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 #161 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: Employment history of a particular person.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, Doug Czora, Chief of Police and Jeff Swiatek Town of Evans Labor Attorney.

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

RESOLUTION 2021 #162 Additional Attendees to Executive Session (submitted by Councilman Schraft)

Councilman Schraft moved and Councilman George seconded to invite Gordon Fletcher, UAW Region 9 International Rep, Jim Lukeman, UAW Region 9 International Rep and Timothy Hirschman, Business Rep, UAW Local 55.

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

RESOLUTION 2021 #163 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of March 31, 2021 and April 7, 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

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 April 21, 2021 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 #2 of the year 2021, which will amend Town Code Chapter 113: Flood Damage Prevention.

Copies of the Proposed Local will be available for inspection by any interested person after April 12, 2021 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 2021 #164 Open the Public Hearing

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

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

Ed Conboy spoke neither in favor or opposed

RESOLUTION 2021 #165 Close the Public Hearing

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #166 Adopt Local Law #2 of 2021 - Flood Damage Prevention

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town Board of the Town of Evans finds that Proposed Local Law Number 2 of the year 2021 regarding miscellaneous code revisions to Section 113: Flood Damage Prevention, 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 April 21, 2021, which was properly advertised by the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law Number 2 of the year 2021 be and hereby is adopted as Local Law Number 2 of the year 2021; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	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 April 21, 2021 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 #2 of the year 2021, which will amend Town Code Chapter 113: Flood Damage Prevention.

Copies of the Proposed Local will be available for inspection by any interested person after April 9, 2021 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

RESOLUTION 2021 #167 Open the Public Hearing

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

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

Chandra Shaver - Opposed
Patrick Zydel - Opposed
Kris Kinn - Applicant
Tebra Howard - in favor
Ed Conboy - in favor

RESOLUTION 2021 #168 Close the Public Hearing

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

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

RESOLUTION 2021 #169 Declare Lead Agency

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the Kris Kinn 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 Evans Town Board desires to be Lead Agency for the SEQR process regarding Special Use Permits.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for the Kris Kinn Special Use Permit,

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

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

RESOLUTION 2021 #170 SEQR Negative Declaration

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the Kris Kinn 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 Town Board of the Town of Evans has declared Lead Agency for the SEQR process, and

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form for this property and has determined that the amendment will not result in any significant impacts to the environment.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the Kris Kinn Special Use Permit for the 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

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 #171 Approval of Special Use Permit - Kinn

Councilman Schraft moved and Councilman George seconded,

WHEREAS, Kris Kinn has requested 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 Town Board of the Town of Evans has held a public hearing on April 21, 2021 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 action is consistent with the Town of Evans LWRP.
- The action 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:

1. Vehicle parking shall be contained to the areas located on the property as identified in the submitted site plan. Any vehicle parking associated with the Watersports Rental and Lessons business shall be prohibited at the terminus of Wendt Road as well as prohibited along the Wendt Road and Lake Shore Road right-of-ways. Any need for overflow parking shall be accommodated at nearby general public parking areas, such as those located at Bennet Beach County Park.
2. No watercrafts, nor any associated equipment, shall be stored at the Wendt Road terminus for any periods of time other than during loading and unloading.
3. Any use of the Wendt Road terminus to access Lake Erie shall take place well within the designated 50 feet right-of-way owned by the Town of Evans.
4. Bathroom facilities for customers will be contained within the primary and accessory structures located on the submitted site plan. Additional portable toilets will be subject to subsequent review and approval, and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Kris Kinn 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, with the above noted conditions,

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.

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

Old Business

Supervisor Hosler moved and Councilman Schraft seconded to remove item #4, Town of Evans Exterior LED Message Signage System, from Old Business.

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

RESOLUTION 2021 #172 Town of Evans Exterior LED Message Signage System

Councilman Schraft moved and Councilman George seconded,

WHEREAS, the Town of Evans Supervisor Mary K. Hosler and William Smith, Director of Planning and Community Development have secured gifted monies of $50,000 from Evans Bank; and

WHEREAS, the Town of Evans will utilize the above referenced monies to obtain a Daktronics exterior LED message signage system to be located at the Town of Evans Senior Center; and WHEREAS, the total cost of the project is $59,950.00, which includes the signage system, installation and training; and

WHEREAS, the Town of Evans would like to enter into an agreement with Toth's Sports; and

WHEREAS, the above referenced agreement is based on the Cooperative Purchasing Contract, more specifically a Sourcewell Program Contract;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute any and all documents with Toth's Sports, located at 71 Victor Heights Pkwy, Victor, NY 14564 pursuant to this project, upon the approval of the Town Attorney.

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

RESOLUTION 2021 #173 Appointment of Part Time Dispatcher

Councilman Schraft moved and Councilman George seconded,

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

WHEREAS, Hanna Debolt is currently a volunteer at the Highland Hose Fire Company and meets the qualifications required to be a Public Safety Dispatcher; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Hanna Debolt, effective immediately, to the position of part time Police Dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law.

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

RESOLUTION 2021 #174 Approve Member of Lake Erie Beach Volunteer Fire Company

Councilman Schraft moved and Councilman George seconded,

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

WHEREAS, each candidate was interviewed thoroughly by the Membership Committee and found to meet or exceed the qualifications set forth in the Lake Erie Beach Volunteer Fire Company Bylaws; and

WHEREAS, the following candidate was elected into membership of the Lake Erie Beach Volunteer Fire Company during the February 4, 2021 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;

Tyler Schmidt

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #175 Appointment of Part Time Court Clerk

Councilman Schraft moved and Councilman George seconded,

WHEREAS, a vacancy exists for a part time Court Clerk Assistant in the Town of Evans Justice Courts; and

BE IT RESOLVED, that Haley Larson is hereby appointed as a part time Court Clerk Assistant to the Town of Evans Justice Courts, effective immediately, at a rate of $13.50 per hour, not to exceed 19.5 hours per week.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #176 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 #177 Bond Resolution - Town Highway Vehicle

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town Board (the "Board") of the Town of Evans, Erie County (the "Town") proposes to authorize the issuance of $166,000 in serial bonds of the Town to finance the acquisition of one heavy-duty truck and appropriate funds for such purpose and to make certain determinations in connection with such purpose; and

WHEREAS, the Board now wishes to appropriate funds for such purpose and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance such appropriation.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the acquisition of one heavy-duty truck for use by the Town's Highway Department and to issue $166,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance such specific object or purpose. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is $166,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of $166,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds or bond anticipation notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 2. The final maturity of the bonds herein authorized to be issued in Sections 1 and 2 above shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 3. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 6. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 7. The Town Supervisor is further authorized to enter into continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 8. The Town Board hereby determines that the actions authorized by this resolution and the adoption hereof collectively constitute a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action

under SEQRA need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 9. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

SECTION 10.The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 11. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted by a vote of 3 ayes and 0 nays. This resolution shall take effect immediately.

RESOLUTION 2021 #178 Reclassification of Part Time Employee

Councilman George moved and Councilman Schraft seconded,

BE IT RESOLVED, effective April 26, 2021, Matthew Timm will be reclassified from Part Time (PT) Laborer to a Regular Part Time (RPT) Laborer, working up to 39.5 hours per week, at a rate of $13.50 per hour.

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

RESOLUTION 2021 #179 Appointment of Seasonal Part Time Employee

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, effective April 26, 2021, Bill Ericson is hereby appointed as a Part Time Seasonal Laborer, for a five (5) month period, working up to 24 hours per week, at a rate of $13.50 per hour.

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

RESOLUTION 2021 #180 Evans Center LOSAP - Covid

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, As authorized by Article 11-A of the New York State General Municipal Law, the Town of Evans established a Service Award Program for active volunteer firefighter members of the Evans Center Volunteer Fire Company which contracts with the Town of Evans to provide fire protection services to Town Residents; and,

WHEREAS, Active volunteer firefighter members of the Evans Center Volunteer Fire Company earn Service Award Program service credit under the Point Systems adopted by the Town Board for the Evans Center Volunteer Fire Company Service Award Program; and,

WHEREAS, In response to the outbreak of Novel Coronavirus, COVID-19, NYS Governor Andrew Cuomo declared a STATE DISASTER EMERGENCY and issued EXECUTIVE ORDER 202 OF 2020. In response to the STATE DISASTER EMERGENCY New York State fire districts, towns, villages, cities and/or their volunteer fire department/company officials adopted Special Response Rules restricting volunteer firefighter responses to emergency responses and/or restricting the holding of activities for which points could be earned during the STATE DISASTER EMERGENCY; and,

WHEREAS, The adoption of the Special Response Rules has affected the ability of active volunteer firefighters to earn points in service award programs; and

WHEREAS; In recognition of the negative effect these Special Response Rules has on the ability of active volunteer firefighters to earn service credit during 2020 under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer firefighters who would have earned service award program service credit during 2020 and/or 2021 from failing to earn a year of service award program service credit during 2020 and/or 2021 due to the adoption of Special Response Rules; and,

WHEREAS, This legislation, Chapter 113 of the Laws of 2020 of the State of New York, authorizes the Town Board of the Town of Evans to adopt a resolution to amend Evans Center Volunteer Fire Company Service Award Program point system by adding a new category to such point system under which up to five (5) points per month (prorated for periods of less than one month) may be awarded to active volunteer firefighters during the period when the Special Response Rules are in place; and

WHEREAS, Should the Town Board elect to adopt such a resolution, Chapter 113 of the Laws of 2020 of the State of New York, provide that the adoption of such resolution does not require approval of Town of Evans residents at a Town election.

NOW, THEREFORE BE IT RESOLVED By adopting this resolution, the Town Board of the Town of Evans adds the following new category to the Evans Center Volunteer Fire Company Service Award Program Point System:

COVID-19 Pandemic of 2020

As a result of the COVID-19 Pandemic of 2020, the governing board of the Evans Center Volunteer Fire Company adopted Special Response Rules under which the activities for which active volunteer firefighter members of the Evans Center Volunteer Fire Company Service Award Program point systems were reduced effective as of April 1, 2020 through December 31, 2020. Such reduction in activities continued until the effective date the Special Response Rules were rescinded and all volunteer firefighter activities restored and/or restrictions in volunteer firefighter activities removed by the governing board. From the effective date of the adoption of the Special Response Rules to the effective date that such Rules are rescinded, all active volunteer firefighter members of the Evans Center Volunteer Fire Company shall be awarded 2 points per month with such number of points prorated for periods of less than a complete month. In no event shall points be awarded to active volunteer firefighters in accordance with Chapter 113, after March 28, 2021, unless NYS Governor Andrew Cuomo once again extends Executive Order 202 of 2020.

As soon as administratively feasible after the adoption of this resolution by the Town Board, active volunteer firefighter members of the Evans Center Volunteer Fire Company shall be given a written Notice of Amendment announcing the adoption of and including an explanation of this

additional category to the po0int system. As soon as administratively feasible, after the governing board of the Fire Company rescinds the Special Response Rules, a second Notice of Amendment shall be given to active volunteer firefighters stating the effective date that the Special Response Rules are rescinded and indicating the number of points to be awarded to each active volunteer firefighter during the period when the Special Response Rules were in effect.

Since this amendment to the Evans Center Volunteer Fire Company Service Award Program point systems is intended to prevent active volunteer firefighters who would otherwise have earned service award program credit under the point system during 2020 and/or 2021 from failing to earn credit during 2020 and/or 2021, the adoption of this resolution is expected to have little if any effect on the annual cost of the Town of Evans sponsored Evans Center Volunteer Fire Company Service Award Programs.

All other provisions of the Evans Center Volunteer Fire Company Service Award Programs shall not change as a result of the adoption of this resolution and the programs shall continue to be administered by the Town of Evans in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #181 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	4/22/2021
ABSTRACT NO.	8
VOUCHER NO.	8608 - 8652
CHECK NUMBERS	82536 - 82575
APPROVED AT	Board Meeting
DATE	4/21/2021
GENERAL	$58,613.95
PART TOWN	$103.64
HIGHWAY DB	$3,378.62
WATER	$1,010.00

CAPITAL PROJECTS	
SPECIAL DISTRICTS	$3,217.24
DEBT SERVICE	
TOTAL	**$66,323.45**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #182 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

Tracy Spada D/B/A Lucy Goose - Refreshment and Amusement & Live Band Commercial
Eden Valley Brewing Inc. D/B/A Tim Hortons (Angola) - Refreshment
Robert Pasinski D/B/A Jovial Bar II Inc. - Refreshment & Amusement

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #183 Termination of Employee

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, by the Town Board of the Town of Evans, upon the recommendation of the Chief of Police, that the employee discussed during the immediately preceding executive session shall be terminated from all appointments to employment with the Town of Evans, effective immediately, pursuant to the terms of her Last Chance Agreement.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Nay
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #184 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Wednesday, May 5, 2021 at 6:00pm Work Session and Board Meeting to follow. This meeting adjourned in Memory of Gale Woodman.

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

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Jan Harrington, 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 Date 4-9-2021

Jan Harrington, Account Clerk

Signed before me this 9th day of April 2021

Barbara J. Musso

Notary Public

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

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 April 21, 2021 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 #2 of the year 2021, which will amend Town Code Chapter 113: Flood Damage Prevention.
Copies of the Proposed Local will be available for inspection by any interested person after April 12, 2021 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
167780

April 9, 2021

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

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Jan Harrington

Jan Harrington, Account Clerk

Signed before me this 9th day of April 2021

Barbara J. Musso

Notary Public

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

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 April 21, 2021 at 7:10 P.M. via a Zoom Public Meeting to consider the petition of Kris Kinn for a Special Use Permit for the operation of a Watersports Equipment Rental and Lessons business to be located a 8140 Lake Shore Road, Angola, NY 14006, SBL# 219.16-2-11.2. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All partiesin interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom Public Hearing to be held aforesaid.

By Order of the Town Board
of the Town of Evans
Lynn M. Krajacic RMC
Town Clerk
167778 April 9, 2021

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:
Lake Erie Watersports LLC. / Home Business

Project Location (describe, and attach a location map):
8140 Lake Shore Rd. Angola, NY 14006

Brief Description of Proposed Action:
Kayak, Paddleboard, Fat Tire Bike Rentals Signage.
Kiteboarding Lessons, signage.
Storage of Kayak trailer, enclosed Kite trailer, bike rack and Jet-Ski.
Occasional customer parking. Business is primarily Delivery
* Lessons @ Bennett Beach.

Name of Applicant or Sponsor:	Telephone: 7164406357
Kris Kinn	E-Mail: Kris.Kinn@hotmail.com

Address:
8140 Lake Shore Rd.

City/PO:	State:	Zip Code:
Angola	NY	14006

	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 government Agency? If Yes, list agency(s) name and permit or approval:	☒	☐

3. a. Total acreage of the site of the proposed action? .22 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, are adjoining or near the proposed action:

5. ☐ 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?	☐	☐	☐

	NO	YES
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?	☒	☐
b. Are public transportation services available at or near the site of the proposed action?	☒	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒

	NO	YES
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?		
If No, describe method for providing potable water: _____	☒	☐
_____		

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☒	☐
_____		

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☒	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐

	NO	YES
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 plan?	☐	☐
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?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☒	☐
If Yes, explain the purpose and size of the impoundment:		
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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Kris Kinn Date: 2-19-2021

Signature: Title:

PRINT FORM

Agency Use Only [If applicable]

Project: Kinn, K SUP

Date: April 21, 2021

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: Kinn, K SUP
Date: April 21, 2021

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.

The proposed action will not result in any significant adverse impacts to the environment, as the property will be utilized for the operation of a Watersports Equipment Rental and Lessons business and watersports equipment will be picked-up or delivered from the location only.

☐ 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	April 21, 2021
Name of Lead Agency	Date
Mary K. Hosler	Supervisor, Town of Evans
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

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

Jan Harrington, 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 Date 4-23-2021

Jan Harrington, Account Clerk

Signed before me this 27th day of April 2021

Notary Public

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

LEGAL NOTICE
TOWN OF EVANS
ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on April 21, 2021 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Evans, Erie County, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Lynn M. Krajacic, Town ClerkTown of Evans

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Evans, Erie County, New York, on April 21, 2021.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO $166,000IN SERIAL BONDS OF THE TOWN TO FINANCE THE ACQUISITION OF ONE VEHICLE FOR USE BY THE TOWN'S HIGHWAY DEPARTMENT".

2. Amount of Debt Obligations Authorized: $166,000.

3. The resolution authorized serial bonds of the Town to finance the cost of one heavy-duty truck for use by the Town's Highway Department.

4. Period of Probable Usefulness: 5 years.A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006.

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

167852 April 23, 2021