Evans Town Board

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

PRESENT:	Mary Hosler	Supervisor
	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #299 Accept Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the August 3, 2022 meeting, be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

Supervisor Hosler reported that the Supervisor's May Monthly Reports have been made to the Town Board and a copy was filed with the Town Clerk's Office.

PUBLIC HEARING

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on August 17, 2022 at 7:10 P.M. via a Zoom and/or In-person Public Meeting to consider the petition of Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") for a Special Use Permit for the development, construction and operation of an approximately 3.75 MW-AC Type 1 Solar Photovoltaic System on approximately 22.5 acres of undeveloped land located within the designated Solar Overlay District to be located on a portion of the parcels identified by SBL #'s 236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, and 236.00-1-2.12 with frontage on Gowans Road. Questions and comments may be forwarded to the Planning Office via email to planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; 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 a Zoom and/or In-person Public Hearing to be held aforesaid.

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

RESOLUTION 2022 #300 Open the Public Hearing

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

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

Mike Chandler and Padro Rodriguez from Seaboard Solar spoke about the project
Bill Henry spoke in favor
Rich Barber spoke neither in favor or against
Diane Barber spoke neither in favor or against

RESOLUTION 2022 #301 Close the Public Hearing

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

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

RESOLUTION 2022 #302 SEQR Negative Declaration - Seaboard Solar Operations - Gowans Rd.

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of an approximately 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre site on Gowans Road, as a result of the subdivision and merger of portions of parcels with SBL#'s as listed: (236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1 and 236.00-1-2.12); and

WHEREAS, the Town Board of the Town of Evans has declared Lead Agency for the SEQR process; and

WHEREAS, the Planning Department conducted a coordinated review with all involved and interested agencies for the purpose of making a determination of significance under SEQR regulations; and

WHEREAS, the Town of Evans Planning Board has reviewed and approved the Site Plan Development Application and have found no apparent significant environmental concerns, and has recommended the issuance of a SEQR negative declaration; and

WHEREAS, the Town Board of the Town of Evans has reviewed the Project and has determined that the project will not result in any significant impacts to the environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) Special Use Permit for the purpose of development, construction and operation of a 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre parcel located on Gowans Road.

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

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #303 Special Use Permit Approval

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of an approximately 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre site on Gowans Road, as a result of the subdivision and merger of portions of parcels with SBL#'s as listed: (236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1 and 236.00-1-2.12); and

WHEREAS, notice of the proposed Special Use Permit was duly advertised and notice provided in writing to owners of land immediately adjacent to the Project extending 100-feet therefrom and of that directly opposite thereto extending 100-feet from the street frontage; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on August 17, 2022 for consideration of said Special Use Permit; and
WHEREAS, the Town of Evans Planning Board has recommended the issuance of a Special Use Permit of said property based on the following reasons:

- The project is in accordance with the Town's zoning regulations.
- The project is consistent with the Evans-Angola Comprehensive Plan.
- The project promotes the use of clean energy in the Town.
- The project will constitute the use of underutilized property.
- The project is not expected to result in any significant adverse impacts; and

WHEREAS, the Planning Board would also like to recommend that the following conditions be placed on the approval of this action:

- Approval and execution of the Payment in Lieu of Taxes Agreement between the Town of Evans, Lake Shore Central School District, Erie County and Gowans Road Solar, LLC.

- Approval and execution of the Host Community Agreement between the Town of Evans and Gowans Road Solar, LLC.

- Approval and execution of the Decommissioning Plan between the Town of Evans and Gowans Road Solar, LLC, including without limitation a decommissioning bond.

- Submittal and approval of a Fire Suppression Plan to be coordinated with the Angola Fire Department.

- Review and approval of plans and specifications by Erie County Water Authority in order to mitigate any potential conflicts with possible ECWA facilities in the area.

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) for the purpose of development, construction and operation of an approximately 3.75-megawatt AC solar photovoltaic system on an approximately 22.5-acre site on Gowans Road, as a result of the subdivision and merger of portions of parcels with SBL#'s as listed: (236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1 and 236.00-1-2.12); and

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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye

Supervisor Hosler Aye

RESOLUTION 2022 #304 life Guard Appointments

Councilman Reitz moved and Supervisor Hosler seconded,

WHEREAS; there is an ongoing need for lifeguards for the Town of Evans pool and beaches;
BE IT RESOLVED, effective July 31, 2022, the following individuals be appointed as Lifeguards as the hourly rate below, to be paid bi-weekly; and
FURTHER, BE IT RESOLVED, this resolution is resolved nunc pro tunc

NAME	HOURLY RATE
Sophie Lehnen	$14.50
Jacob Siegel	$14.50

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #305 Appointment of Full Time Dispatcher

Councilman Macko moved and Supervisor Hosler seconded,

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

WHEREAS; Sarah Pawlowski is currently in field training as a part time Town of Evans Public Safety Dispatcher and has met the qualifications to be a full time Public Safety Dispatcher;

NOW, THEREFORE, BE IT RESOLVED; the Town Board of the Town of Evans hereby appoints Sarah Pawlowski, effective 08/27/2022 to the position of full 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 and the U.A.W collective bargaining agreement.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #306 - Advertise Invitation to Bid for the 3-year Seasonal Mowing Contract

Supervisor George moved and Supervisor Hosler seconded,

WHEREAS, the Town Engineer is hereby authorized to prepare an invitation to bid for Seasonal Mowing (3 Year Contract for Mowing and Brush Hogging, May 2023 through October 2025), starting May 2023, for the Town of Evans; 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 Monday, August 22, 2022; and

WHEREAS, the bids will can be dropped off to the Evans Town Clerk's office, at 8787 Erie Road, Angola, NY 14006 or sent by, US Mail, FedEx or UPS;

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 2:00pm (local time) on Friday, September 2, 2022, at which time the bids will be opened.

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

RESOLUTION 2022 #307 Suspend the Rules of Order

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

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

RESOLUTION 2022 #308 Appointment of Part Time Clerk

Councilman Schraft moved and Supervisor Hosler seconded

WHEREAS; a vacancy exists for a Part Time Clerk; and

WHEREAS; interviews were conducted; and

WHEREAS; references and background checks were executed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Lynnie Durusky to Part Time Clerk, effective August 9, 2022 at an hourly rate of $14.20 per hour to be paid bi-weekly; and

FURTHER, BE IT RESOLVED, the above referenced appointment shall be considered nunc pro tunc; and

FURTHER, BE IT RESOLVED, the Town Clerk shall provide a copy of this resolution to the Human Resources/Payroll Department.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #309 Declare Surplus Police Department Vehicles

Councilman Schraft moved and Councilman George seconded

RESOLVED, that the following police department vehicles are hereby declared surplus,

Ford Taurus PI - VIN #1FAHP2MK5JG117478 (OLD #53)
Ford Taurus PI - VIN #1FAHP2MK6HG119851 (OLD #49)
Ford Expedition - VIN #1FMJU1GT3GEF32253 (OLD #55); and

FURTHER, BE IT RESOLVED, the above referenced vehicles will be sold at auction (Auctions International), whereby proceeds will be deposited into the Town's General Fund Account.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #310 Declare Surplus Vehicle Parks Department

Councilman Macko moved and Supervisor Hosler seconded,

RESOLVED, that the following Parks Department vehicle/equipment are hereby declared surplus,

Water Van 1 Ton Chevy 1999 - VIN #1GBHP32R7X3307156

Cub Cadet 4x4 EFI Yellow - Serial #1A305H70003
Barber Surf and Turf Rake - Serial #6696

FURTHER, BE IT RESOLVED, the above referenced vehicle/equipment will be sold at auction (Auctions International), whereby proceeds will be deposited into the Town's General Fund Account.

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

RESOLUTION 2022 #311 Table Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded, to table said refreshment license.

1) John P. Roszman D/B/A The Strange Brew- Refreshment - 8461 Lake Shore Rd

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

RESOLUTION 2022 #312 Audit of Bills

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

	AUDIT OF BILLS
DATE	8/18/2022
ABSTRACT NO.	15
VOUCHER NO.	11052 - 11138
CHECK NUMBERS	84539 - 84607
APPROVED AT	Board Meeting
DATE	8/17/2022
GENERAL	$50,641.90
PART TOWN	$985.17
HIGHWAY DB	$17,123.60
WATER	

CAPITAL PROJECTS	$397,915.80
SPECIAL DISTRICTS	$25.00
DEBT SERVICE	
TOTAL	**$466,691.47**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #313 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn Wednesday, September 7, 2022 at 6pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of Fran Pordum, former Town of Evans Supervisor and NYS Assemblyman

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	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,

Alex Haley
Deputy Town Clerk

Lynn M. Krajacic RMC
Town Clerk

OBSERVER

AFFIDAVIT OF PUBLICATION

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:
5 Aug 2022

Notice ID: VW14Z8wOkAeFalsmRWp3
Publisher ID: LTNEVN
Notice Name: August 17 2022 Public Hearing Gowans Rd Solar

PUBLICATION FEE: $25.40

CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

10th day of August, A.D. 2022.

Notary Public

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

See Proof on Next Page

Legal Notice

TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a **Public Hearing** on **August 17, 2022** at 7:10 P.M. via a Zoom and/or in-person Public Meeting to consider the petition of Seaboard Solar Operations, LLC (dba "Gowans Road Solar, LLC") for a Special Use Permit for the development, construction and operation of an approximately 8.75 MW-AC Type 1 Solar Photovoltaic System on approximately 22.5 acres of undeveloped land located within the designated Solar Overlay District to be located on a portion of the parcels identified by SBL #'s 236.00-1-29, 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, and 236.00-1-2.12 with frontage on Gowans Road. Questions and comments may be forwarded to the Planning Office via email to planning@townofevans.org or mailed via USPS to the Town of Evans Planning Department at 8787 Erie Road, Angola, NY 14006; 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 a Zoom and/or in-person Public Hearing to be held aforesaid.

By Order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk
Aug 5, 2022