

AGENDA

Evans Town Board, Evans Town Hall, 8787 Erie Road, Angola, New York
www.townofevans.org

Item	Description	Disp.
I	Call the Meeting to Order	
II	Pledge of Allegiance	
III	Roll Call	
IV	Approval of the Minutes August 3, 2022	
V	Communications: 1.) Supervisor Hosler reported that the Supervisor's Reports for June 2022 has been made to the Town Board and a copy was filed with the Town Clerk's Office.	
VI	Public Hearing & Bid Opening: Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") Special Use Permit	
VII	Committee & Department Head Reports	
VIII	Town Clerk's Reports:	
IX	Old Business:	
X	Privilege of the Floor	
XI	Resolutions: 1.) Lifeguard Appointments 2.) Appointment of Full Time Dispatcher 3.) Advertise invitation to bid for 3 year seasonal mowing contract	
XII	Licenses: 1) John Rószman D/B/A The Strange Brew- Refreshment License	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, September 7, 2022 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: www.Townofevans.org <http://www.observeertoday.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:	Mary Hosler	Supervisor
	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Councilman

ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #274 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the July 20, 2022 meeting, 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
	Councilman George	Aye
	Supervisor Hosler	Aye

PUBLIC HEARING

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on August 3, 2022 at 7:10 P.M. via a Zoom and/or In-person Public Meeting to consider the adoption of Proposed Local Law #2 of the year 2022, which will amend Local Law #5 of the year 2019 entitled Solar Energy Systems Law and any amendments thereto, Town Code Chapter 200, Article XIII, Section 200-70.D.(1)(a)[1] Solar Overlay for Permitted Use and Locations. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday through Friday from 8am - 4pm and the Town's website www.townofevans.org on or after July 22, 2022. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the GoTo Town Board Public Hearing to be held aforesaid.

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

RESOLUTION 2022 #275 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

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

Sheila Ransbottom spoke about the project
Bill Henry spoke in favor

RESOLUTION 2022 #276 Close the Public Hearing

Supervisor Hosler moved and Councilman Schraft o seconded to close the public hearing.

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

RESOLUTION 2022 #277 SEQR Lead Agency - Solar Energy System Law - Gowans Rd.

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town Board of the Town of Evans desires the Town of Evans to be the Lead Agency for the SEQR process, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated July 27, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776 Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Gowans Road Solar, LLC Minor Subdivision for a division of SBL#s 236.00-1-1, 236.00-1-2.11, 236.00-1-2.12, 236.00-1-3.1, 236.00-1-28 and 236.00-1-29 dividing/annexing 6 parcels to create 3 parcels:

1. a 14.496± acre parcel with 393.93± feet of frontage on Eden Evans Center Rd., and
2. a 61.807± acre parcel with 595.04± feet of frontage on Gowans Rd., and
3. a 55.457± acre parcel with 1,742.81± feet of frontage on Gowans Rd.

Petitioner: Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #278 SEQR Negative Declaration - W Solar Energy System Law - Gowans Rd.

Supervisor Hosler moved and Councilman Macko seconded,

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

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for review of the Agricultural Data Statement with the Erie County Agriculture and Farmland Protection Board as required, 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 Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Gowans Road Solar, LLC for Minor Subdivision, a division of SBL#s 236.00-1-1, 236.00-1-2.11, 236.00-1-2.12, 236.00-1-3.1, 236.00-1-28 and 236.00-1-29 dividing/annexing 6 parcels to create 3 parcels:

1. a 14.496± acre parcel with 393.93± feet of frontage on Eden Evans Center Rd., and
2. a 61.807± acre parcel with 595.04± feet of frontage on Gowans Rd., and
3. a 55.457± acre parcel with 1,742.81± feet of frontage on Gowans Rd.

Petitioner: Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776

AND BE IT FURTHER RESOLVED, the instant approval is contingent upon the project meeting and receiving all approvals and permitting for the subject solar project,

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #279 Proposed Local Law #2 - Approval

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Evans Town Board held a public hearing on August 3, 2022, for consideration of Proposed Local Law #2 of the year 2022, amending Local Law #5 of the year 2019 entitled Solar Energy Systems Law and any amendments thereto, Town Code Chapter 200, Article XIII, Section 200-70.D.(1)(a)[1] Permitted Use and Locations; and

WHEREAS, the recommended amendments to the Evans Town Code are consistent with the Town of Evans Comprehensive Plan and are not expected to result in any significant adverse impacts; and

WHEREAS, the Town Board of the Town of Evans declares Lead Agency in accordance with the SEQR process and issues a negative declaration for this action; and

WHEREAS, the Town of Evans has submitted a full statement of proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M, and has received response to the same making no recommendation as the matter is of local concern.

NOW, THEREFORE BE ITRESOLVED, that Proposed Local Law #2 of the year 2022, as amended, be adopted as Local Law #2 of the year 2022,

AND BE IT FURTHER RESOLVED, the instant approval is contingent upon the project meeting and receiving all approvals and permitting for the subject solar project,

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

Communications

William Smith, Director of Planning RE: Special Use Permit - Development, construction and operation of a Type 1 Solar Photovoltaic System to be located on a portion of the parcels identified by SBL #'s 236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, and 236.00-1-2.12 with frontage on Gowans Road. Petitioner: Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776

RESOLUTION 2022 #280 Advertise for Public Hearing

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated July 28, 2022, the Planning Director has requested that the Town Board set a public hearing regarding the petition of Seaboard Solar Operations, LLC (dba 'Gowans Road Solar, LLC'), 143 West Street, Suite C201, New Milford, CT 06776 for a Special Use Permit for development, construction and operation of a Type 1 Solar Photovoltaic System

to be located on a portion of the parcels identified by SBL #'s 236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, and 236.00-1-2.12 with frontage on Gowans Road; and

WHEREAS, the Planning Board unanimously recommended approval of the Special Use Permit at their virtual Planning Board meeting held on July 27, 2022.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on August 17, 2022 at 7:10pm for the consideration of said special use permit; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

William Smith, Director of Planning RE: Minor Subdivision Review - dividing/annexing 6 parcels to forms 3 parcels; a 14.496± acre parcel with 393.93± feet of frontage on Eden Evans Center Rd., a 61.807± acre parcel with 595.04± feet of frontage on Gowans Rd. and a 55.457± acre parcel with 1,742.81± feet of frontage on Gowans Rd. Petitioner: Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776

RESOLUTION 2022 #281 SEQR Lead Agency - Gowans Road Solar

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

WHEREAS, the Town Board of the Town of Evans desires the Town of Evans to be the Lead Agency for the SEQR process, and

WHEREAS, the Town has completed a short Environmental Assessment Form for this action, and

WHEREAS, in a letter dated July 27, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776 Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Gowans Road Solar, LLC Minor Subdivision for a division of SBL#s 236.00-1-1, 236.00-1-2.11, 236.00-1-2.12, 236.00-1-3.1, 236.00-1-28 and 236.00-1-29 dividing/annexing 6 parcels to create 3 parcels:

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2. a 61.807± acre parcel with 595.04± feet of frontage on Gowans Rd., and
3. a 55.457± acre parcel with 1,742.81± feet of frontage on Gowans Rd.

Petitioner: Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #282 - SEQR Negative Declaration - Gowans Road Solar LLC

Supervisor Hosler moved and Councilman Schraft seconded,

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

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for review of the Agricultural Data Statement with the Erie County Agriculture and Farmland Protection Board as required, 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 Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Gowans Road Solar, LLC for Minor Subdivision, a division of SBL#s 236.00-1-1, 236.00-1-2.11, 236.00-1-2.12, 236.00-1-3.1, 236.00-1-28 and 236.00-1-29 dividing/annexing 6 parcels to create 3 parcels:

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3. a 55.457± acre parcel with 1,742.81± feet of frontage on Gowans Rd.

Petitioner: Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") 143 West Street, Suite C201, New Milford, CT 06776

AND BE IT FURTHER RESOLVED, the instant approval is contingent upon the project meeting and receiving all approvals and permitting for the subject solar project,

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #283 Town Clerk's Reports

Supervisor Hosler moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of July 2022:

Town Clerk Report	\$62,081.96
Interest	\$1.68
Greenspace Fee	\$700.00
Petty Cash	\$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

Communications Con't

Supervisor Hosler reported that the Supervisor's May Monthly Reports have been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2022 #284 Authorize Court to Attend NYS Magistrates Court Clerks Conference

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS; Court Clerk Karen Tempski requests permission to attend the New York State Magistrates Court Clerk's Annual Conference; and

WHEREAS; said annual conference will be held in Albany, New York from Sunday, October 16, 2022 to Wednesday, October 19, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Karen Tempski, 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
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #285 Authorize Town Justice Attend NYS Magistrates Court Clerks Conference

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS; Town Justice Moira Cooper requests permission to attend the New York State Magistrates Association 112th Annual Conference; and

WHEREAS; said annual conference will be held in Saratoga Springs, New York from Sunday, October 30, 2022 to Wednesday, November 2, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Judge Moira Cooper, to attend said conference and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #286 Advertise for Bids - Sturgeon Point Marina Rehabilitation Project

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS; the Town of Evans Town Board (the "Board") has previously authorized CPL Architects, Engineers, Landscape Architect and Land Surveyor, DPC to complete design documents for the Rehabilitation of the Sturgeon Point Marina Breakwater; and

WHEREAS; Clark Patterson Lee (CPL) has completed the documents and received permits and approvals from the United States Army Corps of Engineers, the New York State Department of Environmental Conservation, and the New York State Department of State.; and

WHEREAS; the work will be paid for by grants from the New York State Department of State, Empire State Development, Federal Emergency Management Agency, and New York State Department of Homeland Security and Emergency Services as well as a local share from the Town of Evans; and

WHEREAS; the Sturgeon Point Marina Breakwater is in dire need of the repairs and mitigation;

NOW, THEREFORE, BE IT RESOLVE; that the Evans Town Board authorizes this project to go out to bid and sets a bid opening date of Monday, August 29, 2022 after which the Town Board will review the bids for possible award of the project to complete the restoration and mitigation to the Sturgeon Point Marina Breakwater.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #287 Authorize Assessor to Attend NYS Assessor's Conference

Councilman Schraft moved and Supervisor Hosler seconded,

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

WHEREAS; said annual conference will be held in Lake George, New York on September 18 - 22, 2022; and

WHEREAS; the Town Board recognizes Assessor Hill's duties as the New York State Assessors' Association 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 President of the New York State Assessors' Association and attend said conference, installation and meetings and all appropriate and reasonable expenses shall be paid by the New York State Assessor's Association, and training expenses to be reimbursed by the New York State Office of Real Property Tax Services, with any expenses that are not reimbursed to be split between Town of Evans, Collins and North Collins equally not to exceed \$250.00 per town.

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

RESOLUTION 2022 #288 Appointment of Part Time Clerk

Councilman George moved and Supervisor Hosler seconded,

WHEREAS; a vacancy exists for a Part Time Clerk; and

WHEREAS; interviews were conducted; and

WHEREAS; references and background checks were executed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Michele Wapniewski to Part Time Clerk, effective August 1, 2022 at an hourly rate of \$15.00 per hour to be paid bi-weekly.

FURTHER, BE IT RESOLVED, the above referenced appointment shall be considered nunc pro tunc; and

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to the Human Resources/Payroll Department.

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

RESOLUTION 2022 #289 2022 Boat Slip & Dry Dock Fees - Pro Rated

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town Board set rates for various items at the Sturgeon Point Marina, including boat slips and dry dock;

BE IT RESOLVED, effective Monday, August 15, 2022, the Town Board hereby approves the pro-rated marina boat slip and dry dock fees (listed below) for the remainder of the 2022 season for new applicants:

18 ft. Slip	\$ 386.00
20 ft. Slip	\$ 442.00
22 ft. Slip	\$ 553.00
24 ft. Slip	\$ 608.00
28 ft. Slip (with electric)	\$ 788.00
30 ft. Slip (with electric)	\$ 882.00
40 ft. Slip (with electric)	\$1,195.00
Dry Dock (price per foot)	\$ 12.00

FURTHER, BE IT RESOLVED, no other rebates and/or credits will apply other than those referenced above for new applicants and all other contract terms and conditions will continue to apply.

FURTHER, BE IT RESOLVED, the Town Clerk is authorized to place this notice on the website and social media.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #290 Graycliff Visitor Expansion Municipal Endorsement

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Graycliff Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located at Graycliff in Derby, NY, a site located within the territorial jurisdiction of this Town Board; and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, BE IT RESOLVED, Evans Town Board hereby does approve and endorse the application of Graycliff Conservancy for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as the Graycliff Visitor Expansion and is located within this community.

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

RESOLUTION 2022 #291 Appointment of Part Time Clerk

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS; a vacancy exists for a Part Time Court Clerk; and

WHEREAS; interviews were conducted; and

WHEREAS; references and background checks were executed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Elissa Norton to Part Time Court Clerk, effective August 4, 2022, at an hourly rate of \$14.70 per hour to be paid bi-weekly; and

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to the Human Resources/Payroll Department.

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

RESOLUTION 2022 #292 Suspend the Rules of Order

Supervisor Hosler moved and Councilman George seconded to suspend the rules of order for the consideration of an additional resolution.

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

RESOLUTION 2022 #293 Authorization for Supervisor to Execute Surety Bond

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Evans Town Board voted to unanimously approve the SEQR Declaration for Street Lighting LED Retrofit and Conversion (Resolution #2021-278) and the Street Lighting Bond Resolution (Resolution #2021-279) on July 21, 2021; and

WHEREAS, a surety bond is required by the Energy Performance Contract to purchase the streetlights from National Grid;

NOW, THEREFORE, BE IT RESOLVED; that Supervisor Mary Hosler is hereby authorized to execute any and all documents pursuant to the above referenced surety bond with Liberty Mutual and World Wide Bonding Company, upon the approval of the Town Attorney.

RESOLUTION 2022 #294 Motion to Table Resolution 2022-293

Councilman Macko moved and Councilman Schraft seconded,

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Nay
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Nay
Supervisor Hosler	Nay

RESOLUTION 2022 #295 Authorization for Supervisor to Execute Surety Bond

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Evans Town Board voted to unanimously approve the SEQR Declaration for Street Lighting LED Retrofit and Conversion (Resolution #2021-278) and the Street Lighting Bond Resolution (Resolution #2021-279) on July 21, 2021; and

WHEREAS, a surety bond is required by the Energy Performance Contract to purchase the streetlights from National Grid;

NOW, THEREFORE, BE IT RESOLVED; that Supervisor Mary Hosler is hereby authorized to execute any and all documents pursuant to the above referenced surety bond with Liberty Mutual and World Wide Bonding Company, upon the approval of the Town Attorney

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Nay
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #296 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

- 1) Michael Conti D/B/A Highland Hose Volunteer Fire Co.- Live Band Special -9/9/2022
- 2) Michael Conti D/B/A Highland Hose Volunteer Fire Co.- Live Band Special -9/10/2022
- 3) Matt Shaw D/B/A Skylighters of New York LLC - Fireworks - 8696 Lake Shore Rd - 9/3/2022

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
 Councilman George Aye
 Supervisor Hosler Aye

RESOLUTION 2022 #297 Audit of Bills

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

	<u>AUDIT OF BILLS</u>
DATE	8/4/2022
ABSTRACT NO.	14
VOUCHER NO.	10924 - 11051
CHECK NUMBERS	84458 - 84538
APPROVED AT	Board Meeting
DATE	8/3/2022
GENERAL	\$449,222.05
PART TOWN	\$14,271.78
HIGHWAY DB	\$136,292.97
WATER	\$8,082.86
CAPITAL PROJECTS	\$913,139.10
SPECIAL DISTRICTS	\$141,226.28
DEBT SERVICE	
TOTAL	\$1,662,235.04

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

RESOLUTION 2022 #298 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, August 17, 2022 at 6pm 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
 Councilman George Aye
 Supervisor Hosler 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



Communication

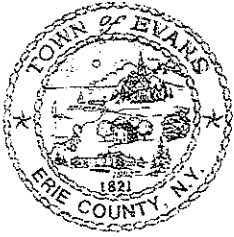
The Supervisor's Monthly report has been made to the Town Board and a copy was filed with the Town Clerk's office in accordance with Town Law.

June, 2022

LEGAL NOTICE TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a **Public Hearing on August 17, 2022 at 7:10 P.M.** via a Zoom and/or In-person Public Meeting to consider the petition of Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") for a Special Use Permit for the development, construction and operation of an approximately 3.75 MW-AC Type 1 Solar Photovoltaic System on approximately 22.5 acres of undeveloped land located within the designated Solar Overlay District to be located on a portion of the parcels identified by SBL #'s 236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, and 236.00-1-2.12 with frontage on Gowans Road. Questions and comments may be forwarded to the Planning Office via email to planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at a Zoom and/or In-person Public Hearing to be held aforesaid.

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



TOWN OF EVANS

8787 Erie Road • Angola, New York 14006-9600 • www.townofevans.org

WILLIAM B. SMITH

Director of Planning and Community Development

Telephone: (716) 549-0945 / Fax: (716) 549-0456

wsmith@townofevans.org

Public Hearing

August 12, 2022

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

Re: Special Use Permit – Development, construction and operation of an approximately 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre site on Gowans Road. Petitioner: Seaboard Solar Operations, LLC (dba 'Gowans Road Solar, LLC'), 143 West Street, Suite C201, New Milford, CT 06776

Dear Town Board:

Please be advised that at the November 10, 2021 meeting of the Evans Planning Board, the Board voted unanimously to recommend approval of the above-referenced petition for a Special Use Permit based on the following reasons:

- The project is in accordance with the Town's zoning regulations.
- The project is consistent with the Evans-Angola Comprehensive Plan.
- The project promotes the use of clean energy in the Town.
- The project will constitute the use of an underutilized property.
- The project is not expected to result in any significant adverse impacts.

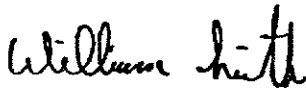
Further, the Planning Board recommended that the following conditions be placed on the approval of this action:

- Approval and execution of the Payment in Lieu of Taxes Agreement between the Town of Evans, Lake Shore Central School District, Erie County and Gowans Road Solar, LLC.
- Approval and execution of the Host Community Agreement between the Town of Evans and Gowans Road Solar, LLC.

- Approval and execution of the Decommissioning Plan between the Town of Evans and Gowans Road Solar, LLC, including without limitation a decommissioning bond.
- Submittal and approval of a Fire Suppression Plan to be coordinated with the Angola Fire Department.
- Review and approval of plans and specifications by Erie County Water Authority in order to mitigate any potential conflicts with possible ECWA facilities in the area.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



William B. Smith, Director
Planning & Community Development

cc: Planning Board Members
Town Attorney
Code Enforcement Office
Assessor

Submitted by Supervisor Hosler for the August 17, 2022 Evans Town Board meeting:

WHEREAS, Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of an approximately 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre site on Gowans Road, as a result of the subdivision and merger of portions of parcels with SBL#'s as listed: (236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1 and 236.00-1-2.12); and

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

WHEREAS, the Planning Department conducted a coordinated review with all involved and interested agencies for the purpose of making a determination of significance under SEQR regulations; and

WHEREAS, the Town of Evans Planning Board has reviewed and approved the Site Plan Development Application and have found no apparent significant environmental concerns, and has recommended the issuance of a SEQR negative declaration; and

WHEREAS, the Town Board of the Town of Evans has reviewed the Project and has determined that the project will not result in any significant impacts to the environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) Special Use Permit for the purpose of development, construction and operation of a 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre parcel located on Gowans Road.

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

PH 2

Submitted by Supervisor Hosler for the August 17, 2022 Evans Town Board meeting:

WHEREAS, Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of an approximately 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre site on Gowans Road, as a result of the subdivision and merger of portions of parcels with SBL#'s as listed: (236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1 and 236.00-1-2.12); and

WHEREAS, notice of the proposed Special Use Permit was duly advertised and notice provided in writing to owners of land immediately adjacent to the Project extending 100-feet therefrom and of that directly opposite thereto extending 100-feet from the street frontage; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on August 17, 2022 for consideration of said Special Use Permit; and

WHEREAS, the Town of Evans Planning Board has recommended the issuance of a Special Use Permit of said property based on the following reasons:

- The project is in accordance with the Town's zoning regulations.
- The project is consistent with the Evans-Angola Comprehensive Plan.
- The project promotes the use of clean energy in the Town.
- The project will constitute the use of underutilized property.
- The project is not expected to result in any significant adverse impacts; and

WHEREAS, the Planning Board would also like to recommend that the following conditions be placed on the approval of this action:

- Approval and execution of the Payment in Lieu of Taxes Agreement between the Town of Evans, Lake Shore Central School District, Erie County and Gowans Road Solar, LLC.
- Approval and execution of the Host Community Agreement between the Town of Evans and Gowans Road Solar, LLC.
- Approval and execution of the Decommissioning Plan between the Town of Evans and Gowans Road Solar, LLC, including without limitation a decommissioning bond.
- Submittal and approval of a Fire Suppression Plan to be coordinated with the Angola Fire Department.
- Review and approval of plans and specifications by Erie County Water Authority in order to mitigate any potential conflicts with possible ECWA facilities in the area.

WHEREAS, the Town Board of the Town of Evans has issued a SEQR negative declaration for the Project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) for the purpose of development, construction and operation of an approximately 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre site on Gowans Road, as a result of the subdivision and merger of portions of parcels with SBL#'s as listed: (236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1 and 236.00-1-2.12); and

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

RESOLUTION – LIFEGUARD APPOINTMENTS

WHEREAS; there is an ongoing need for lifeguards for the Town of Evans pool and beaches;

BE IT RESOLVED, effective July 31, 2022, the following individuals be appointed as Lifeguards as the hourly rate below, to be paid bi-weekly; and

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

<u>NAME</u>	<u>HOURLY RATE</u>
Sophie Lehnen	\$14.50
Jacob Siegel	\$14.50

ROLL CALL VOTE:

RESOLUTION – APPOINTMENT OF FULL-TIME DISPATCHER

Submitted for the August 17, 2022 Board Meeting

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

WHEREAS; Sarah Pawlowski is currently in field training as a part time Town of Evans Public Safety Dispatcher and has met the qualifications to be a full time Public Safety Dispatcher;

NOW, THEREFORE, BE IT RESOLVED; the Town Board of the Town of Evans hereby appoints Sarah Pawlowski, effective _____, to the position of full time Police Dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the U.A.W collective bargaining agreement.

ROLL CALL VOTE:

Authorized by _____
Chief of Police

Resolution - Advertise Invitation to Bid for 3 Year Seasonal Mowing Contract

WHEREAS, the Town Engineer is hereby authorized to prepare an invitation to bid for Seasonal Mowing (3 Year Contract for Mowing and Brush Hogging, May 2023 through October 2025), starting May 2023, for the Town of Evans; and

WHEREAS, the specifications for the invitation to bid shall be available at the Office of the Engineer, Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203, beginning Monday, August 22, 2022; and

WHEREAS, the bids will can be dropped off to the Evans Town Clerk's office, at 8787 Erie Road, Angola, NY 14006 or sent by, US Mail, FedEx or UPS;

NOW, BE IT RESOLVED, the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that the bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 2:00pm (local time) on Friday, September 2, 2022, at which time the bids will be opened.

ROLL CALL VOTE: