Evans Town Board

At a Regular Meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola New York there were:

PRESENT:	Michael Schraft	Councilman
	Jeanne Macko	Councilman
	Mary Hosler	Supervisor
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Jennifer Farrell	Town Attorney
	Roberta Rappoccio	Director of Planning
	Doug Czora	Police Chief
	Brittany Gloss	Director of Finance
	Jeneen Hill	Assessor
	Mary Holl	Supervisor's Secretary

RESOLUTION 2018 #368 Approve Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the meeting of August 1, 2018 meeting be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

Supervisor Hosler read a communication from Roberta Rappoccio, Director of Community Development and Planning regarding Minor Subdivision Review - dividing a 11.34± acre parcel at 1670 Eden Evans Center Road, with 448.35± feet of frontage on Eden Evans Center Road and 293.22± feet of frontage on Southwestern Boulevard (aka U.S. Route 20), known as SBL# 221.00-3-16.11, to create an 1.96± acre parcel on Eden Evans Center Road, a 7.01± acre parcel on Southwestern Boulevard and Eden Evans Center Road and a 2.37± acre parcel on Southwestern Boulevard. Petitioner: Francis J. Myers, 45 Pinewood Drive, West Seneca, NY 14224

RESOLUTION 2018 #369 Declare Lead Agency Myers Minor Subdivision

Supervisor Hosler moved and Councilman Schraft 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:

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

WHEREAS, in a letter dated August 13, 2018, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Southwestern Storage Facility, LLC 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 adopts the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Southwestern Storage Facility, LLC Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 221.00-3-16.11, dividing a 11.34± acre parcel to create:

1. a 1.96± acre parcel with 348.35± feet of frontage on Eden Evans Center Rd., and
2. a 7.01± acre parcel with 81.83± feet of frontage on Southwestern Blvd. (aka U.S. Route 20) and 100.00± feet of frontage on Eden Evans Center Rd., and
3. a 2.37± acre parcel with 211.39± feet of frontage on Southwestern Blvd. (aka U.S. Route 20)

Petitioner: Francis J. Myers, 45 Pinewood Drive, West Seneca, NY 14224

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

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

RESOLUTION 2018 #370 Approve Myers Minor Subdivision

Councilman Schraft moved and Councilman Macko seconded,

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 adopts the findings of the Town of Evans Minor Subdivision Review Committee and approves the Southwestern Storage Facility, LLC Minor Subdivision, a division of SBL# 221.00-3-16.11, dividing a 11.34± acre parcel to create:

1. a 1.96± acre parcel with 348.35± feet of frontage on Eden Evans Center Rd., and
2. a 7.01± acre parcel with 81.83± feet of frontage on Southwestern Blvd. (aka U.S. Rt. 20) and 100.00± feet of frontage on Eden Evans Center Rd., and
3. a 2.37± acre parcel with 211.39± feet of frontage on Southwestern Blvd. (aka U.S. Rt. 20)

Petitioner: Francis J. Myers, 45 Pinewood Drive, West Seneca, NY 14224

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

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

Supervisor Hosler read a communication from Roberta Rappoccio, Director of Community Development and Planning regarding a proposed Zoning Code amendment for Section 200-42 Site Plan Submittal and Site Plan Waiver

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 15, 2018 at 7:10 pm at the Evans Town Hall, 8787 Erie Rod, Angola, New York 14006 for public comment on the Combined Village of Angola and Town of Evans Updated Comprehensive Plan; and

Copies of the 2018 Combined Village of Angola and Town of Evans Updated Comprehensive Plan will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm; and the Town's website www.townofevans.org.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

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

RESOLTUION 2018 #371 Open the Public Hearing

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

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

The following spoke in opposition to the Updated Comprehensive Plan:

Tebra Howard	Jeanne Ebersole	Mike Dolinar	Carolyn Mazur
Bill Henry	Joseph Mecca	David DaPolito	Ed Schneider

RESOLUTION 2018 #372 Close the Public Hearing

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

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

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 15, 2018 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #6 of the year 2018, which will amend Town Code Chapter 182: Taxation, to allow filing of a RP-467 renewal exemption application after taxable status day until hearing complaint day each year, under certain circumstances.

Copies of the Proposed Local will be available for inspection by any interested person after August 3, 2018 in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website www.townofevans.org.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

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

RESOLTUION 2018 #373 Open the Public Hearing

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

There was nobody wishing to speak at the Public Hearing

RESOLUTION 2018 #374 Close the Public Hearing

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #375 Adopt Local Law #5 of 2018 - Taxation

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law Number 6 of the year 2018 regarding miscellaneous code revisions to Section 182: Taxation, will streamline processes in the code and provide necessary revisions and additions to the code; and

WHEREAS, the Evans Town Board held a Public Hearing on the proposed code amendments on August 15, 2018, which was properly advertised by the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law Number 6 of the year 2018 be and hereby is adopted as Local Law Number #5 of the year 2018; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Town Clerk's Office and Assessor's Office.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

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 15, 2018 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #7 of the year 2018, which will add a chapter to the code, to be commonly known as Expert Fees, Reimbursement of, specifically Town Code Chapter 71.

Copies of the Proposed Local will be available for inspection by any interested person after August 3, 2018 in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website www.townofevans.org.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

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

RESOLTUION 2018 #376 Open the Public Hearing

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

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

There was nobody wishing to speak at the Public Hearing

RESOLUTION 2018 #377 Close the Public Hearing

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

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

RESOLUTION 2018 #378 Adopt Local Law #6 of 2018 - Expert Fees

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law Number 7 of the year 2018 regarding addition of Chapter 71: Expert Fees, Reimbursement of, will provide necessary revisions and additions to the code; and

WHEREAS, the Evans Town Board held a Public Hearing on the proposed code amendments on August 15, 2018, which was properly advertised by the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law Number 7 of the year 2018 be and hereby is adopted as Local Law Number 6 of the year 2018; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the Town Clerk's Office, Code Enforcement Office, and Planning Department.

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

RESOLUTION 2018 #379 Town Clerk's Reports

Supervisor Hosler moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of July 2018:

Town Clerk Report July	$61,459.97
Interest for July	$5.15
Greenspace Fees transferred to Trust & Agency Account	$0

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

RESOLUTION 2018 #380 Advertise for Public Hearing for Proposed Local Law #8, Taxation-Veterans Disability Compensation

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, that the Town Clerk is hereby authorized to post and publish the needed legal notice for a public hearing to be held Wednesday, September 5, 2018 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #8 of 2018 regarding code revisions to Evans Town Code Section 182: Taxation, to exclude veterans disability compensation as income for calculation of the senior citizen exemption.

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

RESOLUTION 2018 #381 New York State Magistrates Annual Conference

Councilman Schraft moved and Councilman Macko seconded,

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

WHEREAS; said annual conference will be held in Niagara Falls, New York from Sunday, September 23, 2018 to Wednesday, September 26, 2018; 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 Macko	Aye
	Councilman Schraft	Aye
	Supervisor Hosler	Aye

RESOLUTION 2018 #382 COMTEL Agreement

Councilman Macko moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the Town of Evans renew and enter into a Maintenance & Service agreement for the Town of Evans telephone system with COMTEL located at 750 Ensminger Road, Suite 100, Tonawanda, New York 14150 for the period of August 1, 2018 to July 31, 2019 in the amount of $2,228.26 per said contract period, which is the New York State OGS pricing.

FURTHER, BE IT RESOLVED, that the Supervisor Hosler is hereby authorized to execute the contract, upon the approval of the Town Attorney.

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

RESOLUTION 2018 #383 Advertise Demo Bid-940 Sturgeon Point Road

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the condition of 940 Sturgeon Point Road, SBL205.00-1-24 located in the Town of Evans has been deemed by the Building Safety Inspector to be unsafe and an endangerment to the public at large, and

WHEREAS, it was the determination of the Building Safety Inspector based on his formal inspection and report that said property is unsafe and an endangerment to the public at large to the extent that demolition of the above referenced property is necessary; and

WHEREAS, the Building Safety Inspector has caused a notice to be served upon the owner and all other interested parties, and notice to be posted in a conspicuous place upon the property, all as prescribed by Town Code Section 74-4B, for the above referenced property; and

WHEREAS, more than ten (10) days has passed since the completion of the above referenced service of such notice; and

WHEREAS, the Town has not received a written request for a hearing by the owner nor any interested party regarding any the above referenced property, as set forth in Town Code Section

74-4B, nor has any remedial work been undertaken on any of the properties to alleviate the known hazards. Currently the unsafe conditions which persist on each of properties only have become more hazardous to the public; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, based on the report of the Building Safety Inspector and the absence of response by the property owner or any interested party, hereby orders the demolition of the unsafe buildings referenced above and complete removal of all unsafe debris and refuse left on the property; and

BE IT FURTHER RESOLVED, the Town Board authorizes the Building Safety Inspector to administer the demolition of said property including the necessary remedial work to render the property safe; and

BE IT FURTHER RESOLVED, that the Code Enforcement Office is hereby authorized to prepare an invitation to bid for the demolition, and controlled demolition with and without asbestos abatement of said properties as appropriate; and

BE IT FURTHER RESOLVED, that the specifications for the invitation to bid shall be available at the Office of the Evans Town Clerk, 8787 Erie Road, Angola, New York 14006; and

BE IT FURTHER 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 Town Clerk's Office by 10:00 a.m. on August 27, 2018, at which time the bids will be publicly opened and read aloud.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Assessor and/or Town Attorney to institute the appropriate actions against the property owners of the above referenced properties for recovery of costs incurred by the Town in connection with these proceedings as provided by Town Code Section 74-8.

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

RESOLUTION 2018 #384 National Grid Easement

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, that Supervisor Hosler is authorized execute a Grant of Easement to Niagara Mohawk Power Corporation regarding a new overhead line and new pole #4-1 on Larkin Road and SBL 205.03-1-16.11 in the Town of Evans, upon approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #385 Accept 2017 Audit-Judge Barone

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that justices annually provide their court records and dockets to their respective town auditing boards and that such records then be examined or audited and that fact be entered into the minutes of the Board's proceedings; and

WHEREAS, the Town of Evans contracted with the audit firm Drescher & Malecki, LLP to audit and examine said records and dockets provided by Town Justice Barone for the fiscal year end December 31, 2017; and

WHEREAS, the Town of Evans Board did review said audit of Justice Barone's records and dockets; and

WHEREAS, upon review of said audit, the Town of Evans Board noted that sufficient appropriate audit evidence, with regard to cash balances, was unable to be obtained and therefore no audit opinion was provided for the financial records of Justice Barone for fiscal year end December 31, 2017;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans does hereby accept the audit for fiscal year end December 31, 2017 of Town Justice Barone.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #386 Accept 2017 Audit-Judge Glascott

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that justices annually provide their court records and dockets to their respective town auditing boards and that such records then be examined or audited and that fact be entered into the minutes of the Board's proceedings; and

WHEREAS, the Town of Evans contracted with the audit firm Drescher & Malecki, LLP to audit and examine said records and dockets provided by Town Justice Glascott for the fiscal year end December 31, 2017; and

WHEREAS, the Town of Evans Board did review said audit of Justice Glascott's records and dockets; and

WHEREAS, upon review of said audit, the Town of Evans Board noted that the financial records presented fairly, in all material respects, and therefore an unmodified opinion was provided for the financial records of Justice Glascott for fiscal year end December 31, 2017;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans does hereby accept the audit for fiscal year end December 31, 2017 of Town Justice Glascott.

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

RESOLUTION 2018 #387 Budget Transfer-Senior Center

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers to reappropriate funds for the purchase of equipment:

Transfer To:

A.7610.260	Seniors Equipment	$300.00

Transfer From:

A.7610.240	Buildings & Improvements	$300.00

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

RESOLUTION 2018 #388 Declare Surplus Equipment (Marina)

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town Marina is in need of a highlift loader; and

WHEREAS, the Town DPW Superintendent has determined the Hyundai HL940 Loader to be the best value to the Town; and

WHEREAS, it is in the Town's best interest to provide financing of the new equipment through a capital lease; and

WHEREAS, De Lage Landen Financial Services, Inc. has agreed to provide lease financing at a reasonable cost;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a financing agreement with De Lage Landen Financial Services, Inc. for the purchase of a Hyundai HL940 Loader in the amount of $116,240 paid in equal payments of $21,034, plus interest, over three years.

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

RESOLUTION 2018 #389 New York State Assessors Association Conference

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS; the Assessor Jeneen Hill requests permission to attend the New York State Assessor's Association Annual Conference and Assessment Seminar; and

WHEREAS; said annual conference and assessment seminar will be held in Binghamton, New York from Sunday September 30, 2018 to Wednesday October 3, 2018; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Assessor Jeneen Hill , to attend said conference and all appropriate and reasonable expenses shall be paid by the Town and in part reimbursable by New York State Office Of Real Property for continuing education.

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

RESOLUTION 2018 #390 Appointment of Part Time Property Maintenance Inspector

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans has been awarded a grant in the amount of $100,000.00 for its zombie and vacant properties remediation and prevention initiatives from the Local Initiatives Support Corporation (LISC) and the New York Housing Stabilization Fund; and

WHEREAS, the aforementioned grant award included monies for staff enhancement for Code Enforcement departments to hire certified building inspectors for inspection and evaluation of vacant and abandoned properties within the Town of Evans; and

NOW, THEREFORE, BE IT RESOLVED, that Jesse Gilbert, a Certified Code Enforcement Officer, be appointed as a part-time Property Maintenance Inspector at an hourly rate of $15.00 for a maximum of 19 hours per week.

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

RESOLUTION 2018 #391 Penn Power Agreement

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the Town of Evans enter into an agreement (renewal) with Penn Power Systems for maintenance and inspection of the emergency generator located at 8787 Erie Road from September 1, 2018 to August 31, 2019 in the amount of $778.00 annually, upon the approval of the Town Attorney.

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

RESOLUTION 2018 #392 TAP Grant Phase 4

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town Board desires to pursue funding opportunities to address public safety and pedestrian/bicycle transportation concerns in the Town of Evans. This is a project The Town of Evans proposes constructing a 1.8 mile 8 foot wide multi-use pathway along the west side of Old Lake Shore Road, from Evans Town Park to Kennedy Street (also known as Point Breeze) "Shoreline Trail".

WHEREAS, the Town Board desires to provide this type of facility to residents at the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from the NYSDOT Transportation Alternative Program, and

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

THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application to the NYS Department of Transportation TAP (Transportation Alternative Program) for funding for the Evans Sidewalk Construction Project in the amount of $3,193,880.00; and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance that the Town make available $638,776 (20%) in matching funds to satisfy the requirements of the funding program; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign all documents and agreements related to the TAP/CMAQ application; and

BE IT FURTHER RESOLVED, that Mary Hosler, as Supervisor of the Town of Evans, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation, Transportation Alternatives Program, and authorize a Town financial commitment in an amount no less than 20% of the approved funding, and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the Town of Evans for the proposed Shoreline Trail Project and that the Town of Evans will enter into all documents and agreements with Erie County related to the authorization of the Evans Shoreline Trail Phase 4 TAP application, authorization of this activity with the Old Lakeshore Road County right-of-way, and implementation and management of the Evans Shoreline Trail Phase 4 project.

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

RESOLUTION 2018 #393 Tri R Mechanical Preventive Maintenance Agreement

Councilman Macko moved and Councilman Schraft seconded,

NOW THEREFORE BE IT RESOLVED, that Supervisor Hosler is hereby authorized to execute the Preventive Maintenance Agreement with Tri R Mechanical, 25 Ransier Drive, West Seneca, NY 14224 with inspections schedule for 4 times per year (cooling Spring/Summer and heating Fall/ Winter) at a cost not to exceed $1,698.00 per year for the period of May 1, 2018 through April 30, 2019, upon the approval of the Town Attorney.

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

RESOLUTION 2018 #394 Amend Resolution 2018-016

Councilman Schraft moved and Councilman Macko seconded,

BE IT RESOLVED, that #2018-016 be amended to include TD Ameritrade Institutional as an approved financial institution for the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #395 Advertise for Proposed Local Law #9 of 2018 - Site Plan

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, that the Town Clerk is hereby authorized to post and publish the needed legal notice for a public hearing to be held Wednesday, September 5, 2018 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #9 of 2018 regarding code revisions to Evans Town Code Section 200: Zoning, site plan submittal and review.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #396 Approve Town Licenses

Supervisor Hosler moved and Councilman Schraft seconded,

John J. Kennedy - Live Band Special Event

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 Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #397 Audit of Bills

Councilman Macko moved and seconded Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts per abstract

AUDIT OF BILLS

DATE	8/16/2018
ABSTRACT NO.	15
VOUCHER NO.	3155 - 3225
CHECK NUMBERS	78261 - 78314
APPROVED AT	Board Meeting
DATE	8/15/2018

GENERAL	$59,777.37
PART TOWN	$1,575.67
HIGHWAY DB	$35,454.98
WATER	
CAPITAL PROJECTS	$51,210.00
SPECIAL DISTRICTS	$8,115.56
DEBT SERVICE	$22,874.47
TA FUND	
TOTAL	**$179,008.05**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #398 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, August 22, 2018 at 6pm for a work session and then to September 5, 2018 at 6pm for an Agenda Meeting then to 7pm for the Regular Meeting.

This meeting was adjourned in Memory of Joseph Pisarski, Town Historian and a page will be set aside in the official record.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	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

In Memory of
Joseph M. Pisarski
Town Historian

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Sheila McWillson, being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York, Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

August 4, 2018

Signed: Sheila McWillson

Sheila McWillson

Signed before me this 6th day of August 2018

Barbara J. Musso

Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 9/4/19

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 15, 2018 at 7:10 P.M.** at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #7 of the year 2018, which will add a chapter to the code, to be commonly known as Expert Fees, Reimbursement of, specifically Town Code Chapter 71.

Copies of the Proposed Local will be available for inspection by any interested person after August 3, 2018 in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevans.org.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

By Order of the
Town Board
of the Town of Evans
Lynn M. Krajacic
Town Clerk
O-164102 August 4, 2018
-Adv.

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Sheila McWillson, being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

August 4, 2018

Signed: Sheila McWillson

Sheila McWillson

Signed before me this 6th day of August 2018

Barbara J. Musso

Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/19

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 15, 2018 at 7:10 P.M.** at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #6 of the year 2018, which will amend Town Code Chapter 182: Taxation, to allow filing of a RP-467 renewal exemption application after taxable status day until hearing complaint day each year, under certain circumstances.

Copies of the Proposed Local will be available for inspection by any interested person after August 3, 2018 in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevans.org.

All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the public hearing to be held aforesaid.

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

O-164103 August 4, 2018
-Adv.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information
Southwestern Storage Facility, LLC

Name of Action or Project:
Southwestern Storage Facility Minor Subdivision

Project Location (describe, and attach a location map):
1670 Eden Evans Center Road, Angola, NY 14006

Brief Description of Proposed Action:

Subdividing an 11.34+/- acre parcel into three separate lots:
Sublot #1: 1.96+/- acres
Sublot #2: 7.01+/- acres
Sublot #3: 2.37+/- acres

Name of Applicant or Sponsor:	Telephone: 716-432-7031
Francis J. Myers	E-Mail:

Address:
45 Pinewood Drive

City/PO:	State:	Zip Code:
West Seneca	New York	14224

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☑
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? 11.34+/- acres
b. Total acreage to be physically disturbed? -0- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 11.34+/- acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☑ Industrial ☑ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☑
b. Consistent with the adopted comprehensive plan?	☐	☐	☑
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☑	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	☐	☑	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	☑	☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☑	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	☑	☐	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	☑	☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☑	☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☑ NO ☐ YES			

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

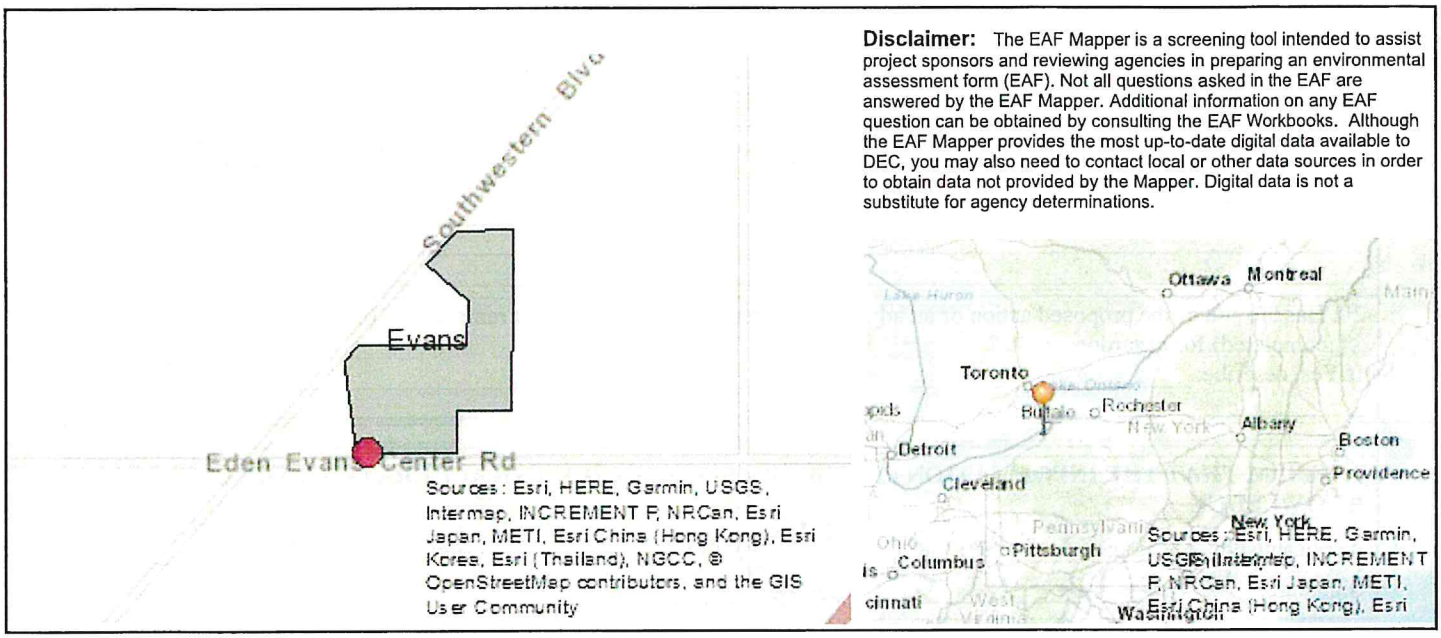
Applicant/sponsor name: Francis Meyers Date: 7/6/2018

Signature: Francis J. Meyers

PRINT FORM

EAF Mapper Summary Report

Tuesday, July 03, 2018 10:21 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only [If applicable]

Project: Myers Minor Subdivision

Date: August 15, 2018

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

N/A

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Evans Town Board	August 15, 2018
Name of Lead Agency	Date
Mary K. Hosler	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Mary K Hosler	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Agency Use Only [If applicable]

Project:	Myers - Minor Subdivision
Date:	August 15, 2018

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

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