

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 #218 Enter Executive Session

Supervisor Hosler moved and Councilman Schraft seconded,

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

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

The general nature of the subject matter to be discussed as follows: Pending Litigation.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney is invited to attend the Evans Town Board Executive Session.

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

RESOLUTION 2022 #219 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the May 18, 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 June 1, 2022 at 7:10 P.M. via an in-person Public Meeting at the Evans Town Hall, 8787 Erie Road, Angola, New York, 14006 and/or Zoom meeting with link and phone number posted on the Town of Evans website at www.townofevans.org to consider the petition of Joseph and Emily Kwilos for a Special Use Permit for the construction and operation of an agricultural business pavilion, including educational programming and food service to be located at 1177 Church Road, Angola, NY 14006, SBL# 220.00-4-17. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom 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

RESOLUTION 2022 #220 Open the Public Hearing

Supervisor Hosler moved and Councilman Reitz 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

William Henry spoke in favor of the Special Use Permit

RESOLUTION 2022 #221 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko 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

RESOLUTON 2022 #222 Lead Agency - Kwilos

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the Joseph & Emily Kwilos Special Use Permit for the operation of an Agricultural Business involving food service and educational programming from their current residence located at 1177 Church Road, Angola, NY 14006, SBL# 220.00-4-17, and

WHEREAS, the Evans Town Board desires to be Lead Agency for the SEQR process regarding Special Use Permits.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for the Joseph & Emily Kwilos Special Use Permit,

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 #223 SEQR Negative Declaration - Kwilos

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the Joseph & Emily Kwilos Special Use Permit for the operation of an Agricultural Business involving food service and educational programming from their current residence located at 1177 Church Road, Angola, NY 14006, SBL# 220.00-4-17, and

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

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form for this property and has determined that the amendment 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 Joseph & Emily Kwilos Special Use Permit for the for the operation of an Agricultural Business involving food service and educational programming from their current residence located at 1177 Church Road, Angola, NY 14006, SBL# 220.00-4-17, and

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

OLD BUSINESS

RESOLUTION 2022 #224 Remove from Old Business - Requirements of Town Board Members to Request Documents through Supervisor's Office

Councilman Schraft moved and Councilman Macko seconded,

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #225 Requirements of Town Board Members to Request Documents through Supervisor's Office

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, resolution 2020-98 made it required of Town Board members who wanted town documents to perform their duties that a request be made to the Office of the Town Supervisor. It further directed department heads and employees to take no action if a Town Board member requested documents and referred them to the Town Supervisor.

WHEREAS, the Town Board is the legislative body of the Town of Evans. As per NYS Town law, general powers of the Town Board include, but is not limited to, adopting budgets, managing and controlling town finances and town property, establishing policies and procedures, and adopting local laws.

NOW, THEREFORE, BE IT RESOLVED, Resolution 2020-98 is hereby rescinded, and Town Board Members shall be given any and all documents requested to carry out the duties of their office.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTIONS

RESOLUTION 2022 #226 Amend Resolution 2022-208 Erie County Snow & Ice Control - County Roads

Councilman Schraft moved and Councilman George seconded,

WHEREAS, the County of Erie, pursuant to COMM. 16E-13 (2022) dated April 7, 2022, relating to the control of snow and ice on County roads by towns and incorporated villages, entered into a three (3) year agreement with local municipalities for such purposes; and

WHEREAS, the County of Erie negotiated and entered into three (3) year agreements with local municipalities for the control of snow and ice on County roads by towns and incorporated villages for snow seasons 2022-2025; and

WHEREAS, it would be in the best interests of Erie County to execute an agreement at a lane mile reimbursement rate increasing five percent (5%) the first year and four percent (4%) the second and third years, to expire August 31, 2025, payable from the adopted County’s Division of Highways, Operating Budget, Fund 210, Cost Center 1231010, G/L 520060 Town and Village Snow Contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board hereby authorizes the Town of Evans to enter into the said Snow and Ice Control Agreement, as modified and updated, at a lane mile reimbursement rate increasing five (5%) percent the first year and four percent (4%) percent the second and third years, to expire August 31, 2025, payable from adopted Division of Highways, Operating Budget, Fund 210, Cost Center 1231010, G/L 520060 Town and Village Snow Contracts, as set forth below:

September 1, 2022 through August 31, 2023	\$4,693.86 per lane mile
September 1, 2023 through August 31, 2024	\$4,881.61 per lane mile
September 1, 2024 through August 31, 2025	\$5,076.88 per lane mile

; and be it further

RESOLVED, Supervisor Mary K. Hosler is hereby authorized to execute the above referenced agreement, upon review of the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town of Evans is hereby directed to transmit two (2) certified copies of the foregoing resolution to the Commissioner of Public Works.

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

RESOLUTION 2022 #227 Authorize Assessor to Attend New York State Assessor's Association Executive Board Meeting & Cornell Seminar on Appraising

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS; the Assessor Jeneen Hill requests permission to attend the New York State Assessors' Association Executive Board Meeting and the 2022 Cornell Seminar on Appraising; and

WHEREAS; said Executive Board meeting and the 2022 Cornell Seminar on Appraising will be held in Ithaca, New York from July 15-22, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Assessor Jeneen Hill, to attend said New York State Assessors' Association as the President with expenses attributed to the NYSAA Executive Board meeting paid by the New York State Assessors' Association and expenses attributed to said seminar as a scholarship recipient for Cornell Seminar 2022 all expenses will be paid by the John H Way-John M Costell Memorial Educational Fund of the New York State Assessors' Association.

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

RESOLUTION 2022 #228 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Schraft 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 #229 Appointment of Assistant Code Enforcement Officer

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans has canvassed for the Civil Service position of Assistant Code Enforcement Officer; and

WHEREAS, upon completion of interviews for the open position in the Code Enforcement Office a recommendation has been made by Code Enforcement Officer Tony Fischione, Kelly Kent - HR and Jeneen Hill Assessor Zoning Board liaison and Supervisor Mary Hosier to hire Andrew Supon for the position of Assistant Code Enforcement Officer; and

NOW, THEREFORE BE IT RESOLVED, that Andrew Supon is hereby appointed as Assistant Code Enforcement Officer for the Town of Evans effective May 31, 2022 at an annual salary of \$55,551 and all terms and conditions of the IBEW Local #41 current collective bargaining agreement; and

FURTHER, BE IT RESOLVED this resolution is nunc pro tunc for purposes of Mr. Supon's effective hiring date; and

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

BE IT FURTHER RESOLVED, that a copy of this resolution will be provided to the Human Resource Department.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #230 Declare Lead Agency - Seaboard Solar Holdings, LLC & Gowans Solar, LLC

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Planning Board has reviewed the Site Plan and Special Use Permit Application prepared by Seaboard Solar Holdings, LLC and Gowans Road Solar, LLC ("collectively Seaboard or the Applicants") for the proposed construction of a Type 1 Solar Photovoltaic System to be located on Gowans Road ("the Project"); and

WHEREAS, the Project includes the development of an approximately 3.75 megawatt AC photovoltaic solar generating facility within approximately 22.5 acres of undeveloped land mostly located within the designated Solar Overlay District; and

WHEREAS, according to Section 200-73 of the Evans Town Code, any SPS Type 1 utility-scale solar photovoltaic system in the Town of Evans requires site plan review and approval of Town Board and the issuance of a special use permit by the Evans Town Board; and

WHEREAS, the Town Board determines that the Project is classified as a Type 1 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 noon on Friday, July 5, 2022.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #231 Hazard Mitigation Measures at Lake Erie Beach Park & Muddy Creek

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town Board desires to pursue funding opportunities to ensure coastal resilience, reduce erosion, improve water and beach quality, enhance natural habitats, and provide better public access at Lake Erie Beach Park and the mouth of Muddy Creek; and

WHEREAS, the Town recently conducted a study to identify sustainable shoreline management solutions at Lake Erie Beach Park and Muddy Creek, funded in part through the NYS Department of Environmental Conservation's Water Quality Improvement Project grant program; and

WHEREAS, the Town Board now desires to apply for financial assistance from the FEMA Hazard Mitigation Grant Program to implement the recommended shoreline management and hazard mitigation measures from the aforementioned study of Lake Erie Beach Park and Muddy Creek; and

WHEREAS, the Town Board commits to providing the required local matching funds to ensure the timely implementation of the proposed project.

NOW, THEREFORE BE IT RESOLVED, that Mary Hosler, as Supervisor of the Town of Evans, is hereby authorized and directed to accept funds from the FEMA Hazard Mitigation Grant Program in an amount of \$607,613.40 and enter into and execute a project agreement with FEMA for such financial assistance on behalf of the Town of Evans; and

RESOLVED, that upon approval of the application for financial assistance that the Town make available \$67,512.60 in matching funds to satisfy the requirements of the funding program, and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the FEMA Hazard Mitigation Grant Program application.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #232 Hazard Mitigation Measures at Sturgeon Point Marina

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town of Evans has secured State and Federal funding for repairs to the western breakwater of Sturgeon Point Marina; and

WHEREAS, the Town desires to pursue additional funding opportunities to construct hazard mitigation measures to ensure the long-term resilience of the breakwater; and

WHEREAS, the Town Engineer has submitted the proposed design for breakwater repairs and mitigation to the required agencies for permitting review; and

WHEREAS, the Town Board now desires to apply for financial assistance from the FEMA Hazard Mitigation Grant Program to construct the aforementioned mitigation measures at Sturgeon Point Marina; and

WHEREAS, the Town Board commits to providing the required local matching funds to ensure the timely implementation of the proposed project.

NOW, THEREFORE BE IT RESOLVED, that Mary Hosler, as Supervisor of the Town of Evans, is hereby authorized and directed to accept funds from the FEMA Hazard Mitigation Grant Program in an amount of \$1,438,954.19 and enter into and execute a project agreement with FEMA for such financial assistance on behalf of the Town of Evans; and

RESOLVED, that upon approval of the application for financial assistance that the Town make available \$159,883.80 in matching funds to satisfy the requirements of the funding program; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the FEMA Hazard Mitigation Grant Program application.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #233 Approve Town Licenses

Councilman Schraft moved and Councilman Macko seconded,

- 1) Matt Shaw D/B/A Skylighters - Fireworks - July 8, 2022 - 8296 Lake Shore Road
- 2) Matt Shaw D/B/A Skylighters - Fireworks - July 4, 2022 - 8686 Lake Shore Road
- 3) Kevin Rasinski - Live Band Special Event - July 16th -9174 Mohawk Road
- 4) Robert Pasinski D/B/A Jovial Bar II, Inc - Refreshment & Amusement

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 #234 Audit of Bills

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

	<u>AUDIT OF BILLS</u>
DATE	6/2/2022
ABSTRACT NO.	11
VOUCHER NO.	10598 - 10671
CHECK NUMBERS	84100 - 84164
APPROVED AT	Board Meeting

DATE	6/1/2022
GENERAL	\$58,307.57
PART TOWN	\$1,784.23
HIGHWAY DB	\$3,917.44
WATER	\$12,641.11
CAPITAL PROJECTS	\$5,516.20
SPECIAL DISTRICTS	\$21,031.52
DEBT SERVICE	
TOTAL	\$103,198.07

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

RESOLUTION 2022 #235 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, June 15, 2022 at 6:00pm for a Work Session and the Regular Meeting to follow.

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

OBSERVER
AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Observer
10 E SECOND ST
(716) 366-3000

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

PUBLICATION DATES:

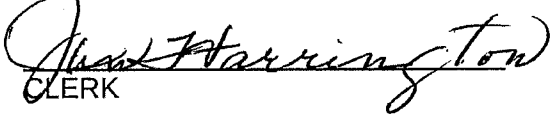
19 May 2022

Notice ID: TZ54bbiGd3KHZp4Hy7i4

Publisher ID: LTNEVN

Notice Name: Kwilos SUP 5-18-22

PUBLICATION FEE: \$22.73

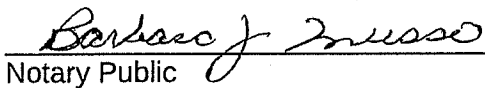

CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

19th day of May, A.D. 2022.


Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/23

Legal Notice

**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 June 1, 2022 at 7:10 P.M. via an in-person Public Meeting at the Evans Town Hall, 8787 Erie Road, Angola, New York, 14006 and/or Zoom meeting with link and phone number posted on the Town of Evans website at www.townofevans.org to consider the petition of Joseph and Emily Kwilos for a Special Use Permit for the construction and operation of an agricultural business pavilion, including educational programming and food service to be located at 1177 Church Road, Angola, NY 14006, SBL# 220.00-4-17. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom 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

May 19, 2022