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 #123 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the February 16, 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

Bill Smith Evans Minor Subdivision Review Committee RE: Minor Subdivision Review - dividing a 0.41± acre vacant parcel with 180± feet of frontage on Eisenhower Avenue, known as SBL# 250.09-2-45.1 into two lots to create a 0.18± acre vacant parcel and a 0.23± acre vacant parcel. Petitioner: Mark A. & Katy L. Rivers, 207 Kennedy Avenue, Angola NY 14006

RESOLUTION 2022 #124 SEQR Lead Agency - Rivers

Supervisor Hosler moved and Councilman Macko 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 February 28, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Mark A. & Katy L. Rivers, 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 Mark A. & Katy L. Rivers, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 250.09-2-45.1, dividing a 0.41± acre vacant parcel to create:

1. a 0.18± acre vacant parcel with 80± feet of frontage on Eisenhower Ave., and
2. a 0.23± acre vacant parcel with 100± feet of frontage on Eisenhower Avenue.

Petitioner: Mark A. & Katy L. Rivers, 207 Kennedy Avenue, 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 #125 SEQR Negative Declaration - Rivers

Councilman Schraft 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 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 Mark A. & Katy L. Rivers, 207 Kennedy Avenue, Angola, NY 14006 Minor Subdivision,

a division of SBL# 250.09-2-45.1, dividing a 0.41± acre vacant parcel to create:

1. a 0.18± acre vacant parcel with 80± feet of frontage on Eisenhower Avenue, and
2. a 0.23± acre vacant parcel with 100± feet of frontage on Eisenhower Avenue.

Petitioner: Mark A. & Katy L. Rivers, 207 Kennedy Avenue, 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 #126 Assessment Review Board Appointments

Councilman Schraft moved and Supervisor Hosler seconded;

WHEREAS; the Town of Evans Board of Assessment Review has two (2) vacancies due to resignations; and

WHEREAS; the Town desires to fill both vacancies for the remainder of the terms for those specific vacancies;

BE IT RESOLVED; Kelly Zielinski is hereby appointed to the Town of Evans Board of Assessment Review for a five (5) year term, commencing on October 1, 2021 with the term ending September 30, 2026; and

FURTHER, BE IT RESOLVED; effective immediately, that Drew Supon is hereby appointed to the Town of Evans Board of Assessment Review for the term ending September 30, 2023; and

FURTHER, BE IT RESOLVED; the above referenced appointments shall not receive compensation from 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 #127 Authorize the Execution of Stop DWI Contract

Councilman Macko moved and Supervisor Hosler seconded;

WHEREAS, the Town of Evans intends to continue its participation in the Erie County STOP-DWI program which provides grant funding to communities in support of stop-DWI measures;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Mary Hosler and Chief of Police Gregory Szarowicz are hereby authorized to execute and any all documents regarding the Erie County STOP-DWI contract on behalf of the Town of Evans; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to prepare a verified copy of this resolution to be attached to the STOP-DWI contract package.

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

RESOLUTION 2022 #128 Appointment of Drainage Committee Member

Councilman Reitz moved and Supervisor Hosler seconded;

Be it resolved, the following individuals are hereby appointed to the following Town of Evans committees for 2022:

John Finster, Drainage Committee

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

RESOLUTION 2022 #129 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 #130 Erie County Water Rates for 2022

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 November 24, 2021, by their adopted budget, taking effect on January 1, 2022.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That pursuant to Section 106-1 the price of water will increase by 23 cents, per ECWA adopted 2022 budget, which will be $3.80 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 $22.71, which is a $1.38 increase per the ECWA adopted 2022 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, 2022.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #131 Support of Donor-Conceived Person Protect Act

Supervisor Hosler moved and Councilman Schraft seconded;

WHEREAS, the Evans Town Board acknowledges the importance of parents and donor-conceived persons knowing the medical, educational and criminal felony conviction history of individuals who have donated reproductive tissue to a reproductive tissue bank for the purposes of an artificial insemination or assisted reproductive technology procedure and disseminating this history information to a recipient and donor-conceived person upon request upon request, if any; and

WHEREAS, the Evans Town Board further acknowledges knowing the medical, educational and criminal felony conviction history of a donor will provide recipients with the necessary information to make informed decisions regarding the process of artificial insemination or assisted reproductive technology procedure and for donor conceived persons to obtain essential medical information, which may reveal any genetic or mental health disorders; and

WHEREAS, the Evans Town Board finds that reproductive tissue banks, including semen banks, oocyte donation programs and embryo banks have a duty to collect and verify medical, educational and criminal felony conviction history information provided by donors on donors self-reported medical, educational and criminal felony conviction histories and during the donor screening processes and to keep detailed records of such for use by recipients and donor-conceived persons, if any, prior to a procedure and in the future,

THEREFORE, BE IT RESOLVED, the Evans Town Board fully supports the passage of NYS Senate Bill S7602, sponsored by Senator Patrick M. Gallivan, and supports further efforts to insure both parents and donor conceived persons have access to verified medical, educational and criminal felony conviction histories for all donors; and

FURTHER, BE IT RESOLVED, the Town Clerk of the Town of Evans shall send a certified copy of this resolution to Senator Patrick M. Gallivan, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Robert Ortt, Assembly Speaker Carl Heastie, Assembly Majority Leader Crystal Peoples-Stokes, Assembly Minority Leader William Barclay and Senator Sean Ryan.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #132 2022 Erie County NY Hazard Mitigation Plan

Councilman Schraft moved and Supervisor Hosler seconded;

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS; a coalition of Erie County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Erie County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Evans Town Board:

1) Adopts in its entirety, the 2022 Erie County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
4) Will continue its support of the Planning Partnership as described within the Plan.
5) Will help to promote and support the mitigation successes of all participants in this Plan.
6) Will incorporate mitigation planning as an integral component of government and partner operations.
7) Will provide an update of the Plan in conjunction with the County no less than every five years.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #133 Extension of Deadline Date for Slip Rental for 2022 Season

Councilman Macko moved and Supervisor Hosler seconded;

WHEREAS; the timing of receipt of FEMA funding for repair and reconstruction of the Sturgeon Point Marina is uncertain;

THEREFORE, BE IT RESOLVED; that the deadline for payment of deposit to retain slips at the Sturgeon Point Marina is extended to April 1, 2022; and

BE IT FURTHER RESOLVED; that should the Sturgeon Point Marina close prior to September 5, 2022 the Town shall refund a portion of the slip rental fees, as determined by the Town in consideration of the date of closing for required construction.

BE IT FURTHER RESOLVED, a copy of this resolution be given to the Parks Department

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #134 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	3/3/2022
ABSTRACT NO.	5
VOUCHER NO.	10136 - 10204
CHECK NUMBERS	83740 - 83794
APPROVED AT	Board Meeting
DATE	3/2/2022
GENERAL	$97,169.05
PART TOWN	$2,804.26
HIGHWAY DB	$37,236.44
WATER	$3,774.79
CAPITAL PROJECTS	$169,828.57
SPECIAL DISTRICTS	$577,500.00
DEBT SERVICE	
TOTAL	$888,313.11

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #135 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn Wednesday, March 2, 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 RMC
Town Clerk

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:
Mark Rivers Minor Subdivision

Project Location (describe, and attach a location map):
SBL# 250.09-2-45.1

Brief Description of Proposed Action:
Minor Subdivision - Dividing a 0.41+/- ac vacant parcel with 180+/- ft of frontage on Eisenhower Avenue into two parcels; a 0.18+/- ac parcel with 80.0+/- ft on Kennedy Avenue and a 0.23+/- ac parcel with 100.0+/- ft of frontage on Kennedy Avenue. SBL# 250.09-2-45.1

Name of Applicant or Sponsor:	Telephone: 716-867-8065
Mark A. & Katy L. Rivers	E-Mail: rivrivers22@gmail.com

Address:
207 Kennedy Avenue

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

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3. a. Total acreage of the site of the proposed action? 0.41+/- acres
   b. Total acreage to be physically disturbed? -0- acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.41+/- 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

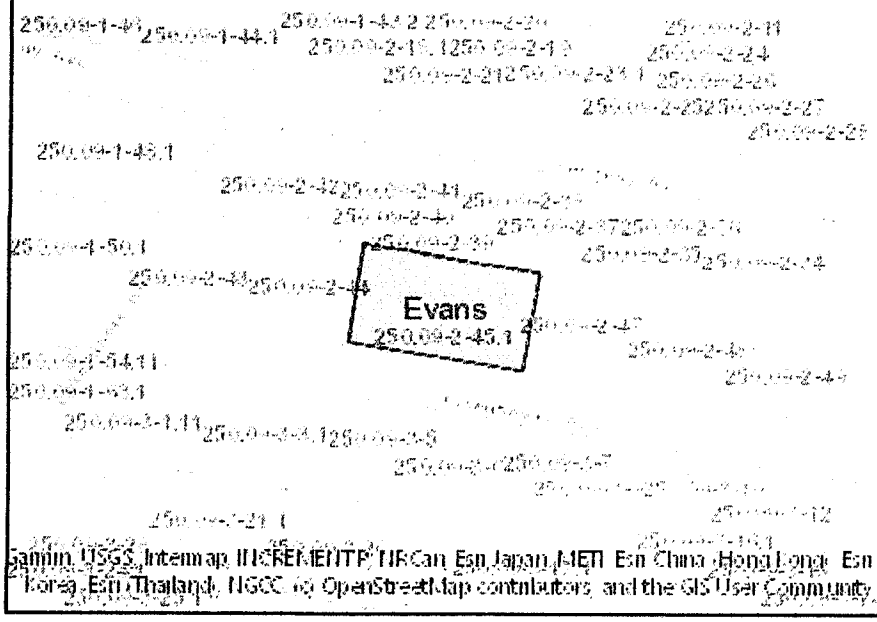
Applicant/sponsor/name: Katy Rivers — Mark Rivers Date: 1-9-22

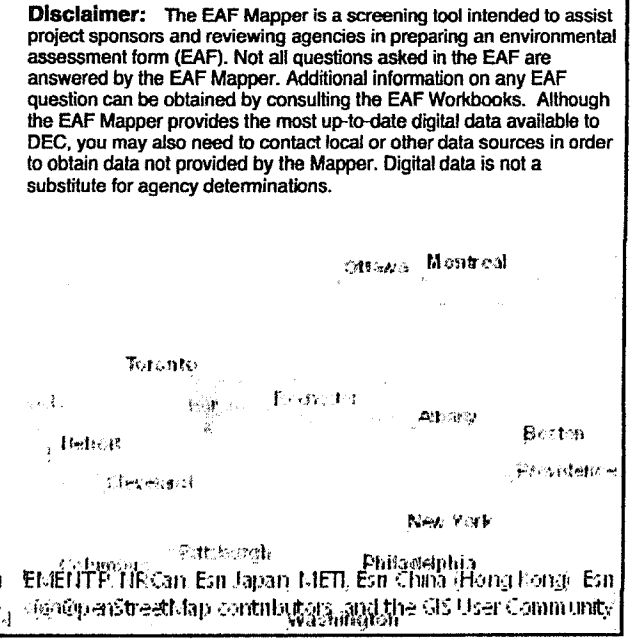
Signature: Katy L. Rivers Title:

PRINT FORM

EAF Mapper Summary Report

Friday, January 7, 2022 1:04 PM





Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No