 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 the adoption of the Evans Parks and Marina Master Plan, to be held on April 1, 2026 at 6:10p.m. for the consideration of said Master Plan; and

BE IT FURTHER RESOLVED that a draft of the Master Plan be made available for viewing on the Town's website and at the Office of the Evans Town Clerk.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye

Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #113 Authorization to Advertise for Public Hearing-Proposed Local Law #1
Councilman Paluch moved and Councilman Wilson seconded,

WHEREAS, the Evans Planning Board seeks to address the many requests for the keeping of chickens within residential zoning districts; and

WHEREAS, the Evans Planning Board held a public meeting on February 25, 2026 and voted to recommend for approval a Zoning Amendment to Chapter 200, Section 17 to include the keeping of up to six chickens on parcels within the Single Family Residential (R-1), Single Family Residential Lake (R-1-L) and Two Family Residential (R-2) zoning districts; and

WHEREAS, in a letter dated February 27, 2026, 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 # 1 of the year 2026, to be held on March 18, 2026 at 6:10p.m. for the consideration of said Zoning Amendment; and

BE IT FURTHER RESOLVED that a copy of the draft code be made available for viewing on the Town's website and at the Office of the Evans Town Clerk.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #114 Authorization to Advertise for Public Hearing-Proposed Local Law #2
Councilman Wilson moved and Councilman Paluch seconded,

WHEREAS, the Evans Planning Board seeks to address ongoing issues regarding viewshed obstructions constructed on parcels abutting navigable waterways; and

WHEREAS, the Evans Planning Board held a public meeting on February 25, 2026 and voted to recommend for approval a Zoning Amendment to Chapter 200, Section 17-I, regarding the permitted locations and heights of structures and fences on residential parcels abutting navigable waterways with the included diagram; and

WHEREAS, in a letter dated February 27, 2026, 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 2026, to be held on March 18, 2026 at 6:10p.m. for the consideration of said Zoning Amendment; and

BE IT FURTHER RESOLVED that a copy of the draft code be made available for viewing on the Town's website and at the Office of the Evans Town Clerk

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #115 Authorize Acceptance of Awarded Funds from NYSDOT Transportation Alternatives Program (TAP) for the Evans-Angola Multimdal Village to Shoreline Connector

Supervisor Ashton moved and Councilman DiMartion seconded,

WHEREAS, the New York State Department of Transportation (NYSDOT) has announced the availability of funding through the Transportation Alternatives Program (TAP) to assist municipalities with constructing pedestrian and bicycle infrastructure, implementing Complete Streets improvements, and enhancing multimodal transportation safety and connectivity across New York State; and

WHEREAS, the Town of Evans is eligible to apply for such funding and desires to undertake a project on Lake Street entitled "The Evans-Angola Multimodal Village to Shoreline Connector" (the "Project") in partnership with the Village of Angola; and

WHEREAS, the Project will involve the construction of sidewalks, bicycle safety improvements, drainage, enhanced highway crossings at NYS Route 5 and other roadway improvements on Lake Street connecting Main Street in the Village of Angola to the Evans Lake Shore Road Corridor; and

WHEREAS, the total Project cost is $4,370,000, of which the Town of Evans and the Village of Angola will jointly seek $3,496,000 in grant funding, and will collectively provide the required twenty percent (20%) match totaling $874,000; and

WHEREAS, the Town of Evans and the Village of Angola agree to split the required match as determined by mutual agreement based on the municipal bounds of the project, with a cost

share of $703,000 from the Town of Evans and $171,000 from the Village of Angola, and will contribute their respective share from eligible local funds toward the Project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes and directs the Supervisor to submit, jointly with the Village of Angola, a grant application to the New York State Department of Transportation (NYSDOT) Transportation Alternatives Program (TAP), and to execute all documents, contracts, and agreements necessary to carry out the Project and to comply with all applicable requirements, including any necessary intermunicipal agreements; and

BE IT FURTHER RESOLVED, that the Town Board hereby commits to providing 20% or $874,000 of the total project cost as the required local match, with $703,000to to be contributed by the Town of Evans and $171,000 to be contributed by the Village of Angola, and affirms that such match shall not include other State or federal grant funds; and

BE IT FURTHER RESOLVED, that the Town of Evans shall assume full responsibility for administering the Project, including managing the Project and making all payments to consultants, contractors, and vendors associated with the Project, and that all such expenditures shall be processed and disbursed solely by the Town in accordance with applicable laws, grant requirements, and established municipal financial procedures; and

BE IT FURTHER RESOLVED, that Ray Ashton, as Supervisor of the Town of Evans, is hereby authorized and directed to accept any awarded funds from the New York State Department of Transportation (NYSDOT) Transportation Alternatives Program (TAP) as part of the Town's joint grant application with the Village of Angola.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #116 Authorize Chief of Police to Attend 2026 NYS Association of Chiefs of Police Conference

Supervisor Ashton moved and Councilman Paluch seconded,

WHEREAS, Chief of Police Gregory Szarowicz has requested permission to attend the 2026 New York State Association of Chiefs of Police Conference; and

WHEREAS, the conference will be held in Lake Placid New York from May 17th- May 20th 2026; and

WHEREAS, conference registration and hotel reservations are required in advance to secure attendance;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby approves the request of the Chief of Police to attend the conference and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #117 Awarding Bid For Sturgeon Point Marina Dredging

Councilman Paluch moved and Councilman Wilson seconded,

WHEREAS, bids were solicited for the Sturgeon Point Marina Dredging Project in the Town of Evans; and

WHEREAS, bids were received and opened on February 26, 2026 at 2:00 P.M., in accordance with the revised date in Addendum 1; and

WHEREAS, the lowest responsible bid was submitted by Stock Service, 727 Bennett Road, Angola, NY 14006; and

WHEREAS, CPL has reviewed and discussed the bid from Stock Service and have confirmed the company's understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by Stock Service was $82,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Sturgeon Point Marina Dredging Project to Stock Service, 727 Bennett Road, Angola, NY 14006; and

BE IT FURTHER RESOLVED, that Supervisor Ray Ashton is authorized to execute any necessary contract documents regarding said bid award upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #118 Budget Transfer - Town Hall Sign

Councilman Wilson moved and Supervisor Ashton 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 the purchase of the Evans Town Hall sign:

Transfer From:

A.1990.0400.00 Contingent $94,667.00

Transfer To:

A.1620.0412.0000 Facilities Maintenance $94,667.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #119 Audit of Bills

Councilman DiMartino moved and Supervisor Ashton seconded;

AUDIT OF BILLS

DATE	3/5/2026
ABSTRACT NO.	5
VOUCHER NO.	18463-18579
CHECK NUMBERS	90769-90867
APPROVED AT	Board Meeting
DATE	3/4/2026
GENERAL	$220,885.55
PART TOWN	$6,696.53
HIGHWAY DB	$123,734.81
WATER	$2,218.59
CAPITAL PROJECTS	$101,624.84

SPECIAL DISTRICTS	$1,153,158.94
TOTAL	**$1,608,319.26**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #120 Enter Executive Session

Supervisor Ashton moved and Councilman DiMartino 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: William Smith, John Flading, and William Reece are invited to attend the Evans Town Board Executive Session.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	Aye
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

RESOLUTION 2026 #121 Adjournment

Supervisor Ashton moved and Councilman DiMartino seconded to adjourn to Wednesday, March 18, 2026 at 6:00pm for a Work Session and the Regular Meeting to follow.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Wilson	Aye
Councilman Reitz	No Vote Due to Technical Difficulties
Councilman Paluch	Aye
Councilman DiMartino	Aye
Supervisor Ashton	Aye

(Councilman Reitz was on Zoom and there was technical difficulties)

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

TOWN OF EVANS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Evans on March 18, 2026, at 6:10 P.M. in the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the following: Amending Chapter 200 of the Evans Town Code, entitled "Zoning." Specifically, Section 17 of Chapter 200, entitled "Provisions applicable to all residential districts," will be amended to include "Keeping of Chickens in Residential Districts." The full text of said local law shall be available for inspection at the Evans Town Hall during normal business hours (Monday, Tuesday, Thursday, Friday 8:00 a.m. -4:00 p.m.; Wednesday 9:00 a.m-5:00 p.m.) and on the Town of Evans website: www.townofevansny.gov. Click on Legal Notices and Bids under the Document Center. Residents are encouraged to attend. Questions and comments may also be forwarded via USPS to the Evans Planning Office at 8787 Erie Road, Angola, NY 14006 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 interested parties 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.

Lynn M. Krajacic
Town Clerk
Town of Evans

TOWN OF EVANS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Evans on March 18, 2026, at 6:10 P.M. in the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the following: Amending Chapter 200 of the Evans Town Code entitled "Zoning," specifically Section 17 I of Chapter 200 entitled "Provisions applicable to all residential districts: Permitted locations for parcels abutting navigable waterways." The full text of said local law shall be available for inspection at the Evans Town Hall during normal business hours (Monday, Tuesday, Thursday, Friday 8:00 a.m.-4:00 p.m.; Wednesday 9:00 a.m-5:00 p.m.) and on the Town of Evans website: www.townofevansny.gov. Click on Legal Notices and Bids under the Document Center.

Residents are encouraged to attend. Questions and comments may also be forwarded via USPS to the Evans Planning Office at 8787 Erie Road, Angola, NY 14006 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 interested parties 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.

Lynn M. Krajacic
Town Clerk
Town of Evans

TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

February 2, 2026

Raymond Ashton, Supervisor
8787 Erie Road
Angola, New York 14006

Dear Supervisor Ashton,

Per transfer through NBT Bank, $133,823.05 was transferred to the Town of Evans Savings & Green Space account.

This represents the following:

Town Clerk February 1, 2026 - February 28, 2026	$131,019.04
Interest Earned on Checking Account February 1, 2026 - February 28, 2026	$ 4.01
Greenspace Fees/Trust & Agency Account February 1, 2026 - February 28, 2026	$ 2,800.00
Petty Cash Fund Balance	$ 650.00

These funds were received by me as Town Clerk for the Town of Evans.

Best Regards,

Lynn Krajacic
Town Clerk

Cc: Finance Dept
Councilman Wilson
Councilman DiMartino
Councilman Paluch
Councilman Reitz

Res 1 pg 1

Resolution – Adopt Proposed Local Law #1 as Local Law #1 of 2026 – (Amend Town Code Chapter 200-17 (New Section) – Chickens in Residential Districts

WHEREAS, the Town Board of the Evans is considering amending Town Code § 200-17 to include a new provision entitled "Keeping of Chickens in Residential Districts," which would permit the limited keeping of chickens in residential zoning districts within the Town; and

WHEREAS, the Town Board recognizes that small-scale backyard poultry keeping has become increasingly common in residential communities as a means of promoting local food production, sustainability, and household self-sufficiency; and

WHEREAS, the Town Board believes that establishing clear standards and regulations governing the keeping of chickens in residential districts will provide guidance to residents, reduce uncertainty in enforcement of the Town Code, and ensure that such activity is conducted in a manner that minimizes potential nuisances such as noise, odor, and improper animal care; and

WHEREAS, the Town Board further finds that allowing the keeping of chickens under properly defined conditions can promote responsible animal husbandry, support residents interested in sustainable food practices, and remain compatible with the residential character of neighborhoods within the Town; and

WHEREAS, the Planning Board of the Town of Evans has reviewed the proposed amendment and its recommendation from the Evans Code Review Committee, and has thereafter recommended the adoption of Local Law #1 of the Year 2026; and

WHEREAS, a duly scheduled public hearing was set for March 18, 2026, 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 March 18, 2026 at 6:10 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. 1 of 2026 amending Chapter 200-17 of the Code of the Town of Evans (new section - "Keeping of Chickens in Residential Districts") be and hereby is adopted; and

BE IT FURTHER RESOLVED, that Local Law No. 1 of 2026 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 as follows:

SECTION 1. Supplementing Chapter 200-17 (hereinafter a new subsection within Chapter 200-17 titled "Keeping of Chickens in Residential Districts"), of the Evans Town Code is hereby amended to add the underlined words and delete those struck through as follows:

200-17(new subsection) <u>Keeping of Chickens in Residential Districts. A. Permitting.</u>

A permit from the Town of Evans Building Department may be granted for any person desiring to harbor, house, keep, maintain, or care for poultry of the female gender not to exceed six in number, provided the following conditions exist:
(1) All pens, coops, or any other spaces or areas of confinement for the poultry cannot be nearer than 15 feet from any lot line and 10 feet from any structure.
(2) A diagram, sketch, or rendering of the intended confinement structure must be provided to the Code Enforcement Office.
(3) Chicken must be contained in an enclosure at all times and are not allowed to run freely.
(4) All coops, confinements or enclosures are prohibited to be located in the front yard of such property.
(5) No odor shall be detectable at the property line.
(6) Feed must be stored in secure containers, unsecured excess feed shall not be allowed. Scattering of food on the ground is prohibited.
(7) There shall be no outdoor slaughtering of chickens.
(8) Proper disposal of waste in municipal garbage or closed-compost is a requirement.
(9) Subject to any other regulations by the County, State, DEC, and any other Town regulations.
B. Definitions. As used in this section, the following terms shall have the meanings indicated:
COOP
A small enclosure for housing poultry that must be durable and provide proper ventilation for the animals.

ROLL CALL VOTE:

Res 2
Pg 1

Resolution – Adopt Proposed Local Law #2 as Local Law #2 of 2026 – (Amend Town Code Section 200-17-I – Permitting locations for parcels abutting navigable waterway)

WHEREAS, the Town Board of the Evans is considering amending Town Code § 200-17(I), titled "Permitted locations for parcels abutting navigable waterways," for the purpose of better preserving viewsheds along navigable waterways in residential zoning districts within the Town; and

WHEREAS, the Town has identified concerns that certain fences, structures, and improvements constructed on parcels abutting navigable waterways may obstruct viewsheds enjoyed by neighboring properties and the surrounding waterfront area; and

WHEREAS, the Evans Code Review Committee has reviewed these concerns and recommended an amendment to Section 200-17(I) of the Town Code addressing the permitted locations and heights of fences and similar structures on residential parcels abutting navigable waterways; and

WHEREAS, the Planning Board of the Town of Evans has reviewed the proposed amendment to Section 200-17(I) of the Town Code addressing the permitted locations and heights of fences and similar structures on residential parcels abutting navigable waterways and its recommendation from the Evans Code Review Committee, and has thereafter recommended the adoption of Local Law #2 of the Year 2026; and

WHEREAS, a duly scheduled public hearing was set for March 18, 2026, 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 March 18, 2026 at 6:10 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. 2 of 2026 amending Chapter 200-17(I) of the Code of the Town of Evans ("Permitted locations for parcels abutting navigable") be and hereby is adopted; and

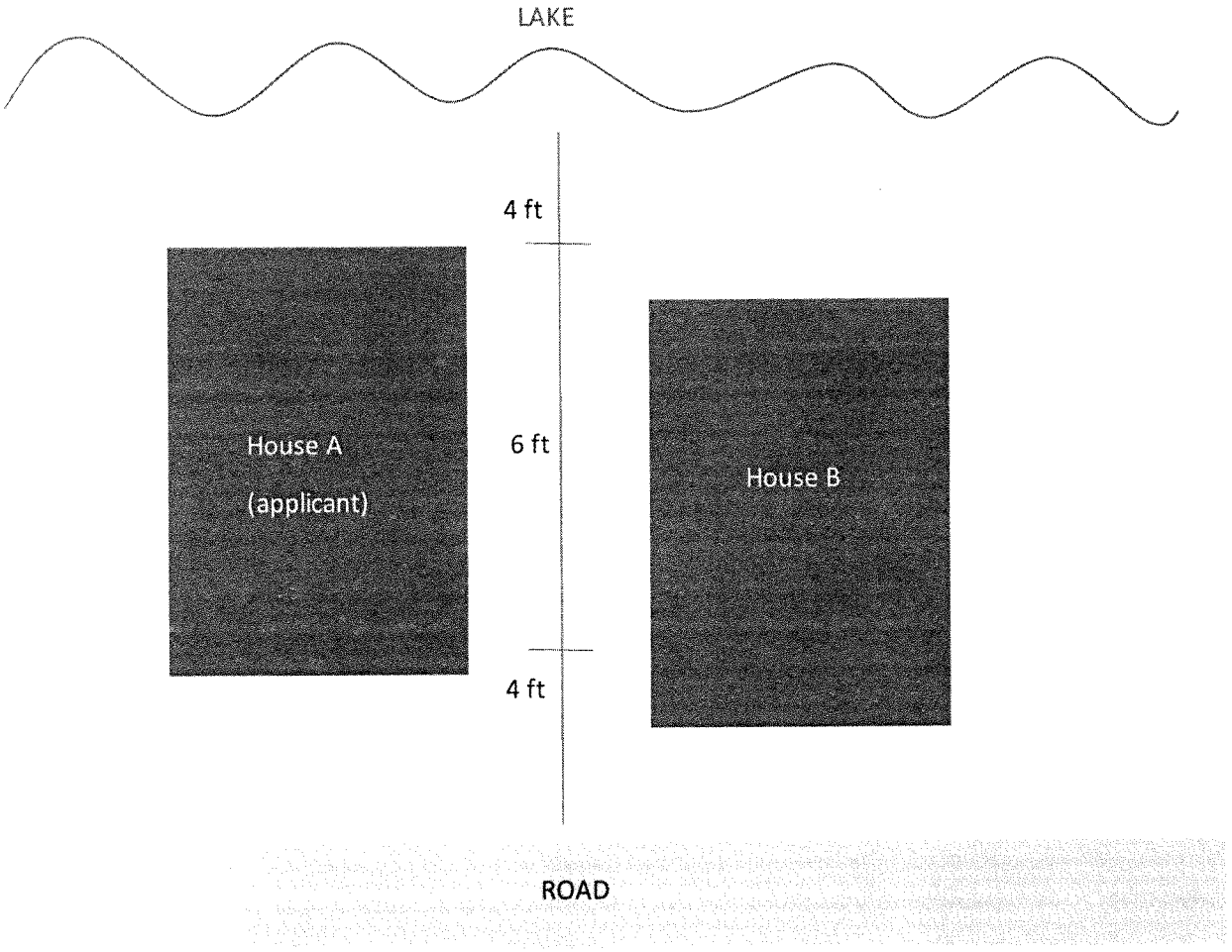
BE IT FURTHER RESOLVED, that Local Law No. 2 of 2026 shall take effect twenty (20) days after filing with the Secretary of State of the State of New York, and

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

SECTION 1. Amending Chapter 200-17(I) ("Permitted locations for parcels abutting navigable"), of the Evans Town Code is hereby amended to add the underlined words and delete those struck through as follows:

200-17(I) Permitted locations for parcels abutting navigable waterway. ~~Parcels abutting a navigable waterway which is coincident with the rear lot line may build the principal or auxiliary structure to within 10 feet of the rear line regardless of the district requirements. This provision shall be permitted only if the parcels on either side of the subject parcel are~~

~~vacant or the parcels are of such size or configuration that the placement of a new structure will not unduly obstruct the view toward the navigable waterway from the adjacent principal structures. Fences which obstruct the view from the principal structure shall not be permitted on a line with the rear building lines of adjacent principal structures.~~ Any principal or auxiliary structure constructed on a parcel abutting a navigable waterway that coincides with the rear lot line of that parcel shall not unduly obstruct the view toward the navigable waterway from any neighboring principal structure located on abutting parcels. Fences or any artificially constructed barrier of natural or manufactured material, including a living fence, that extends past the rear building line of the principal structure must not exceed 4 feet in height. Location and installation of structure and fences in these areas must receive all permitting approval from DEC, State, Local and other applicable jurisdictions.



ROLL CALL VOTE:

Res 3

RESOLUTION – APPOINTMENT OF PART-TIME CROSSING GUARD (Police Department)

WHEREAS, there is an opening for a part time crossing guard in the Evans Police Department; and

WHEREAS, the Town of Evans Town Board recognizes the importance of protecting school children and pedestrians traveling to and from the Highland Elementary School; and

WHEREAS, the Chief of Police has recommended the appointment of Kenneth Saccomando to the position of crossing guard;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Kenneth Saccomando, effective immediately, to the position of part time crossing guard with the Evans Police Department; at an hourly rate set forth in the 2026 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.

ROLL CALL VOTE:

Res 4

Submitted by the Planning Department for the March 18, 2026 Town Board Meeting

Resolution -Declaring Intent to Act as SEQR Lead Agency Commercial Street Major Subdivision

WHEREAS, the Town Board has reviewed Part 1 of the SEQR Full Environmental Assessment Form prepared by Regency Builders, LLC and GPI Engineering ("the Applicant") for the proposed construction of the Commercial Street Subdivision ("the Project") located at 0 Commercial Street, Angola, NY 14006 (SBL: 235.00-3-26.2); and

WHEREAS, the Project includes the proposed cluster development of fifty-two (52) single-family residential lots, including construction of a new public street with all necessary infrastructure and utilities, located on 25.9± acres within the Residential Two-Family (R-2) zoning district; and

WHEREAS, the Project is also subject to the full site plan review and recommendation of the Planning Board prior to Town Board review and approval; and

WHEREAS, the Town Board determines that the Project is classified as an Unlisted Action under the State Environmental Quality Review ("SEQR") regulations; and

WHEREAS, the Town Board also determines that the Project is subject to review and approval by other involved and interested agencies under SEQR; 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 4:00 PM on Tuesday, April 21, 2026.**

ROLL CALL VOTE:

Res 5

Resolution – Approve Lead Agency for SEQR – Minor Subdivision Gary Sager

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town Board of the Town of Evans desires 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, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Gary Sager Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of these properties will not result in any significant environmental 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 subdivisions; 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 Sager Minor Subdivision.

a division of SBL# 221.00-4-36, dividing a 56.17± acre parcel to create two parcels:

1. a 2.0± acre parcel to be annexed to the parcel 1398 Eden Evans Rd., SBL# 221.00-4-37 with 208.71± feet of frontage on Eden Evans Center Rd., and
2. a 54.17± acre parcel with 616.29± feet of frontage on Eden Evans Center Rd.

Petitioner: Gary Sager, 1418 Eden Evans Center Rd., Angola, NY 14006

ROLL CALL VOTE:

Res 6

Resolution – Approval of Minor Subdivision – Gary Sager

WHEREAS, the proposed subdivisions were referred to the Erie County Department of Environment and Planning for a 239M Review as required; the stated proposed actions have been reviewed and determined to be of local concern, and

WHEREAS, the proposed subdivision was also referred to the Erie County Agriculture and Farmland Protection Board for review of the Agricultural Data Statement in which no comment was offered, and

WHEREAS, notification was mailed to all addresses occurring on property within an agricultural district containing a farm operation, or on property within 500 feet of an active farm operation with no comments being received, 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 Agency, 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 Gary Sager Minor Subdivision,

a division of SBL# 221.00-4-36, dividing a 56.17± acre parcel to create two parcels:

1. a 2.0± acre parcel to be annexed to the parcel 1398 Eden Evans Rd., SBL# 221.00-4-37 with 208.71± feet of frontage on Eden Evans Center Rd., and
2. a 54.17± acre parcel with 616.29± feet of frontage on Eden Evans Center Rd.

Petitioner: Gary Sager, 1418 Eden Evans Center Rd., Angola, NY 14006

ROLL CALL VOTE:

Res 7

RESOLUTION – Approval of Property Maintenance Fees (Board Up Opening and Close Up of In-Ground Pool)

WHEREAS; The Town of Evans Code Enforcement Office requires assistance with property maintenance for board ups during the period from April 1, 2026 to March 31, 2027; and

WHEREAS; the town sets fees for said services based on materials and labor; and

WHEREAS; the following fees are as follows;

Board Up of Opening	
Labor	
Per Half - Man Hour	**$25.00**
Per Man Hour	**$45.00**
1 sheet of 1/2 inch CDX Plywood, painted with all necessary accessories	**$80.00**
(framing per discretionary of the building inspector)	
Install Padlock and Latches Labor & Material	
1 Padlock and Latches	**$40.00**
Emergency Board-up (ie. fire) that requires immediate response and	
Close Up of In-Ground Pool	
Labor	
Per-Half Man Hour	**$25.00**
Per Man Hour	**$45.00**
1/2 inch COX plywood, painted with all necessary accessories	**$80.00 per sheet**

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans does hereby authorize and approve the aforementioned fees during the period from April 1, 2026 to March 31, 2027.

ROLL CALL VOTE

Res 8

Resolution – Approval of Property Maintenance Fees (Grass Cutting)

WHEREAS; the Town of Evans Code Enforcement Office requires assistance with property maintenance for grass cutting during the period from April 1, 2026 to March 31, 2027 ; and

WHEREAS; the town sets fees for said services based on square footage; and

WHEREAS; the following fees are as follows;

GRASS CUTTING	
Lot size	
Up to 8,000 sq ft	**$85.00**
Up to 11,000 sq ft	**$100.00**
Up to 15,000 sg ft	**$130.00**
Up to 22,000 sq ft	**$150.00**

NOW, THEREFORE, BE IT RESOLVED; the Town Board of the Town of Evans does hereby authorize and approve the aforementioned fees during the period from April 1, 2026 to March 31, 2027.

ROLL CALL VOTE:

Res 9

RESOLUTION – Advertise for Property Maintenance Services of Various Properties in the Town of Evans for Calendar Year 2026

WHEREAS; the Town of Evans Code Enforcement Office determines from time to time that certain properties are not in compliance with local and/or state laws, ordinances, codes, and regulations regarding the lack of upkeep of said properties; and

WHEREAS; certain work is needed on such properties (i.e. seasonal clean-up, grass cutting, board-up, etc.) when the owners of such properties fail to bring them into compliance with local and/or state laws, ordinances, codes and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans hereby establishes payment rates for such work for various properties in the Town of Evans for the calendar year 2026, as set forth by the Town Board; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to advertise for proposals in the Dunkirk Observer and on the Town of Evans website (townofevansny.gov) for interested parties for such property maintenance services for the calendar year 2026.

ROLL CALL VOTE:

Res 10

Resolution - Advertise the RFP for 2026 Emergency Tree Removal Services for the Town of Evans

WHEREAS, the Town of Evans is issuing a Request for Proposals (RFP) for the 2026 Emergency Tree Removal Services for the purpose of removing Town owned trees from Town property and completing stump grinding afterwards; and

WHEREAS, a full copy of the Request for Proposal shall be available by emailing the Town of Evans Building Department at jflading@townofevans.org;

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 Friday, April 10, 2026, at which time the sealed proposals will be opened.

ROLL CALL VOTE:

RESOLUTION AUTHORIZING THE CREATION OF THE "TOWN OF EVANS LOCAL DEVELOPMENT CORPORATION", APPROVING THE FORM OF THE CERTIFICATE OF INCORPORATION, DESIGNATING THE CORPORATION AS ISSUER OF TAX-EXEMPT AND TAXABLE BONDS AND AUTHORIZING THE CORPORATION TO PERFORM ESSENTIAL GOVERNMENTAL FUNCTIONS, INCLUDING ACTIVITIES ASSOCIATED WITH THE PROMOTION OF COMMUNITY AND ECONOMIC DEVELOPMENT AND JOB CREATION AND THE ISSUANCE OF BONDS ON ITS BEHALF

WHEREAS, it is the policy of the State of New York to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry; and

WHEREAS, the Town of Evans, New York (the "Town") is tasked with the responsibility and burden to promote the health, safety and general welfare of the residents of the Town by, among other, things preventing unemployment and economic deterioration including by increasing and maintaining employment opportunities and attracting and sustaining economically sound commerce; and

WHEREAS, it is essential for the Town to support the operations and activities of both for-profit and not-for-profit entities and corporations within the Town in furtherance of job creation, private investment and economic growth for residents of the Town; and

WHEREAS, in furtherance of the public purposes set forth above, the Town wishes to form the Town of Evans Local Development Corporation (the "Corporation"), a local development corporation authorized under Section 1411 of the New York State Not For Profit Corporation Law (the "NFPCL"); and

WHEREAS, a proposed certificate of incorporation (the "Certificate of Incorporation") has been prepared for review by the Town Board and a copy of such proposed Certificate of Incorporation is attached hereto as Exhibit A; whereby the Corporation's sole member shall be the Town, acting by and through the Town Board; and

WHEREAS, in furtherance of the public purposes set forth above, the Town desires to establish the Corporation to undertake the purposes and powers authorized pursuant to the Certificate of Incorporation and the NFPCL, including, but not limited to, the following actions: (i) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (ii) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (iii) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (iv) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (v) to borrow money and to issue negotiable bonds, notes and other obligations therefor, and (vi) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, the Corporation will be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or governmental purposes to relieve and reduce unemployment, promote and provide for additional and maximum employment, improve and maintain job opportunities, and lessen the burden of government and act in the public interest; and

WHEREAS, to accomplish its job creation and other economic development responsibilities and relieve the burdens related to same and to create and preserve employment opportunities for residents of the Town, the Town desires to task the Corporation with such burdens and responsibilities and authorize the Corporation to issue tax-exempt and taxable bonds on behalf of the Town for such public purposes.

NOW, THEREFORE, BE IT RESOLVED, the Town authorizes the creation of the Corporation and the Town Board approves the form and substance of the Certificate of Incorporation presented at this meeting and attached hereto as Exhibit A, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Town Supervisor, the Town Attorney, and Harris Beach Murtha shall approve; and

FURTHER RESOLVED, that pursuant to the Certificate of Incorporation, the Town shall serve as the sole member of the Corporation, acting by and through the Town Board. In furtherance of same, the Town hereby approves the appointment of the following individuals to serve as the initial and appointed Directors of the Corporation:

1.	Hon. Ray Ashton	Individually
2.	Hon. John Wilson	Individually
3.	Vincent Gugliuzza	Individually
4.	John Latimore	Individually
5.	Karen Erickson	Individually

BE IT FURTHER RESOLVED, that the primary and initial purpose of the Local Development Corporation shall be determined by the initial and appointed Directors of the Corporation; and

BE IT FURTHER RESOLVED, that the Corporation may undertake such additional economic development missions, projects, or initiatives as may be directed, authorized, or delegated by the Town Board from time to time; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed to limit or restrict the Town Board's authority to independently pursue, administer, or implement economic development projects or initiatives directly, or through other agencies, entities, or instrumentalities of the Town, without involvement of the Corporation; and

BE IT FURTHER RESOLVED, that the Corporation is hereby designated as an on behalf of issuer of the Town for the purposes of issuing bonds with authority to exercise on the Town's behalf all lawful powers as may be deemed necessary to accomplish its public purposes including to enhance, create and preserve employment opportunities for residents of the Town, which such powers shall include, but not be limited to, those powers described in NFPCL Section 1411 and the Corporation's Certificate of Incorporation, with the power to issue tax-exempt and taxable bonds, notes, or other obligations on behalf of the Town in furtherance of its purposes, provided however that any obligations issued by the Corporation shall never be a debt of, nor guaranteed or supported by, the State of New York, the Town or any political subdivision thereof (other than Corporation) and neither the State of New York, the Town or any political subdivision thereof (other than Corporation) shall be liable thereon and provided further that the Corporation shall exercise its powers only in accordance with its Certificate of Incorporation; and

BE IT FURTHER RESOLVED, that the Town Supervisor or his designated representative is hereby authorized and directed for and in the name and on behalf of the Town to do all acts and things required of the Town in connection with the issuance of tax-exempt and taxable bonds, and to execute and deliver all such additional certificates, instruments and documents, and to do all such further acts and things as may be necessary or, in the opinion of the Town Supervisor or his designated representative, desirable and proper to effect the purposes of the foregoing resolutions; and be it

BE IT that these resolutions shall take effect immediately.

ROLL CALL VOTE:

Exhibit A
Pg 1

CERTIFICATE OF INCORPORATION

OF

TOWN OF EVANS LOCAL DEVELOPMENT CORPORATION

A Not-For-Profit Local Development Corporation
Under Section 402 and Section 1411 of the Not-For-Profit
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a not-for-profit local development corporation pursuant to Section 1411 of the Not-For-Profit Corporation Law of the State of New York, hereby certifies as follows:

FIRST: The name of the corporation shall be "TOWN OF EVANS LOCAL DEVELOPMENT CORPORATION" (hereinafter referred to as the "Corporation").

SECOND: The Corporation will be a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law of the State of New York and, as provided in Section 1411 of the Not-For-Profit Corporation Law, will be a charitable corporation as defined in Section 201 of the Not-For-Profit Corporation Law. The Corporation shall serve as public instrumentality of, but operate separate and apart from, the Town of Evans, New York (the "Town").

THIRD: The operations of the Corporation will be principally conducted within the Town. The purpose for which the Corporation is to be formed is to acquire, develop, own, construct (or cause to be constructed), maintain (or cause to be maintained), operate (or cause to be operated) certain real and tangible personal property.

FOURTH: The Corporation will be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or governmental purposes to relieve and reduce unemployment, promote and provide for additional

employment, improve and maintain job opportunities, lessen the burden of government and act in the public interest. In furtherance of said purposes, the Corporation's powers shall include:

(a) To foster the creation, retention and expansion of jobs and economic opportunities for the benefit of the Town, State and local economies;

(b) To construct, acquire, rehabilitate and improve for use by others, facilities in the Town in which its operations are principally to be conducted, to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain and/or lease such facilities on its behalf or for others in the Town; to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto;

(c) To acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein;

(d) To apply for loans and borrow money without limit as to amount; to make, draw, accept, endorse, execute and issue negotiable bonds, debentures, notes and other obligations therefor, including, without limitation, to issue negotiable bonds, notes or other obligations on behalf of the Town in support of economic and community development activities thereby lessening the burdens of the Town; provided, however, that in no event shall any such bonds, notes or other obligation be the direct or indirect obligation of the Town;

(e) To sell, lease, mortgage or otherwise dispose of or encumber any such facilities or any of its real or personal property or any interest therein upon such terms as it may determine;

(f) To enter into covenants and agreements and to comply with all the terms, conditions and provisions thereof, and otherwise to carry out its corporate purposes and to foster and encourage the location or expansion of facilities and related businesses in the Town;

(g) To apply for and make grants and loans and to execute any and all documents necessary in connection therewith;

(h) To do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its Member, directors, officers or any private person; and

(i) In general, to perform any and all acts and things, and exercise any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the Corporation.

FIFTH: The Corporation's mission and public objective, which the Corporation's purposes will achieve, include, but are not limited to, the lessening of the burdens of government by undertaking and promoting economic development initiatives in the Town that will include real estate leasing, acquisition, development and management, real estate project finance, and other community-based economic development activities permissible under the Not-For-Profit Corporation Law; including but not limited to the acquisition of fee title or long term lease of lands within the Town and acquisition and operation of the buildings, personal property (tangible and intangible), improvements and all other property related assets in the Town.

SIXTH: Pursuant to the requirements of Section 1411(e) of the Not-For-Profit Corporation Law:

(a) All income and earnings of the Corporation shall be used exclusively for its corporate purposes with the intent being that all income and earnings will be expended or deposited in appropriate reserves for corporate purposes.

(b) The property of the Corporation is irrevocably dedicated to charitable purposes. No part of the income or earnings of the Corporation shall inure to the benefit or profit of, nor shall any distribution of its property or assets be made to, any member, director or officer of the Corporation, or private person, corporate or individual, or to any other private

interest, except that the Corporation may repay loans made to it and may repay contributions (other than dues) made to it to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of 1986, as amended.

(c) If the Corporation accepts a mortgage loan or loans from the New York Job Development Authority, the Corporation shall be dissolved in accordance with the provisions of paragraph (g) of Section 1411 of the Not-For-Profit Corporation Law upon the repayment or other discharge in full by the Corporation of all such loans.

SEVENTH: (a) The Corporation shall not attempt to influence legislation by propaganda or otherwise, or participate in or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office.

(b) The Corporation shall not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

EIGHTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors shall, after paying or making provision for the payment of all debts and liabilities of the Corporation of whatsoever kind or nature, distribute all of the remaining assets and property of the Corporation to the Town in furtherance of the public purposes set forth in Section 1411 of the Not-for-Profit Corporation Law.

NINTH: The office of the Corporation shall be located in Erie County, New York.

TENTH: The offices of the Corporation shall be functionally separate from those of the Town or any of the Town's affiliated entities (collectively, the "Town Entities"). The Corporation at all times shall:

(a) maintain separate accounting records and other corporate records from those of the Town Entities;

(b) not divert the Corporation's funds to any other person or for other than the use of the Corporation and not commingle any of the Corporation's assets with those of the Town Entities;

(c) pay any employee, consultant or agent of the Corporation, or any other operating expense incurred by the Corporation, from the assets of the Corporation and not from the assets of any of the Town Entities;

(d) maintain its own deposit account or accounts, separate from those of the Town Entities, with commercial banking institutions and/or trust companies;

(e) to the extent that the Corporation contracts or does business with vendors or service providers where the goods and services provided are partially for the benefit of any other person or entity, the costs incurred in so doing shall be fairly allocated to or among the Corporation and such persons or entities for whose benefit the goods and services are provided, and the Corporation and each such person or entity shall bear its fair share of such costs;

(f) conduct its business in its own name and conduct all material transactions between the Corporation and the Town Entities only on an arm's-length basis;

(g) observe all necessary, appropriate and customary corporate formalities, including, but not limited to, holding all regular and special Member' and directors' meetings appropriate to authorize all corporate action, keeping separate and accurate minutes of such meetings, passing all resolutions or consents necessary to authorize actions taken or to be taken, and maintaining accurate and separate books, records, and accounts, including, but not limited to, intercompany transaction accounts. regular Member' and directors' meetings shall be held at least annually;

(h) ensure that decisions with respect to its business and operations shall be independently made by the Corporation;

(i) act solely in its own corporate name and through its own authorized officers and agents;

(j) other than as expressly provided herein, pay all expenses, indebtedness and other obligations incurred by it;

(k) not enter into any guaranty, or otherwise become liable, with respect to any obligation of the Town Entities;

(l) cause any financial reports required of the Corporation to be prepared in accordance with generally accepted accounting principles and be audited annually and be issued separately from any reports prepared for any member of the Town Entities; and

(m) ensure that at all times it is adequately capitalized to engage in any contemplated transaction.

ELEVENTH: The sole Member of the Corporation shall be the Town acting by and through the Town Supervisor (the "Member").

TWELFTH: The Corporation shall be managed by a Board of Directors consisting of Five Directors. The Board of Directors shall be appointed by and serve for terms established by the Member. Any subsequent increase or decrease in the size of the Board of Directors will require the approval of the Member and the affirmative vote of a majority of the Directors.

THIRTEENTH: The names and addresses of the initial Directors of the Corporation and the expiration of the term for each initial Director shall be as follows:

Exhibit A
Pg 7

	Name	Address
1.	Hon. Ray Ashton	9939 Hardpan Road, Angola, NY 14006
2.	Hon. John Wilson	36 Maple Street, Angola, NY 14006
3.	Vincent Gugliuzza	436 Lakeside Road, Angola NY 14006
4.	John Latimore	8434 N. Main Street, Angola NY 14006
5.	Karen Erickson	8991 Iroquois Street, Angola 14006

FOURTEENTH: The duration of the Corporation shall be perpetual.

FIFTEENTH: The Corporation shall indemnify each member, each Director, each officer, and, to the extent authorized by the Board of Directors, each other person authorized to act for the Corporation or on its behalf, to the full extent to which indemnification is permitted under the Not-For-Profit Corporation Law.

SIXTEENTH: The Secretary of State of the State of New York State is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation served upon him is as follows: 8787 Erie Road, Angola, NY 14006.

SEVENTEENTH: The By-laws of the Corporation may be adopted, amended or repealed by a majority of the Directors of the Corporation.

EIGHTEENTH: The Corporation will not do any of the following:

(a) Without the affirmative vote of the Member and the affirmative vote of a majority of the Directors, increase or decrease the number of Members of the Corporation.

(b) Without the affirmative vote of the Member and the affirmative vote of a majority of the Directors, (i) dissolve or liquidate, in whole or in part, or institute proceedings to be adjudicated bankrupt or insolvent, (ii) consent to the institution of bankruptcy or insolvency proceedings against it, (iii) file a petition seeking or consenting to reorganization or relief under any applicable federal or state law relating to bankruptcy or insolvency, (iv) consent to the

appointment of a receiver, liquidator, assignee, trustee, sequestrator or other similar official of the Corporation or a substantial part of its property, (v) make a general assignment for the benefit of creditors, (vi) admit in writing its inability to pay its debts generally as they become due or (vii) take any corporate action in furtherance of the actions set forth in clauses (i) through (vi) of this paragraph.

(c) Without the affirmative vote of the Member and the affirmative vote of a majority of the Directors, merge or consolidate with any other corporation, company or entity, sell all or substantially all of its assets or acquire all or substantially all of the assets or capital stock or other ownership interest of any other corporation, company or entity.

IN WITNESS WHEREOF, this certificate has been subscribed this _____ day of March, 2026.

_____

[name and address of incorporator]

Exhibit A
Pg 9

CERTIFICATE OF INCORPORATION

OF

TOWN OF EVANS LOCAL DEVELOPMENT CORPORATION

(Under Section 402 and Section 1411 of the Not-For-Profit Corporation Law of the State of New York)

Filed by: Harris Beach Murtha Cullina PLLC
726 Exchange Street, Suite 900
Buffalo, NY 14210