

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: September 6, 2023	
V	Communications: William Smith, Director of Planning & Community Development. Re: Special Use Permit - Development, construction and operation of two Type 1 Photovoltaic Systems, producing a combined 10 Megawatt AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11, (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1). Petitioner: Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC), 6500 Sheridan Dr., Suite 120, Buffalo NY 14221.	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business: 1.) Filling Seats on Ethics Committee 2.) Part Time Dog Control Officer	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Lake Erie Beach Volunteer Fire Company Elected Membership 2.) Appointment of Full Time Court Clerk for Judge Cooper 3.) Budget transfer-Police	
XII	Licenses:	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, October 4 th , 2023 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.observevotoday.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:	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Deputy Supervisor

ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2023 #402 Enter Executive Session

Deputy Supervisor George moved and Councilman Schraft seconded,

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

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

The general nature of the subject matter to be discussed as follows: Employment History of a Particular Person and Litigation.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, Jennifer Rogers, Sugarman Law Firm, Chief Greg Szarowicz and Kelly Kent, Human Resources are invited to attend the Evans Town Board Executive Session.

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

RESOLUTION 2023 #403 Accept Minutes

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of August 16, 2023 be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

William Smith, Director of Planning & Community Development Re: Special Use Permit - Development, construction and operation of two solar arrays, totaling approximately 10 Megawatt AC located in the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11, (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1). Petitioner: Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC), 6500 Sheridan Dr., Suite 120, Buffalo NY 14221.

RESOLUTION 2023 #404 Advertise for Public Hearing Solar Liberty Energy

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS, in a letter dated September 1, 2023, the Planning Board has requested that the Town Board set a public hearing regarding the petition of Solar Liberty Energy Systems, Inc. (DBA SL Evans, LLC), 6500 Sheridan Dr., Suite 120, Buffalo NY 14221 for a Special Use Permit for proposed development, construction and operation of two solar arrays, totaling approximately 10 MW AC located in the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11, (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1).

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on September 20, 2023 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 and Code Enforcement Offices.

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

RESOLUTION 2023 #405 Town Clerk's Reports

Deputy Supervisor George moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of August 2023:

Town Clerk Report	\$57,104.50
Interest	\$3.94
Greenspace Fee	\$1,400.00
Petty Cash	\$650.00

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

OLD BUSINESS

RESOLUTION 2023 #406 Remove Items 2 and 4 from Old Business

Councilman Macko moved and Councilman Reitz seconded to remove items 2 and 4 Budget Amendments - Highway from Old Business.

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

RESOLUTION 2023 #407 Budget Transfer - Highway - Tree Removal

Councilman Macko moved and Councilman Schraft 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 Supervising Accountant to make the following budget transfer to reappropriate funds for costs associated with tree removal discussed by the Town Board at the February 15, 2023 Work Session:

Transfer From:

A1990.400.00	Contingent	\$10,500
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Transfer To:

DB.5110.400.02	Tree Removal	\$10,500
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VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Reitz Aye
 Councilman Macko Aye
 Councilman Schraft Aye
 Deputy Supervisor George Aye

RESOLUTION 2023 #408 Budget Amendment - Highway - Ground Life

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the Town of Evans Town Board approved the 2023 budget on November 16, 2022 by resolution 2022-425; and,

WHEREAS, the Town finds it necessary to amend the 2023 budget to recognize the receipt of funds associated Resolution 2022 #463 (Heavy Duty In-Ground Lift) - Highway Department;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2023 budget; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget amendments:

Increase:

DB.5100.220 \$324,710.13

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

RESOLUTION 2023 #409 Appointment of Full Time Dispatcher

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS on November 9, 2022 Kristan Klepp was hired "Provisionally" as a full Time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, The Town of Evans Police Department has canvassed the current Erie County Civil Service Public Safety Dispatcher list # 66-684; and

WHEREAS, Kristan Klepp is on the aforementioned list and meets all the requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Kristan Klepp, to the position of full-time Public Safety 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 Local 55 collective bargaining agreement.

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

RESOLUTION 2023 #410 Appointment of Full Time Dispatcher

Deputy Supervisor George moved and Councilman Reitz seconded,

WHEREAS, on December 21, 2022 Rose Hassan was hired "Provisionally" as a full Time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, The Town of Evans Police Department has canvassed the current Erie County Civil Service Public Safety Dispatcher list # 66-684; and

WHEREAS, Rose Hassan is on the aforementioned list and meets all the requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Rose Hassan, to the position of full time Public Safety 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 Local 55 collective bargaining agreement.

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

RESOLUTION 2023 #411 Salary Structure for Part Time /Seasonal Police Officers

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS; Part Time Police Officers are utilized to supplement full-time police officers and aid in the smooth operation of the Police Department; and

WHEREAS; the current rate of pay set forth in the 2023 Reorganizational Town of Evans Board Meeting was \$22.00 dollars per hour;

NOW, THEREFORE, BE IT RESOLVED; that the Town Board of the Town of Evans hereby sets the Part Time/Seasonal Police Officer hourly salaries based on years of experience as a certified Police Officer to the following hourly salary, and shall be effective immediately upon approval of the Town Board:

- Academy: \$20 dollars per hour
- 1 -5 Years Experience: \$24 dollars per hour
- 6 -10 Years Experience: \$26 dollars per hour
- 11-15 Years Experience: \$28 dollars per hour
- 16 years + Experience: \$30 dollars per hour

FURTHER, BE IT RESOLVED; that a copy of this resolution will be provided to the Chief of Police, Human Resources and Payroll Department.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #412 Appointment of Part Time Police Officer - Davis

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS; there is an opening for a Part Time Police Officer in the Town of Evans Police Department; and

WHEREAS; Patrick Davis is a certified Police Officer and worked for the Village of Angola Police Department, and the Village of North Collins and;

WHEREAS; Patrick Davis has successfully interviewed and passed all aspects of the Town of Evans Police Department Background check;

NOW, THEREFOR, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Patrick Davis, effective on 9/7/2023, to the position of Part-Time Police Officer with the Town of 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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #413 Appointment of Part Time Clerk - Highway Department

Councilman Schraft moved and Councilman Reitz seconded,

BE IT RESOLVED, effective September 11, 2023, the following individual is hereby appointed as Part-Time Clerk for the Town of Evans Highway Department, working up to 19.5 hours per week, at the hourly rate indicated below;

<u>NAME</u>	<u>SALARY</u>
Tracy Naab	\$16.20 per hour; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #414 Appointment of Stormwater Management Officer

Deputy Supervisor George moved and Councilman Reitz seconded,

BE IT RESOLVED, effective immediately, the Evans Town Board hereby appoints Code Enforcement Officer John Flading as the Town of Evans' SMO (Stormwater Management Officer) with no additional compensation for appointed position.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #415 Appointment to Climate Smart Committee

Councilman Reitz moved and Deputy Supervisor George seconded,

BE IT RESOLVED, effective immediately, Diane Brent is hereby appointed to the Town of Evans Climate Smart Committee.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #416 Advertise for Bids - Lake Erie Beach Park Pedistrian Bridge & Stone Revetment

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, the Town Engineer at CPL is hereby authorized to prepare an invitation to bid for repairs and mitigation measures to the Lake Erie Beach Park Pedestrian Bridge and Shoreline Revetment; and

WHEREAS, the specifications for the invitation to bid shall be available at the Evans Town Clerk's Office, 8787 Erie Road, Angola, NY 14006, beginning Friday, September 8th, 2023 as well as the office of Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203;

NOW, THEREFORE, BE IT RESOLVED, that 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 2:00 p.m. (local time) on Friday, September 29th, 2023, at which time the bids will be publicly opened and read aloud.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #417 Award Bid for Lake Erie Beach Multi-Use Trail

Councilman Schraft moved and Councilman Macko seconded,

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #418 Suspend the Rules of Order

Deputy Supervisor George moved and Councilman Schraft seconded; WHEREAS, bids were solicited for the Lake Erie Beach Multi-Use Trail project that is proposed along Lake Shore Road from Point Breeze Drive to A.J. Schmidt Elementary School in the Town of Evans; and

WHEREAS, bids were received and opened on June 29, 2023 at 2:00 P.M., in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by S. St. George Enterprises, Inc. at PO Box 348, Fredonia, NY 14063; and

WHEREAS, the Town has reviewed and discussed the bid from S. St. George Enterprises and have confirmed the company's understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by S. St. George Enterprises was \$848,148;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Lake Erie Beach Multi-Use Trail project to S. St. George Enterprises, Inc. PO

Box 348, Fredonia, NY 14063.

BE IT FURTHER RESOLVED, that the Deputy Supervisor 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 Reitz	Aye
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Deputy Supervisor George	Aye

RESOLUTION 2023 #419 Final Plat Approval Approval of The Bay at St. Vincents

Deputy Supervisor George moved and Councilman Reitz seconded,

WHEREAS, on June 21, 2023, the Town Board reapproved the Preliminary Plat for the proposed The Bay at Saint Vincent Major Subdivision (“the Project”); and

WHEREAS, the Project involves the creation and development of 22 residential lots and supporting infrastructure on the 15.97 +/- acre parcel located at 8462 Lake Shore Rd (SBL# 220.00-1-22); and

WHEREAS, the Planning Board has previously reviewed the Preliminary Plat with respect to SEQRA, and issued a negative declaration; and

WHEREAS, the Final Plat has been submitted by the applicant for review by the Planning Director, Code Enforcement Officer, Town Engineer and Town Attorney for their review and comments; and

WHEREAS, the Eagle Associates of Niagara Frontier, Inc. (“the Applicant”) has addressed all internal comments as well as those received by any involved agencies throughout the review process; and

WHEREAS, the Applicant has addressed the conditions for Final Plat approval and provided a signed Letter of Resolution from the NYS Department of Environmental Conservation and NYS Office of Parks, Recreation and Historic Preservation.

WHEREAS, the Planning Director, Code Enforcement Officer, Town Engineer and Town Attorney has confirmed the Final Plat does not vary in any significance from the Preliminary Plat that would otherwise disturb the previous SEQRA negative declaration; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby approves the Final Plat for The Bay at Saint Vincent Major Subdivision.

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

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

RESOLUTION 2023 #420 Suspend the Rules of Order

Deputy Supervisor George moved and Councilman Schraft seconded to Suspend the Rules of Order for the consideration of additional resolutions.

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

RESOLUTION 2023 #421 Contract Extension School Resource Officer Agreement

Councilman Reitz moved and Deputy Supervisor George seconded,

WHEREAS, the Town entered into an Agreement, dated January 1, 2021, with the Seneca Nation of Indians ("Nation"), with its principal office for the transaction of business at 12837 Route 438, Irving, New York 14081 and the Lake Shore Central School District, with its principal office for the transaction of business at 959 Beach Road, Angola, New York 14006 ("District"); and

WHEREAS, the Agreement was approved by the Evans Town Board dated December 28, 2020; and

WHEREAS, the Town would like to extend the current Agreement for a three (3) year period (2024, 2025 and 2026), per the extension agreement;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans authorizes the extension of the School Resource Officer agreement, hereby extending the term of the agreement until December 31, 2026; and

FURTHER, BE IT RESOLVED, this Extension Agreement is intended to modify the agreement only to the extent that the agreement is consistent with the terms stated above. All others terms and conditions of the Agreement including any amendments agreed to and made part of the original Agreement shall remain in full force and effect; and

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute any all documents regarding the extension to the School Resource Officer agreement between the Town of Evans, Seneca Nation of Indians and Lake Shore Central School District, upon approval of the Town Attorney.

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

RESOLUTION 2023 #422 Contract Extension School Resource Officer Agreement

Councilman Reitz moved and Deputy Supervisor George seconded,

WHEREAS, the Town entered into an Agreement, dated January 1, 2021, with the Seneca Nation of Indians ("Nation"), with its principal office for the transaction of business at 12837 Route 438, Irving, New York 14081 and the Lake Shore Central School District, with its principal office for the transaction of business at 959 Beach Road, Angola, New York 14006 ("District"); and

WHEREAS, the Agreement was approved by the Evans Town Board dated December 28, 2020; and

WHEREAS, the Town would like to extend the current Agreement for a three (3) year period (2024, 2025 and 2026), per the extension agreement;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans authorizes the extension of the School Resource Officer agreement, hereby extending the term of the agreement until December 31, 2026; and

FURTHER, BE IT RESOLVED, this Extension Agreement is intended to modify the agreement only to the extent that the agreement is consistent with the terms stated above. All others terms and conditions of the Agreement including any amendments agreed to and made part of the original Agreement shall remain in full force and effect; and

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute any all documents regarding the extension to the School Resource Officer agreement between the Town of Evans, Seneca Nation of Indians and Lake Shore Central School District, upon approval of the Town Attorney.

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

RESOLUTION 2023 #423 Authorizing Law Section 284 Agreement to Spend Town Highway Funds

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Town Board and the Superintendent of Highways are required by Highway Law Section 284 to enter into a written agreement stating the places and manner in which the Highway Fund appropriations for repairs and improvements are to be expended: and

WHEREAS, in conjunction with the estimate submitted by the Highway Superintendent, the Highway Superintendent has submitted a proposed Highway Law Section 284 agreement to spend Town Highway Funds; and

WHEREAS, the Highway Superintendent has prepared an agreement to spend Town Highway Funds for the fiscal year commencing January 1, 2023, for general repairs and primary work, and permanent improvements subject to limitations set by NYS Capital Highway Improvement Program (CHIPS) funding;

WHEREAS, the Highway Superintendent has requested to add additional general repairs and primary work to our Town roads.

NOW, BE IT RESOLVED, that the Town Board hereby approves said agreement to spend Town Highway Funds therefore, the Town Deputy Supervisor and Town Board Members are authorized and directed to execute said agreement as required by law in substantially the same form as annexed hereto.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #424 Audit of Bills

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

<u>AUDIT OF BILLS</u>	
DATE	9/7/2023
ABSTRACT NO.	16
VOUCHER NO.	13064 - 13158
CHECK NUMBERS	86193 - 86265
APPROVED AT	Board Meeting
DATE	9/6/2023
GENERAL	\$204,155.42
PART TOWN	\$7,610.63
HIGHWAY DB	\$23,486.22

WATER	\$4,794.41
CAPITAL PROJECTS	\$82,126.25
SPECIAL DISTRICTS	\$117,438.32
DEBT SERVICE	
TOTAL	\$439,611.25

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

RESOLUTION 2023 #425 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Wednesday, September 20, 2023 at 6:00pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of Robert R. Catalino and Marge Frawley.

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

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes. Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Lynn M. Krajacic RMC
Town Clerk



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

September 18, 2023

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

Re: Special Use Permit - Development, construction and operation of two Type 1 Photovoltaic Systems, producing a combined 10 Megawatt AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11, (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1). Petitioner: Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC), 6500 Sheridan Dr., Suite 120, Buffalo NY 14221.

Dear Town Board:

Please be advised that at the August 23, 2023 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 SL Evans, LLC.
- Approval and execution of the Host Community Agreement between the Town of Evans and SL Evans, LLC.

- Approval and execution of the Decommissioning Plan between the Town of Evans and SL Evans, LLC, including without limitation a decommissioning bond.
- Submittal and approval of a Fire Suppression Plan to be coordinated with the North Evans Volunteer Fire Company, Inc.

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

Sincerely,

A handwritten signature in black ink, appearing to read "William B. Smith". The signature is written in a cursive, slightly slanted style.

William B. Smith, Director
Planning & Community Development

cc: Planning Board Members
Town Attorney
Code Enforcement Office
Assessor

Comm 1

Submitted for the September 20, 2023 Evans Town Board meeting:

WHEREAS, Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of two Type 1 Solar Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the designated Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11 (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1); 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 SL Evans, LLC Special Use Permit for the purpose of development, construction and operation of two Type 1 Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd.

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

Submitted for the September 20, 2023 Evans Town Board meeting:

WHEREAS, Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of two Type 1 Solar Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11 (formerly two abutting parcels known as SBL#'S 207.00-4-21.1 & 207.00-4-11.1); 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 500-feet therefrom and of that directly opposite thereto extending 500-feet from the street frontage; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on September 20, 2023 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 SL Evans, LLC.
- Approval and execution of the Host Community Agreement between the Town of Evans and SL Evans, LLC.
- Approval and execution of the Decommissioning Plan between the Town of Evans and SL Evans, LLC, including without limitation a decommissioning bond.
- Submittal and approval of a Fire Suppression Plan to be coordinated with the North Evans Volunteer Fire Company, Inc.

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 Solar Liberty Energy Systems, Inc. (DBA SL Evans, LLC) for the purpose of development, construction and operation of two Type 1 Solar Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11 (formerly two abutting parcels known as SBL#'S 207.00-4-21.1 & 207.00-4-11.1).

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.

Res 1

RESOLUTION – LAKE ERIE BEACH VOLUNTEER FIRE COMPANY, INC. ELECTED MEMBERSHIP

WHEREAS, Lake Erie Beach Volunteer Fire Company, Inc. has accepted applications for new candidates for membership; and

WHEREAS, each candidate was interviewed thoroughly and found to meet or exceed the qualifications; and

WHEREAS, the following candidates were elected into membership of the Lake Erie Beach Volunteer Fire Company, Inc. during the September 7, 2023 General Membership Meeting;

NOW, THEREFORE, BE IT RESOLVED, based on the above, the Evans Town Board hereby approves the following member elected into membership to Lake Erie Beach Volunteer Fire Company, Inc.;

Olivia Pfluerger

ROLL CALL VOTE

Res 3

RESOLUTION – BUDGET TRANSFER – POLICE

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 Supervising Accountant to make the following budget transfer to reappropriate funds for costs associated with Scheduling Software:

Transfer From:

A.3120.210.00	Equipment - Information Technology	\$5,805.00
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Transfer To:

A.3120.420.00	Professional & Technical Services - Information Technology	\$5,805.00
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ROLL CALL VOTE: