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 Wolf	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2021 #201 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of May 5, 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

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 May 19, 2021 at 7:10 P.M. via a Zoom Public Meeting to consider the petition of Jessica Sills for a Special Use Permit for the operation of a Speech-Language Pathology Office business to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom Public Hearing to be held aforesaid.

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

RESOLUTION 2021 #202 Open the Public Hearing for the Special Use Permit at 6883 Kimberly Lane for a Speech Pathology Office

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

The following person spoke in favor:
Michael Spence, 9198 Mohawk Ave., Angola

RESOLUTION 2021 #203 Close the Public Hearing for the Special Use Permit at 6883 Kimberly Lane for a Speech Pathology Office

Councilman Schraft moved and Councilman George seconded to close the public hearing.

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

RESOLUTION 2021 #204 Declare Lead Agency for Special Use Permit at 6883 Kimberly Lane

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, at their April 28, 2021 Planning Board meeting the Evans Planning Board unanimously recommended approval of the Jessica Sills Special Use Permit for the operation of a Speech-Language Pathology Office to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33, 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 Jessica Sills 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 #205 RESOLUTION - Negative SEQR Declaration

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the Jessica Sills Special Use Permit for the operation of a Speech-Language Pathology Office to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33, 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 Jessica Sills Special Use Permit for the for the operation of a Speech-Language Pathology Office to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33, 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 #206 Approve Special Use Permit for 6883 Kimberly Lane

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, Jessica Sills has requested a Special Use Permit for the operation of a Speech-Language Pathology Office to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33, and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on May 19, 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 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. Vehicles shall only be parked in the residence driveway with no on-street parking permitted.
2. Parking shall be screened from neighbors with fence or landscaping, 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 Jessica Sills for the operation of a Speech-Pathology Office to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33, 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

RESOLUTION 2021 #207 Waive all Late Fees for Town 2021 Refreshment, Amusement and Live Band - Commercial Licenses

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, the Evans Town Board hereby approves a one-time waiver of all late fees for 2021 refreshment, amusement and live band commercial licenses.

FURTHER, BE IT RESOVLED, refunds will be issued for the above referenced late fees paid to date.

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

RESOLUTION 2021 #208 Replace Surface of Town Park Tennis Courts & Pave the South Creek Pool Parking Lot

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, The Town of Evans desires to replace it driveway and portions of its parking at the Evans Town park; and

WHEREAS, The Town of Evans would also like to pave the parking lot at the South Creek Pool as well as replace the basketball court surface; and

WHEREAS Erie County has a published Bid for construction and maintenance materials for work between April 1, 2021 and March 31, 2022, bid number 221065-004; and

WHEREAS, The Town of Evans wishes to piggy back on the Erie County Bid for the purposes of completing the work described above; and

WHEREAS the low bid for supplying labor and equipment for this type of work is Northeast Diversification, DBA Northeast Paving, located at #2 Cadby Industrial Park, Lancaster NY 14086; and

WHEREAS the estimated total equipment and labor based on hourly rates from the bid book to complete the work described above is $153,500; and

WHEREAS New Enterprise Stone is the low bidder for supplying and delivering asphalt and stone materials to the jobsite based on the Erie County Bid Book; and

WHEREAS the estimated cost of stone and asphalt delivered to the jobsite is $100,000;

Now Therefore be it Resolved that the Town of Evans will enter into contract with Northeast Diversification, DBA Northeast Paving to complete work at the Town Park and South Creek pool based on hourly rates provided in Erie County Bid 221065-004, and

Be It Further Resolved that the Town of Evans shall purchase stone and asphalt materials from New Enterprise Stone based on unit prices provided in Erie County Bid 221065-004.

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

RESOLUTION 2021 #209 2021 Budget Transfer - Town Clerk

Councilman George moved and Supervisor Hosler seconded,

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the following budget transfer to reappropriate funds:

Transfer From:		
A.1410.111.00	Part Time Hourly	$154.00
Transfer To:		
A.1410.413.00	Maintenance: Restoration and Improvements - Binding	$154.00

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

RESOLUTION 2021 # 210 Bond for Energy Performance Project

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 $600,000 in serial bonds of the Town to finance construction and installation of various public improvements in accordance with the Energy

Performance Contract between the Town and John W. Danforth Company, as described in the Project Scope attached hereto as Exhibit I, which will be included in such Energy Performance Contract, all at an estimated maximum cost of $600,000 (collectively, the "Project"); and

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

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (the "Town Board") of the Town of Evans, Erie County, New York (the "Issuer" or the "Town") (by the favorable 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 construction and installation of various public improvements in accordance with the Energy Performance Contract between the Town and John W. Danforth Company, as described in the Project Scope attached hereto as Exhibit I, which will be included in such Energy Performance Contract for a total aggregate estimated maximum cost of $600,000. It is hereby determined that the maximum estimated cost of the aforementioned objects or purposes is $600,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of $600,000 in serial bonds of the Town authorized to be issued pursuant to by Section 2 hereof to finance said appropriation, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Town in the principal amount of $600,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the objects or purposes described in Section 1 hereof.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned objects or purposes is ten (10) years, pursuant to subdivision 90 of paragraph a. of Section 11.00 of the Law.

SECTION 4. 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 this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall 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 6. 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 subject to applicable statutory limits, if any. 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 7. 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 serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town 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 related 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, as the chief fiscal officer of the Town (the "Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any 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 any of the other objects or purposes authorized by this resolution and/or 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 Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The 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 9. The Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes 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 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. The Town Board, by Resolution 2021 #196 adopted May 5, 2021, has determined that the equipment and improvements included within the Project 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 therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 12. Pursuant to subdivision b. of Section 35.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Seven of the Town Law of the State of New York (the "Town Law"). The Town Clerk is hereby authorized and directed, within ten (10) days after the date of adoption of this resolution, to post and publish a notice satisfying the requirements of Section 90 of the Town Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Town for such purpose.

SECTION 13. This resolution shall take effect thirty (30) days after the date of its adoption or, if within such thirty (30) day period there is filed with the Town Clerk a petition subscribed and acknowledged by the number of qualified electors of the Town required by Section 91 of the Town Law and in the manner specified in such Section, until approved by the affirmative vote of a majority of such qualified electors voting on a proposition for its approval.

SECTION 14. 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 15. Upon this resolution becoming effective, the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #211 Advertise for Bids for Water Storage Tank

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Town of Evans is under Moratorium for further development by the Erie County Department of Health for lack of water storage capacity and emergency water in the Town; and

WHEREAS, the Town of Evans desires to construct a water storage tank to alleviate the moratorium and to provide safe and sufficient quantity of water to the residents that are connected to the public water supply; and

WHEREAS, the Town of Evans has hired the design firm CPL Team to complete the design of a water storage tank and other miscellaneous improvements to support the water storage tank; and

WHEREAS, the design has been completed and is ready for bidding,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Evans is releasing the water storage tank project for bidding effective May 20, 2021 and sets a bid opening date of June 22, 2021 at 2:00pm; and

FURTHER, BE IT RESOLVED, that the Town Clerk have the advertisement for bid with dates corresponding to the above be published in the Town's legal newspaper as well as sent to minority contractor publications.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #212 Approval of 2021 Fees for Pool and Senior Aerobics

Councilman Schraft moved and Councilman George seconded,

RESOLVED, that the attached rates be approved for the calendar year 2021 for the Town of Evans Parks Department activity fees (Pool, Senior Aerobics).

FURTHER BE IT RESOLVED, effective immediately, the Parks & Recreation Department is hereby directed to advertise the 2021 above referenced fees;

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #213 Appointment of PT Laborers and Gate Guards

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, effective immediately the following individuals are hereby appointed as Part Time Seasonal Laborers and/or Part Time Seasonal Gate Guards:

Zachary Guziec	Part Time Seasonal Laborer	$13.50 per hour
Collin Eastman	Part Time Seasonal Laborer	$13.50 per hour
Marilynn Conrad	Part Time Seasonal Laborer	$13.50 per hour
Leon Widelko	Part Time Seasonal Gate Guard	$12.50 per hour
Daniel Wright	Part Time Seasonal Gate Guard	$12.50 per hour

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #214 Advertise for Bids for Sturgeon Point Marina Dredging

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town Engineer is hereby authorized to prepare an invitation to bid for Dredging Services for the Sturgeon Point Marina; and

WHEREAS, the specifications for the invitation to bid shall be available at the Office of the Engineer, Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203, beginning Friday, May 14, 2021;

NOW, BE IT RESOLVED, the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that the bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Friday, May 21, 2021, at which time the bids will be publicly opened and read aloud.

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

RESOLUTION 2021 # 215 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 # 216 ASSIGNMENT OF CODE ENFORCEMENT OFFICER OVERSEEING DEPARTMENT AND SMO (Stormwater Management Officer)

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, the Evans Town Board hereby assigns Joseph Boberg , who is currently a part time Code Enforcement Officer to oversee the Code Enforcement personnel, at an hourly rate of $28.00 per hour, until such time he is no longer in the role; and

BE IT FURTHER RESOLVED, that the Evans Town Board hereby appoints Mr. Boberg as the Town of Evans' SMO (Stormwater Management Officer) with an annual stipend of $3,000, to be paid bi-weekly, for the additional duties and responsibilities that are included with MS4 position.

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

RESOLUTION 2021 #217 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

1.)David Jacobson D/B/A Pat's Pizzeria - Refreshment
2.)8934 Grandview Beach LLC D/B/A Mickey Rats - Refreshment, Amusement & Live Band Commercial
3.)Ibrahim Cisse' D/B/A Uptown Subway LLC - Refreshment

4.)Diana Ulsrud, Double, Double Inc D/B/A Tim Hortons (Derby) - Refreshment
5.)Preischel City Limits LLC D/B/A Chicks Restaurant & Lanes - Refreshment, Amusement & Live Band Commercial
6.)Erwin Enterprises Inc D/B/A Maria's Pizza Angola NY - Refreshment
7.)James Tredo D/B/A Tredo's Pizzeria - Refreshment

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 #218 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	5/20/2021
ABSTRACT NO.	10
VOUCHER NO.	8729 - 8789
CHECK NUMBERS	82629 - 82677
APPROVED AT	Board Meeting
DATE	5/19/2021
GENERAL	$63,800.26
PART TOWN	$151.43
HIGHWAY DB	$31,885.51
WATER	$1,010.00
CAPITAL PROJECTS	$166,155.33
SPECIAL DISTRICTS	
DEBT SERVICE	
TOTAL	**$263,002.53**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2021 #219 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Friday, May 21, 2021 at 6pm for a Special Town Board Meeting to Discuss the 2pm Bid Opening for Sturgeon Point Marina Dredging and Possible Award of the Bid then to Wednesday, June 2, 2021 at 6pm for a Work Session and Meeting to immediately 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 R. Wolf
Deputy Town Clerk

Lynn M. Krajacic, RMC
Town Clerk

EXHIBIT I

LED Lighting

The LED retrofit scope includes removing the existing lamps and ballasts, rewiring the fixtures & replacing the tombstones, installing new socket bars and installing the new LED lamps with integrated drivers. A line-by-line survey of all fixtures by building is in Attachment 3

- Municipal Bldg.
- Highway Bldg.
- Town Park
- Community Ctr.
- Sturgeon Pt. Marina

Building Envelope Improvements

Municipal Building

3	Single commercial doors to be weather-stripped, 2 to receive dark bronze anodized trim
1	Single commercial interior door to be weather-stripped, 1 to receive dark bronze anodized trim
5	Double commercial doors to be weather-stripped, 1 to receive dark bronze anodized trim
6	Roof top ventilator units to be opened, dampers lubricated, and perimeters sealed 40 linear feet
228'	Roof wall joint to be sealed using 2-component fire rated foam
37	Truss penetrations to be sealed using 2-component fire rated foam, 28 linear feet
1	Bulkhead to be sealed using 2-component fire rated foam, 21 linear feet
1	Door header to be sealed, 15 linear feet

Community Center

2	Single commercial doors to be weather-stripped
2	Double commercial doors to be weather-stripped
2	Access panels to be installed at attic cupola, 8 square feet
4	Unit ventilator wall openings to be insulated and sealed, 38 linear feet, 16 square feet

Highway Garage

6	Single commercial doors to be weather-stripped, 5 to receive dark bronze anodized trim
10	Overhead garage doors to be weather-stripped, 592 linear feet
4	Roof top ventilator units to be opened, dampers lubricated, and perimeters sealed, 24 linear feet
140'	Roof wall joint to be sealed using 2-component fire rated foam

Water Bldg.

3	Single commercial doors to be weather-stripped, 1 to receive dark bronze anodized trim
2	Overhead garage doors to be weather-stripped, 64 linear feet
1	Roof top ventilator unit to be opened, damper lubricated, and perimeter sealed, 8 linear feet
406'	Roof wall joint to be sealed using 2-component fire rated foam
18'	Interior caulking at window units located in garage

Sturgeon Point Marina

Maintenance Building
3 Single commercial doors to be weather-stripped (kick plate to be installed on main entry single door prior to weather-stripping, bottom of door rotted)
3 Overhead garage doors to be weather-stripped, 159 linear feet

Restaurant
3 Single commercial doors to be weather-stripped, 3 to receive dark bronze anodized trim
1 Double commercial door to be weather-stripped, 1 to receive dark bronze anodized trim

Bait Shop
1 Single commercial door to be weather-stripped, 1 to receive dark bronze anodized trim

Parks Department
Garage 1
3 Single commercial doors to be weather-stripped
1 Overhead garage door to be weather-stripped, 42 linear feet
9 Duct penetrations to be sealed at perimeters, 30 linear feet
2 Pipe penetrations to be sealed at perimeters, 1 linear foot

Garage 2
2 Single commercial doors to be weather-stripped
1 Overhead garage door to be weather-stripped, 42 linear feet
9 Light fixtures to be insulated and sealed at attic surround
15 Square feet of attic bypass (missing ceiling) to be sealed

Install Condensing Boilers
Municipal Building

Demolition
- Remove and dispose of existing boilers including; boiler, burners, gas train, breeching, insulation, piping, wiring, controls, etc.
- Remove or reuse the existing boiler concrete housekeeping pads

Boiler Room
- Furnish and install gas fired condensing hot water boilers.
- Provide and install all necessary gas piping, boiler pumps, boiler vent and combustion air intake piping, pipe, valves, fittings, wiring, drains, etc.
- Install boiler exhaust vents and combustion air intake piping.
- Each boiler shall have separate intake and exhaust piping.
- Provide the services of a certified roofer to make the necessary flashing.
- A sample of the existing water/glycol solution would be taken and tested for proper chemistry, percentage of glycol, and inhibitors and corrected as needed.

Electrical:
- Provide and install all necessary electrical wiring to complete the boiler replacement.
- Include all power wiring to the new boilers and pumps
- Provide disconnects and motor starts are required.
- Temperature Control:

Insulation:
- Provide and install pipe insulation on all new piping.
- Replace any existing pipe insulation disturbed during construction.
- Insulate all heating lines with fiberglass insulation per the NYS Energy Code.

Test, Adjust, and Balance:
- Provide a complete system start, test and balance of the new hot water boiler and pumps

Replace Chiller

Municipal Building

Installation of a Smardt chiller with Danfoss oil-less magnetic bearing compressors. The chiller will be sized for the chilled water system load. The chiller will be a packaged air cooled chiller that will be placed outside the mechanical room in a fenced in area.

Work will include the following:

- Install or reuse concrete pad outside of the mechanical room
- Disconnect electrical to existing chillers
- Remove and dispose of existing chillers
- Install new chiller
- Connect new chiller to existing chilled water system
- Fill and vent system
- Install power wiring for new chiller
- Check, test, and start new chiller
- Disconnect electrical to existing chillers
- Remove and dispose of existing chillers
- Connect new chiller to BAS

Building Commissioning

Municipal Building

- BAS will be tested to insure control strategies are being utilized.

Gravity Relief Damper Controls

Municipal Building

- Repair/reconnect the gravity relief damper for the police station.

Chilled Water pump Controls

Municipal Building

- Replace/repair the chilled water pump controller.

Vending Machine Occupancy Controls

Municipal Building

- Installation of one beverage and one snack vending machine occupancy control.

Domestic Hot Water Recirculation Controls

Municipal Building

- extend DDC to two fractional HP DHW pumps

Install Programmable Thermostats

Highway Garage

- Installation of two programmable thermostats for infrared heaters

2021

POOL – RESIDENTS

Season Family Pass (up to 4 family members)	$ 80.00
Each additional family Member	$ 20.00
Tots (5 and under) w/ paying adult	$ 10.00
Youth (6 to 17)	$ 25.00
Adults (18-64)	$ 40.00
Seniors (65 & over)	$ 25.00
Daily - Main Pool	$ 5.00

POOL – NON-RESIDENTS

Season Family Pass (up to 4 family members)	$160.00
Each additional family Member	$ 40.00
Tots (5 and under) w/ paying adult	$ 40.00
Youth (6 to 17)	$ 50.00
Adults (18-64)	$ 60.00
Seniors (65 & over)	$ 45.00
Daily - Main Pool	$ 10.00

SENIOR AEROBICS – Residence have preference (Held at South Creek Pool)

Residents	$ 35.00
Non-Residents	$ 75.00

Legal Notice

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on May 19, 2021 by the Town Board of the Town of Evans, Erie County, New York, and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. 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 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 Krajacic, Town Clerk
Town 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 (the "Town") on May 19, 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 TOWN TO UNDERTAKE THE CONSTRUCTION AND INSTALLATION OF VARIOUS PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE ENERGY PERFORMANCE CONTRACT BETWEEN THE TOWN AND JOHN W. DANFORTH COMPANY; STATING THE MAXIMUM ESTIMATED COST THEREOF IS $600,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO $600,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION".

2. The objects or purposes for which the bonds are authorized to be issued is to finance construction and installation of various public improvements in accordance with the Energy Performance Contract between the Town and John W. Danforth Company, as described in the Project Scope attached hereto as Exhibit I, which will be included in such Energy Performance Contract, for a total aggregate estimated maximum cost of $600,000.

3. The period of probable usefulness is ten (10) years.

4. The amount of obligations authorized to be issued is $600,000.

A complete copy of the bond resolution summarized above and the form of the Energy Performance Contract to be entered into between the Town and John W. Danforth Company shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 8787 Erie Road, Angola, New York 14006.

Mar 9, 2022

OBSERVER

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Observer
10 E SECOND ST
(716) 366-3000

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

PUBLICATION DATES:
9 Mar 2022

Notice ID: XUvDbb0FsRkqxMp7tX5z
Publisher ID: LTNEVN
Notice Name: Estoppel Notice $600,000 Bond

PUBLICATION FEE: $64.15

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

9th day of March, A.D. 2022.

Barbara J. Musso
Notary Public

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

RECEIVED
MAR 31 2022
TOWN CLERK
TOWN OF EVANS

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 5-7-2021

Jan Harrington, Account Clerk

Signed before me this 17th day of May 2021

Barbara J Russo

Notary Public

BARBARA J RUSSO
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 May 19, 2021 at 7:10 P.M. via a Zoom Public Meeting to consider the petition of Jessica Sills for a Special Use Permit for the operation of a Speech-Language Pathology Office business to be located at 6883 Kimberly Lane, Derby, NY 14047, SBL# 206.06-1-33. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom Public Hearing to be held aforesaid.

By Order of the Town Board
of the Town of Evans
Lynn M. Krajacic RMC
Town Clerk
167930 May 7, 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:
Home Occupation Business for J. Sills, Speech-Language Pathology, PLLC

Project Location (describe, and attach a location map):
6883 Kimberly Ln., Derby, NY 14047

Brief Description of Proposed Action:
To provide speech-language therapy to children ages birth-5, with speech and language disabilities, at my in-home office.

Name of Applicant or Sponsor:	Telephone: 716-481-7902
Jessica M. Sills	E-Mail: JSillsSLP@gmail.com

Address:
6883 Kimberly Lane

City/PO:	State:	Zip Code:
Derby	NY	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 government Agency? If Yes, list agency(s) name and permit or approval: Special Use Permit Town of Evans	☐	☒

3. a. Total acreage of the site of the proposed action? .32 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? .32 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: Jessica M. Sills Date: 3/12/21

Signature: Jessica Sills Title: Owner

PRINT FORM

Agency Use Only [If applicable]

Project: Sills, J SUP

Date: March 19, 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: Sills, J SUP
Date: March 19, 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 it is just a in-home hair salon with only one customer being scheduled at a time and no on-street parking permitted; only parking permitted in residential driveway.

☐ 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	March 19, 2021
Name of Lead Agency	Date
Mary K. Holser	Supervisor, Town of Evans
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Mary K. Holser	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

PUBLIC NOTICE
TOWN OF EVANS

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Evans, Erie County, New York (the "Town"), at a meeting held on May 19, 2021 duly adopted, subject to a permissive referendum, a bond resolution, an abstract of which is set forth below.

In accordance with Article 7 of the New York State Town Law, such bond resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Town Clerk a petition, subscribed and acknowledged by that number of electors of the Town qualified to vote upon a proposition to raise or expend money equal to at least five percent (5%) of the total vote cast for governor in the Town in the last general election for state officers, protesting against such resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Town. If such a qualifying petition is filed, a proposition for approval of the resolution shall be submitted at a general or regular Town election in accordance with Article 7 of Town Law.

Such bond resolution was entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE TOWN TO UNDERTAKE THE CONSTRUCTION AND INSTALLATION OF VARIOUS PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE ENERGY PERFORMANCE CONTRACT BETWEEN THE TOWN AND JOHN W. DANFORTH COMPANY; STATING THE MAXIMUM ESTIMATED COST THEREOF IS $600,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO $600,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

An abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

1. Said Town is authorized to finance construction and installation of various public improvements in accordance with the Energy Performance Contract between the Town and John W. Danforth Company, as described in the Project Scope (which Project Scope one file at the office of the Town Clerk), which will included in such Energy Performance Contract, for total aggregate estimated maximum cost of $600,000. Serial bonds of the Town (including statutory installment bonds) in the principal amount of $600,000 are authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation. The plan for the financing thereof shall consist of (i) the issuance of up to $600,000 in serial bonds of the Town authorized to be issued pursuant to the resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

2. The period of probable usefulness for the aforementioned objects or purposes is determined to be ten (10) years, pursuant to subdivision 90 of paragraph a. Section 11.00 of the Law.

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 authorized pursuant to Section 165.10 of the Law, for the capital purposes described in the resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of the resolution. The resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by the resolution with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

4. The final maturity of the bonds herein authorized to be issued shall 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 the resolution.

Said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and the Town has pledged its faith and credit to the payment of the principal of and interest of said bonds.

6. The Town Board delegated to the Supervisor of the Town the powers and duties of the Town Board relative to authorizing the issuance of said bonds, and any bond anticipation notes including renewals thereof, issued in anticipation of said bonds and prescribing the terms, form and content thereof.

7. The bond resolution was determined to be subject to permissive referendum.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK.

Dated: May 19, 2021

Town of Evans

Lynn Krajacic, RMC, Town Clerk

167988
May 21, 2021

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 5-21-2021

Jan Harrington, Account Clerk

Signed before me this 24th day of May 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