Evans Town Board

At a meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:	Mary Hosler	Supervisor
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2021 #144 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: Grievance

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, Jeff Swiatek Town of Evans Labor Attorney and Mike Krajacic, CSEA Unit President.

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

RESOLUTION 2021 #145 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of March 3, 2021 and March 17, 2021 be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

Supervisor Hosler reported that the Supervisor's February 2021 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2021 #146 Advertise for Public Hearing - Kris Kinn

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated March 25, 2021, the Planning Director has requested that the Town Board set a public hearing regarding the petition of Kris Kinn for a Special Use Permit for the operation of a Watersports Equipment Rental and Lessons business to be located at 8140 Lake Shore Road, Angola, NY 14006, SBL# 219.16-2-11.2; and

WHEREAS, the Planning Board unanimously recommended approval of the Special Use Permit at their GoTo Planning Board meeting held on March 24, 2021.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on April 21, 2021 at 7:10pm for the consideration of said special use permit; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #147 SEQR Negative Declaration - Bogulski

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

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

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

WHEREAS, in a letter dated March 31, 2021, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Peter & Norma Bogulski 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 Peter & Norma Bogulski Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 205.00-4-18.12 and SBL# 205.00-4-5, dividing a 15.81± acre parcel on Larkin Road, Derby, known as SBL# 205.00-4-18.12 and a 6.4± acre parcel on a private road, Derby, known as SBL# 205.00-4-5 to create:

1. a 2.331± acre parcel with 150± feet of frontage on Larkin Road; formed by annexing a 0.44± acre portion of SBL# 205.00-4-18.12 and a 1.0± acre portion of SBL# 205.00-4-5 to the Bogulski adjacent primary parcel at 665 Larkin Rd., SBL# 205.00-4-4, and
2. a 20.7± acre parcel with 924.70± feet of frontage on a private road; formed by annexing a 15.3± acre portion of SBL# 205.00-4-18.12 and a 5.4± acre portion of SBL# 205.00-4-5 together.

Petitioner: Peter & Norma Bogulski, 665 Larkin Rd., Derby, NY 14047

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #148 Approve Minor Subdivision - Bogulski

Councilman George moved and Supervisor Hosler 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 Peter & Norma Bogulski Minor Subdivision,

a division of SBL# 205.00-4-18.12 and SBL# 205.00-4-5, dividing a 15.81± acre parcel on Larkin Road, Derby, known as SBL# 205.00-4-18.12 and a 6.4± acre parcel on a private road, Derby, known as SBL# 205.00-4-5 to create:

1. a 2.331± acre parcel with 150± feet of frontage on Larkin Road; formed by

annexing a 0.44± acre portion of SBL# 205.00-4-18.12 and a 1.0± acre portion of SBL# 205.00-4-5 to the Bogulski adjacent primary parcel at 665 Larkin Rd., SBL# 205.00-4-4, and

2. a 20.7± acre parcel with 924.70± feet of frontage on a private road; formed by annexing a 15.3± acre portion of SBL# 205.00-4-18.12 and a 5.4± acre portion of SBL# 205.00-4-5 together.

Petitioner: Peter & Norma Bogulski, 665 Larkin Rd., Derby, NY 14047

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

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

RESOLUTION 2021 #149 Town Clerk's Reports

Supervisor Hosler moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of March 2021:

Town Clerk Report	$33,270.46
Interest	$ .98
Greenspace Fee	$ 700.00
Petty Cash	$ 650.00

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

RESOLUTION 2021 #150 Amend Resolution 2021-054

Councilman Schraft moved and Councilman George seconded,

WHEREAS, resolution #2021-054, passed on December 28, 2020, indicated the end of term for Board of Assessment Review member Tim Maciejewski as September 30, 2021;

NOW, THEREFORE, BE IT RESOLVED, resolution #2021-054 be amended, as the end of term for the Board of Assessment Review is September 30, 2025.

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

RESOLUTION 2021 #151 Appointment of Part Time Clerical Assistant

Councilman Schraft moved and Councilman George seconded,

WHEREAS, there is an opening for a part-time Clerical Assistant, with the focus on Marketing and Community Development for the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Shannon Shepherd to the above referenced position at a rate of $20.00 per hour up to 19.5 per week, effective immediately, appropriated through the Supervisor's part time budget line as per the 2021 approved budget. (as amended)

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

RESOLUTION 2021 #152 Table Resolution #3 Exterior LED Message Signage System

Councilman Schraft moved and Councilman George seconded to table Resolution #3,

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

RESOLUTION 2021 #153 Evans Center Fire Company Losap Approval

Councilman Schraft moved and Councilman George seconded,

WHEREAS, an audit has been completed by the Town of Evans Finance Department for the Length of Service Award Program ("LOSAP") for the 2020 Evans Center Volunteer Fire Company, Inc. records listing per Article 11-A for the New York State General Municipal Law.

BE IT RESOLVED, that the Evans Town Board hereby approves the 2020 Firefighter Records listing for Evans Center Volunteer Fire Company, Inc. and is authorized to execute the 2020 Sponsor Approval for as required by Article 11-A.

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

RESOLUTION 2021 #154 Lake Erie Beach Fire Company Losap Approval

Councilman George moved and Councilman Schraft seconded,

WHEREAS, an audit has been completed by the Town of Evans Finance Department for the Length of Service Award Program ("LOSAP") for the 2020 Lake Erie Beach Volunteer Fire Company, Inc. records listing per Article 11-A for the New York State General Municipal Law.

BE IT RESOLVED, that the Evans Town Board hereby approves the 2020 Firefighter Records listing for Lake Erie Beach Volunteer Fire Company, Inc. and is authorized to execute the 2020 Sponsor Approval for as required by Article 11-A.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #155 Advertise for Public Hearing for Proposed Local Law #2 - Flood Damage Prevention

Councilman George 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, April 21, 2021 at 7:10 p.m. in the Evans Town Hall for consideration of Proposed Local Law #2 of 2021 regarding Code Revision to Evans Town Code Chapter 113: Flood Damage Prevention.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #156 Suspend the Rules of Order

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #157 Award Contract for Shoreline Management at Lake Erie Beach Park

Councilman Schraft moved and Councilman George seconded,

WHEREAS, shoreline erosion, localized flooding and streambank erosion have remained ongoing issues at Lake Erie Beach Park and the mouth of Muddy Creek; and

WHEREAS; these issues have been exacerbated due to recent high-water levels, damaging wind storms and aging park infrastructure; and

WHEREAS, the overall environmental quality of Lake Erie Beach Park, mouth of Muddy Creek, and the adjacent residential neighborhood and business district has been diminished by these issues; and

WHEREAS, the Town of Evans has received financial assistance from New York State Department of Environmental Conservation's Non-Agricultural Nonpoint Source Planning Grant Program in the amount of $30,000 with an agreed upon local match of $15,000; and

WHEREAS, Town of Evans Planning Department issued a Request for Proposals (RFP) for the selection of a planning and engineering services firm to assist in conducting a comprehensive study to identify innovative and sustainable shoreline management solutions at Lake Erie Beach Park and the mouth of Muddy Creek; and

WHEREAS, the Planning Director has reviewed the proposal from LaBella and has confirmed the company's understanding of the requirements of the project; and

WHEREAS, the cost of the proposal submitted by LaBella was $44,811.00.

NOW, THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes the award of contract for the Study of Shoreline Management Solutions at Lake Erie Beach Park and Mouth of Muddy Creek to LaBella, 300 Pearl Street, Buffalo, NY 14202; and

BE IT FURTHER RESOLVED, that Supervisor Mary Hosler is authorized to execute any necessary contract documents.

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

RESOLUTION 2021 #158 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

George Williams D/B/A Derby Super Freeze - Refreshment and Amusement

Mobile Home Development -
Triton Valley - Angola & Derby - 2020
Triton Valley - Angola & Derby - 2021

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 Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

RESOLUTION 2021 #159 Audit of Bills

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

AUDIT OF BILLS	
DATE	4/8/2021
ABSTRACT NO.	7
VOUCHER NO.	8550 - 8607
CHECK NUMBERS	82491 - 82535
APPROVED AT	Board Meeting
DATE	4/7/2021
GENERAL	$38,103.98
PART TOWN	$385.33
HIGHWAY DB	$37,904.37
WATER	
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$132,796.68
DEBT SERVICE	
TOTAL	**$209,190.36**

*different that what was read is to a $127.43

change on a voucher

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

RESOLUTION 2021 #160 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Wednesday, April 21, 2021 at 6:00pm Work Session and Board Meeting to follow.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman George	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

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		
Name of Action or Project:		
Project Location (describe, and attach a location map):		
Brief Description of Proposed Action:		
Name of Applicant or Sponsor: Peter Bogulski	**Telephone:** 716.947.4251	
	E-Mail: showpro665e aol.com	
Address: 665 Larkin Rd		
City/PO: Derby	**State:** NY.	**Zip Code:** 14047

	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? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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?	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐	
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: _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities? 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?	☒	☐	
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?	☒	☐	
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

	NO	YES
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?	☒	☐
16. Is the project site located in the 100 year flood plain?	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If 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)? ☒ NO ☐ YES If Yes, briefly describe: _____		

	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: Peter Bogulski Date: 1-26-21

Signature: _____

PRINT FORM

Agency Use Only [If applicable]

Project: Bogulski Minor Subdivision

Date: 04/08/21

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?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

Project: Bogulski Minor Sub

Date: 04/08/21

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.

13a. There are no immediate impacts from the subdivision of the land.

☐ 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.

Evans Town Board	04-08-21
Name of Lead Agency	Date
Mary K. Hosler	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM