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
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #430 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: Pending Litigation

NOW THEREFORE BE IT RESOLVED: Town Attorney Ken Farrell is invited to attend the Evans Town Board Executive Session.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Aye
	Councilman Macko	Aye
	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 Wednesday, December 7, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the homepage of the Town's website, and/or in-person Public Meeting to consider the petition of Grandview Bay, LLC (Ellicott Development) for Preliminary Plat approval of a 10 separate tax parcels for townhomes and retail space on the eastern portion of the site located at the corner of Iroquois Street and Lake Shore Road and 9 separate tax parcels for a restaurant, mixed use building and single family homes located on the waterfront portion of the site; 8934 Lake Shore Road, Angola, NY 14006, SBL# 234.16-2-25.1. Questions and comments may be forwarded to the Planning Department via email at planning@townofevans.org or mailed via

USPS to the Town of Evans Planning Office at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office 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 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 #431 Open the Public Hearing

Supervisor Hosler moved and Councilman Reitz 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

There was nobody wishing to speak in favor or opposition

RESOLUTION 2022 #432 Close the Public Hearing

Supervisor Hosler moved and Councilman Schraft 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

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 Wednesday, December 7, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the homepage of the Town's website, and/or in-person Public Meeting to consider the adoption of Proposed Local Law #6 of the year 2022 which will amend Town Code Chapter 70 of the Evans Town Code with the minimum standards of 19NYCRR Part 1203 NYS Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am - 4pm, Wednesday from 9am - 5pm and the Town's website www.townofevans.org on or after

November 18, 2022. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions and/or comments forwarded to the Planning Office 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 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 #433 Open the Public Hearing

Supervisor Hosler moved and Councilman Reitz 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

There was nobody wishing to speak in favor or opposition

RESOLUTION 2022 #434 Close the Public Hearing

Supervisor Hosler moved and Councilman Schraft 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

Communications

William B. Smith, Minor Subdivision Review Committee Re: dividing a 12.2± acre parcel with 549.64± feet of frontage on Pontiac Road, Angola known as SBL# 252.00-1-1 into two lots to create a 5.6± acre vacant parcel and a 6.4± acre parcel. Petitioner: Sharon Krug, 1290 Pontiac Road, Angola NY 14006

RESOLUTION 2022 #435 Lead Agency - Krug

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

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

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

WHEREAS, in a letter dated November 23, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Sharon Krug Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Sharon Krug, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 252.00-1-1, dividing a 12.2± acre parcel to create:

1. a 5.6± acre vacant parcel with 250± feet of frontage on Pontiac Road, to be annexed to an adjacent parcel at 1258 Pontiac Road, SBL# 251.00-2-29, to form a 26.67± acre parcel with 998.15± feet of frontage on Pontiac Road, and
2. a 6.4± acre parcel with 299.64± feet of frontage on Pontiac Road.

Petitioner: Sharon Krug, 1290 Pontiac Road, Angola NY 14006

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 #436 Minor Subdivision Approval - Krug

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, the proposed subdivision was also referred to the Erie County Department of Environment and Planning for review of the Agricultural Data Statement with the Erie County Agriculture and Farmland Protection Board in which no comment was offered, and

WHEREAS, notification was mailed to all addresses occurring on property within an agricultural district containing a farm operation, or on property within 500 feet of an active farm operation with no comments being received, and

WHEREAS, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Sharon Krug Minor Subdivision,

a division of SBL# 252.00-1-1, dividing a 12.2± acre parcel to create:

1. a 5.6± acre vacant parcel with 250± feet of frontage on Pontiac Road, to be annexed to an adjacent parcel at 1258 Pontiac Road, SBL# 251.00-2-29, to form a 26.67± acre parcel with 998.15± feet of frontage on Pontiac Road, and
2. a 6.4± acre parcel with 299.64± feet of frontage on Pontiac Road.

Petitioner: Sharon Krug, 1290 Pontiac Road, Angola NY 14006

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

William B. Smith, Minor Subdivision Review Committee RE: dividing a 52.65± acre parcel with 583.0± feet of frontage on Eden Evans Center Road, Angola, NY known as SBL# 222.00-4-6.1 into two lots to create a 47.46± acre parcel and a 5.19± acre vacant parcel. Petitioner: Paul & Desiree Sanchez, 1954 Eden Evans Center Road, Angola NY 14006

RESOLUTION 2022 #437 Lead Agency - Sanchez

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, minor subdivisions are unlisted SEQR actions, and

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

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

WHEREAS, in a letter dated November 28, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Paul & Desiree Sanchez Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant impacts regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town of Evans shall be the Lead Agency for the SEQR process for the above mentioned minor subdivision; and

RESOLVED, that the Town Board of the Town of Evans considers the findings of the Town of Evans Minor Subdivision Review Committee and issues a SEQR negative declaration for the Paul & Desiree Sanchez, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 222.00-4-6.1, dividing a 52.65± acre parcel to create:

1. a 47.46± acre parcel with 361.0± feet of frontage on Eden Evans Center Road, and
2. a 5.19± acre vacant parcel with 222.0± feet of frontage on Eden Evans Center Road.

Petitioner: Paul & Desiree Sanchez, 1954 Eden Evans Center Road, Angola NY 14006

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 #438 Minor Subdivision Approval - Sanchez

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, the proposed subdivision was referred to the Erie County Department of Environment and Planning for a 239M Review as required, and

WHEREAS, the Erie County Department of Environment and Planning offered no recommendation, stating the proposed action was determined to be of local concern, and

WHEREAS, the Town of Evans Minor Subdivision Review Committee has completed a review and recommended approval, and

WHEREAS, the Evans Town Board, as Lead Agent, issued a negative declaration regarding the SEQR process.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby considers the findings of the Town of Evans Minor Subdivision Review Committee and approves the Paul & Desiree Sanchez Minor Subdivision,

a division of SBL# 222.00-4-6.1, dividing a 52.65± acre parcel to create:

1. a 47.46± acre parcel with 361.0± feet of frontage on Eden Evans Center Road, and
2. a 5.19± acre vacant parcel with 222.0± feet of frontage on Eden Evans Center Road.

Petitioner: Paul & Desiree Sanchez, 1954 Eden Evans Center Road, Angola NY 14006

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

Supervisor Hosler reported that the Supervisor's October 2022 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2022 #439 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the November 9, 2022 and November 16, 2022 meetings 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

RESOLUTION 2022 #440 Town Clerk's Reports

Supervisor Hosler moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of November 2022:

Town Clerk Report	$11,535.83
Interest	$.28
Greenspace Fee	$1,400.00
Petty Cash	$650.00

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

Old Business

RESOLUTION 2022 #441 Remove Item #1 from Old Business - The Strange Brew License

Supervisor Hosler moved and Councilman Schraft seconded to remove and dispense with item #1 John Roszman D/B/A The Strange Brew 8461 Lake Shore Road - Refreshment License.

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

RESOLUTION 2022 #442 Remove Item #2 from Old Business - Advertise Invitation to Bid for Demolition and Date for Bid Opening

Councilman Schraft moved and Supervisor Hosler seconded to remove and act on item #2 Advertise Invitation to Bid for Demolition and Date for Bid Opening.

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

RESOLUTION 2022 #443 Advertise Invitation to Bid for Demolition and Date for Bid Opening

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, on November 9, 2022, the Town of Evans adopted a resolution directing the removal/demolition of all unsafe structures on seventeen (17) listed properties pursuant to Evans Town Code, Chapter 74, Unsafe Buildings; and
8800 Southwestern Boulevard, Angola 14006
170 W Sterling Avenue, Angola 14006
172 W Sterling Avenue, Angola 14006
9687 Erie Road, Angola 14006
9813 Erie Road, Angola 14006
8291 Erie Road, Angola 14006
170 Delavan Avenue, Angola 14006
566 Monroe Avenue, Angola 14006
7254 Erie Road, Angola 14006
1441 Sturgeon Point Road, Derby 14047
7018 Woodcliff Drive, Angola 14006
395 Herr Road, Angola 14006
497 Roanoke Avenue, Angola 14006
146 Potomac Avenue, Angola 14006
273 Dawn Avenue, Angola 14006
197 Pleasant Avenue, Angola 14006
9625 Ivanhoe Avenue, Angola 14006; and

WHEREAS, the required asbestos survey and sampling has been completed of all seventeen (17) listed properties in anticipation of bids for demolition; and
NOW, THEREFORE, BE IT RESOLVED, that the Code Enforcement Office is hereby authorized to prepare an invitation to bid for the demolition, and controlled demolition with and without asbestos abatement of said properties as appropriate; and

8800 Southwestern Boulevard, Angola 14006
170 W Sterling Avenue, Angola 14006
172 W Sterling Avenue, Angola 14006
9687 Erie Road, Angola 14006
9813 Erie Road, Angola 14006
8291 Erie Road, Angola 14006
170 Delavan Avenue, Angola 14006
566 Monroe Avenue, Angola 14006
7254 Erie Road, Angola 14006
1441 Sturgeon Point Road, Derby 14047
7018 Woodcliff Drive, Angola 14006
395 Herr Road, Angola 14006
497 Roanoke Avenue, Angola 14006
197 Pleasant Avenue, Angola 14006
9625 Ivanhoe Avenue, Angola 14006; and

BE IT FURTHER RESOLVED, that 146 Potomac Avenue, Angola, 14006 and 273 Dawn Avenue, Angola 14006 are to bid out separately under CDBG guidelines and procedures; and

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

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

BE IT FURTHER RESOLVED, that the bids are due to the Town Clerk's Office by 2:00pm on Thursday, December 29, 2022, at which time the bids will be publicly opened and read aloud; and

BE IT FURTHER RESOLVED, that all costs for said demolition work shall be initially paid for by the Town, and that those specific costs incurred shall be a placed as a lien on the subject parcels; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #444 Gowans Road Solar LLC - Pilot Program

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, Gowans Road Solar, LLC has requested that the Town Board approve a 15-year Payment in Lieu of Taxes ("PILOT") Agreement for the solar energy system proposed for the premises located on Gowans Road (Tax Map Lots ## 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29) in the Town of Evans; and

WHEREAS, in connection with the requested PILOT Agreement, Gowans Road Solar, LLC has submitted a proposed PILOT Payment Schedule by which the 15-year term shall commence on the first taxable status date following completion of the construction of the Project (the "Commencement Date"), and shall end the fifteenth fiscal year following the Commercial Operations Date, with the first annual payment in the total amount of $3,000.00 per Megawatt AC of Capacity; and

WHEREAS, the annual PILOT payment to be received by the Town of Evans shall increase by 2 percent annually for the 15-year term; and

THEREFORE, BE IT RESOLVED, the Town Board approves the requested 15-year PILOT Agreement for Gowans Road Solar, LLC subject to those provisions contemplated in the subject agreement, and hereby authorizes the Supervisor of the Town of Evans to sign the PILOT Agreement between Gowans Road Solar, LLC and the Town of Evans.

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

RESOLUTION 2022 #445 Gowans Road Solar, LLC - HCA Agreement

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, Gowans Road Solar, LLC has requested that the Town Board approve a 15-year Host Community Agreement ("HCA") for the solar energy system proposed for the premises located on Gowans Road (Tax Map Lots ## 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29) in the Town of Evans; and

WHEREAS, in connection with the requested HCA, Gowans Road Solar, LLC has submitted a proposed HCA Payment Schedule by which the 15-year term shall commence with the 2023 Town tax roll, and shall end the fifteenth fiscal year following, with the first annual payment in the total amount of $3,000.00 per Megawatt AC of Capacity; and

WHEREAS, the annual PILOT payment to be received by the Town of Evans shall increase by 2 percent annually for the 15-year term; and

THEREFORE, BE IT RESOLVED, the Town Board approves the requested 15 year HCA for Gowans Road Solar, LLC subject to those provisions contemplated in the subject agreement, and hereby authorizes the Supervisor of the Town of Evans to sign the HCA between Gowans Road Solar, LLC and the Town of Evans.

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

RESOLUTION 2022 #446 Authorize Code Enforcement Officer to Attend the Niagara Frontier Building Officials Education Conference (NFBOA)

Councilman George moved and Councilman Macko seconded,

WHEREAS; Code Enforcement Officer Tony Fischione requests permission to attend the Niagara Frontier Building Officials Education Conference; and

WHEREAS; said annual conference will be held in the Hyatt Regency in Buffalo, New York from Monday, January 23, 2023 to Wednesday, January 25, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Code Enforcement Officer Tony Fischione, to attend said conference and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

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

RESOLUTION 2022 #447 2023 Erie County Water Rates

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans entered into a Lease Management Agreement with the Erie County Water Authority, effective April 1, 2013; and

WHEREAS, the Town of Evans is responsible for the billing and maintenance of approximately 115 customers on Town of Evans waterlines; and

WHEREAS, these customers are primarily located on Woodcliff Road, McKinley Road, portions of Independence Drive and portions of Peppertree Drive; and

WHEREAS, the Erie County Water Authority raised their water rate charge on at their meeting November 17, 2022, by their adopted budget, taking effect on January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That pursuant to Section 106-1 the price of water will increase by 46 cents, per ECWA adopted 2023 budget, which will be $4.26 per 1,000 gallons; and

2. The minimum quarterly bill shall continue to be based upon a minimum of 9,000 gallons of water consumed; and

3. The per quarter infrastructure charge has been established as $25.44, which is a $2.73 increase per the ECWA adopted 2023 budget, and will continue to be added to the quarterly bill for each metered account; and

BE IT FURTHER RESOLVED that the above referenced change (price of water #1) will start effective January 1, 2023.

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

RESOLUTION 2022 #448 Suspend the Rules of Order

Supervisor Hosler moved and Councilman George seconded, to suspend the rules of order for additional resolutions.

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

RESOLUTION 2022 #449 Settlement of Pending Litigation

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the following matters were previously filed against the Town of Evans:

New York State Division of Human Rights ("DHR"), Case No. 10212195, cross-filed with the Equal Employment Opportunity Commission ("EEOC"), Charge No. 16GC101969,

New York State Department of Labor Public Employee Safety and Health, Case No. 30490734,

Article 78 Proceeding, Index No. 801667/2022,

Article 75 Proceeding, Index No. 815724/2021 (previously resolved),

(collectively, the "matters"), and

WHEREAS, the Town of Evans and the Plaintiff/Petitioner have agreed upon mutual terms and conditions of settlement of said matters, and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to enter into the Settlement Agreement in order to resolve said matters and to avoid further litigation costs,

NOW THEREFORE, BE IT RESOLVED, the Town of Evans ratifies the Settlement Agreement entered into with the Plaintiff/Petitioner, including mutual terms and conditions of settlement of said matters, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Evans hereby authorizes any actions necessary to carry out the terms of the Settlement Agreement, in consideration for the Plaintiff's discontinuance with prejudice of all said matters, and waiver and release of all claims against the Town of Evans.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #450 Resignation - Valenti

Councilman Macko moved and Councilman Reitz seconded,

BE IT RESOLVED that the Town Board agrees that moving forward the Town will characterize Ms. Valenti's separation from employment as a resignation.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #451 Change Order Approval for Pump Station Electrical

Councilman Schraft moved and Supervisor Hosler seconded,

Whereas, there have been ongoing discussion relative to the permanent power to the new pump station that will fill the future water storage tank; and

Whereas, the original design called for a 200-amp 3 phase electrical service to be installed inside the new pump station building to power the pumps and associated building appurtenances; and

Whereas, Kandey Company (the contractor on the project) and its subcontractors have exhausted their resources in search of a 200-amp 3 phase panel for this project that due to supply chain issues, has not been able to be located; and

Whereas, Kandey has worked with CPL (engineer on the project) and National grid to provide a solution that can expeditiously be completed given the pump station needs to be placed into service to provide water to the tank and the pump station needs to have power to operate heating, lights, and other non-pump related items, with that solution being coming into the pump station building with a 400 amp 3-phase service which requires a larger service panel and heavier duty equipment and wiring; and

Whereas, Kandey Company has provided an estimate of $31,021, which includes bonding, to complete this upgrade in service given that the 400-amp 3-phase equipment is currently available whereas the 200-amp 3-phase service is not;

Therefore, Be It Resolved That the Town Board of the Town of Evans hereby resolves to approve a change order to the Kandey Company in the amount of $31,021 for the electrical service upgrade; and

Be It Further Resolved That the Town Board authorizes the supervisor to sign change order paperwork related to this change, upon approval of the Town Attorney

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #452 Holiday Pay

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, that Town of Evans Regular Part-Time employees eligible by actual employment within the last two (2) months shall receive time and one-half (1 & ½) compensation for hours worked during contractually recognized holidays, recognized as hours worked on the holiday, as amended.

VOTE RESULT: ADOPTED BY ROLL CALL

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

Public Hearing Cont.

RESOLUTION 2022 #453 SEQR Negative Declaration - Grandview Bay WMU Project

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, the Grandview Bay, LLC ("the Applicant") has requested Preliminary Plat Approval for the proposed Grandview Bay waterfront mixed-use project Subdivision ("the Project"); and

WHEREAS, the Project involves the creation and development of 10 separate tax parcels for the townhomes and retail space on the eastern portion of the site located at the corner of Iroquois Street and Lake Shore Road; and

WHEREAS, the Evans Town Board is hereby declaring intent to serve as SEQR Lead Agency on the Project; and

WHEREAS, per Section 178-6.b of the Town Code pertaining to procedures for obtaining subdivision approval, the Town Board has determined compliance with Town requirements as well as SEQR and reviewed the recommendation of the Town Planning Board; and
WHEREAS, the Town Board has reviewed the proposed Project and considered the criteria for Determination of Significance listed in the SEQR regulations, and has found that the proposed action is not anticipated to result in any significant adverse impacts on the environment; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with SEQR requirements for Grandview Bay Major Subdivision located at the corner of Iroquois Street and Lake Shore Road).

AND, BE IT FURTHER RESOLVED, that a copy of this resolution is sent 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 #454 Major Subdivision Preliminary Plat Approval - Grandview Bay WMU Project

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, the Town Board has reviewed the Preliminary Plat prepared by Grandview Bay, LLC. (the "Applicant") for the proposed major subdivision; and

WHEREAS, the applicant is requesting the creation and development of 10 separate tax parcels for the townhomes and retail space on the eastern portion of the site located at the corner of Iroquois Street and Lake Shore Road; and

WHEREAS, the Applicant is also requesting the creation and development of 9 separate tax parcels for the restaurant, mixed use building, and single family homes located on the waterfront portion of the site; and

WHEREAS, the Applicant previously received Site Plan Approval from Planning Board as well as approval of variances from Zoning Board of Appeals for the waterfront mixed use project; and

WHEREAS, per Section 178-6.b of the Town Code pertaining to procedures for obtaining subdivision approval, the Town Board has determined compliance with Town requirements as well as SEQR and reviewed the recommendation of the Town Planning Board; and

WHEREAS, the Town Board carefully reviewed the proposed Project and considered all of the criteria for Determination of Significance listed in the SEQR regulations, and has found that the proposed action is not anticipated to result in any significant adverse impacts to the environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby accepts Planning Board's recommendation and approves the Preliminary Plat; and

BE IT FURTHER RESOLVED, that the Town Board declares itself Lead Agency; and

BE IT FURTHER RESOLVED, that the Town Board approves the Preliminary Plat, and issues a Negative Declaration, and concluding that the project will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #455 Adopt Proposed Local Law #6 of 2022 Building Construction & Fire Prevention Code

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans is introducing a Local Law No. 6 to amend Chapter 70, regarding the Building Construction and Fire Prevention, with accompanying amendments to the Code of the Town of Evans (a copy of which is attached hereto); and

WHEREAS, Executive Law § 381(2) provides that local governments (cities, towns, and villages) are required to administer and enforce the Uniform Code;

WHEREAS, 19 NYCRR Part 1203 which contains the "minimum standards" established by the Department of State pursuant to Executive Law § 381(1), requires each local government that administers and enforces the Uniform Code and Energy Code to establish a code enforcement program and to include certain features within that program;

WHEREAS, the Uniform Code and Energy Code were amended, effective May 12, 2020, and based on the new versions of the Uniform Code and Energy Code, corresponding changes were necessary to 19 NYCRR Part 1203 to coordinate these rules and regulations for administration and enforcement of the Uniform Code and Energy Code; and

WHEREAS, this proposed Code amendment is the product of much study and discussion by the Town of Evans Code Revision Commission; and

WHEREAS, the proposed Local Law clarifies the existing regulations regarding energy and uniform code, and therefore constitutes a Type II Action under the State Environmental Quality Review Act (SEQRA) which does not require further review; and

WHEREAS, a duly scheduled public hearing was set for December 7, 2022, in order to amend the existing code by Local Law; and

WHEREAS, the Town Board of the Town of Evans held a public hearing with respect to the amendments and adoption of said Local Law on Wednesday, December 7, 2022 at 7:10 PM, at which time and place were heard all persons interested in the local; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans finds that the proposed Local Law No. 6 Amending Chapter 70, regarding the Building Construction and Fire Prevention, of the Code of the Town of Evans be and hereby is adopted; and

BE IT FURTHER RESOLVED, that Local Law No. 6 of 2022 shall take effect twenty (20) days after filing with the Secretary of State of the State of New York.

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

RESOLUTION 2022 #456 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

1) Russell T. Mogavero D/B/A Meadowbrook Restaurant & Bar - Refreshment, Amusement & Live Band

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

RESOLUTION 2022 #457 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	12/8/2022
ABSTRACT NO.	23
VOUCHER NO.	11636 - 11733
CHECK NUMBERS	85003 - 85076

APPROVED AT	Board Meeting
DATE	12/7/2022
GENERAL	$173,744.27
PART TOWN	$7,586.83
HIGHWAY DB	$89,001.32
WATER	$4,988.87
CAPITAL PROJECTS	$9,710.00
SPECIAL DISTRICTS	$113,396.43
DEBT SERVICE	
TOTAL	$398,427.72

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #458 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, December 21, 2022 at 6:00pm for a Work Session and the Regular Meeting to follow.

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,

Lynn M. Krajacic
Town Clerk, RMC

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 1 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:
18 Nov 2022

Notice ID: 6K2mmvI22Or37KCTFAdq
Publisher ID: LTNEVN
Notice Name: LN PH LL #6 Town Uniform Fire

PUBLICATION FEE: $27.17

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

22nd day of November, A.D. 2022.

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/24/23

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 Wednesday, December 7, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the homepage of the Town's website, and/or in-person Public Meeting to consider the adoption of Proposed Local Law #6 of the year 2022 which will amend Town Code Chapter 70 of the Evans Town Code with the minimum standards of 19NYCRR Part 1203 NYS Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 9am – 4pm; Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after November 18, 2022. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions and/or comments forwarded to the Planning Office 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 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
Nov 18, 2022

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 1 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:
18 Nov 2022

Notice ID: UivAX4p0xE4tSzuqdQJ8
Publisher ID: LTNEVN
Notice Name: LN PH Grandview Bay LLC townhouses

PUBLICATION FEE: $26.28

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

22nd day of November, 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

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 Wednesday, December 7, 2022 at 7:10 P.M. via Zoom, to which a link will be provided on the homepage of the Town's website, and/or in-person Public Meeting to consider the petition of Grandview Bay, LLC (Ellicott Development) for Preliminary Plat approval of a 10 separate tax parcels for townhomes and retail space on the eastern portion of the site located at the corner of Iroquois Street and Lake Shore Road and 9 separate tax parcels for a restaurant, mixed use building and single family homes located on the waterfront portion of the site; 8934 Lake Shore Road, Angola, NY 14006, SBL# 234.16-2-25.1. Questions and comments may be forwarded to the Planning Department via email at planning@townofevans.org or mailed via USPS to the Town of Evans Planning Office at 8787 Erie Road, Angola, NY 14006; any written questions and/or comments forwarded to the Planning Office 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 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
Nov 18, 2022