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 Wolf	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #202 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: litigation and employment history of a particular Individual.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney 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

Supervisor Hosler opened the meeting with a moment of silence for the tragedy in Buffalo and the lives that were lost.

RESOLUTION 2022 #203 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the May 4, 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

RESOLUTON 2022 #204 Supervisor's Monthly Reports for December 2021 & January 2022

Supervisor Hosler moved and Councilman Macko seconded that the Supervisor has submitted in accordance with Town Law the following Monthly Reports for December 2021 and January 2022.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #205 Joseph & Emily Kwilos, 1177 Church Rd, Angola Agri-business pavilion involving educational programming & food service in the RA district - Schedule Public Hearing

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated May 12, 2022, the Planning Director has requested that the Town Board set a public hearing regarding the petition of Joseph & Emily Kwilos for a Special Use Permit for the operation of a proposed 40' x 40' Agri-business pavilion involving educational programming and food service in the Rural Agriculture (RA) district at 1177 Church Road, Angola, NY 14006, SBL# 220.00-4-17; and

WHEREAS, the Planning Board unanimously recommended approval of the Special Use Permit at an in-person and virtual Planning Board meeting held on May 11, 2022.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on June 1, 2022 at 7:10pm for the consideration of said special use permit; and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning and Code Enforcement Offices.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #206 SEQR Negative Declaration - Erickson Minor Subdivision

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 May 13, 2022, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Karen A. Erickson 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 Karen A. Erickson, Minor Subdivision.
(Addendum A SEQR Short Environmental Assessment Form),

a division of SBL# 234.16-4-16.11, dividing a 0.6± acre parcel to create:

1. a 0.417± acre parcel with 178.69± feet of frontage on Lake Shore Rd., and
2. a 0.174± acre vacant parcel portion with 36.46± feet of frontage on Lake Shore Rd. to be annexed to an adjacent parcel at 8905 Lake Shore Road, SBL# 234.16-4-16.151

Petitioner: Karen A. Erickson, 8991 Iroquois St., 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 #207 Approve Erickson Minor Subdivision

Councilman Macko moved and Councilman Schraft 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 Karen E. Erickson Minor Subdivision,

a division of SBL# 234.16-4-16.11, dividing a 0.6± acre parcel to create:

1. a 0.417± acre parcel with 178.69± feet of frontage on Lake Shore Rd., and
2. a 0.174± acre vacant parcel portion with 36.46± feet of frontage on Lake Shore Rd. to be annexed to an adjacent parcel at 8905 Lake Shore Road, SBL# 234.16-4-16.151

Petitioner: Karen A. Erickson, 8991 Iroquois St., 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 #208 Authorization to Enter into an Agreement with Association of Town Highway Superintendents of Erie County for Snow & Ice Control for Erie County Roads

AMENDED
2022-06-01
#226
pg 133

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the County of Erie, pursuant to COMM. 16E-13 (2022) dated April 7, 2022, relating to the control of snow and ice on County roads by towns and incorporated villages, entered into a three (3) year agreement with local municipalities for such purposes; and

WHEREAS, the said agreement expired August 31, 2022; and

WHEREAS, it would be in the best interests of Erie County to execute an agreement at a lane mile reimbursement rate increasing three (3) percent each year for a three (3) year period ending August 31, 2025, and representatives of the affected municipalities have agreed to terms with the County.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature hereby authorizes the said Snow and Ice Control Agreement, as modified and updated, at a lane mile reimbursement rate increasing five (5.0%) percent each year for the first two years and three (3.0) percent the third year, to expire August 31, 2025, payable from adopted Division of Highways, Operating Budget, Fund 210, Cost Center 1231010, G/L 520060 Town and Village Snow Contracts, as set forth below:

September 1, 2022 through August 31, 2023	$4,193.86 per lane mile
September 1, 2023 through August 31, 2024	$4,881.61 per lane mile
September 1, 2024 through August 31, 2025	$5,076.88 per lane mile

and be it further

RESOLVED, that the County Executive is hereby authorized and directed on behalf of Erie County to execute agreements with participating municipalities; and be it further

RESOLVED, that the Town of Evans is hereby directed to transmit two (2) certified copies of the foregoing resolution to the Commissioner of Public Works.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #209 Appt of Part Time Dispatcher

Councilman Schraft moved and Councilman Macko seconded,

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

WHEREAS, Sarah Pawlowski has been interviewed and has met the qualifications to be a Public Safety Dispatcher;

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

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #210 Approval & Authorization of Full Time Construction Inspection Services Water Main Install Town of Evans New Water Storage Tank Project

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, on January 9, 2018 a proposal was submitted by Clark Patterson Lee that was approved for the design and construction of the water storage tank in the Town of Evans;

WHEREAS, that proposal included a part time construction inspection for the construction of the tank totaling 500 hours of inspection; and

WHEREAS, based on recent meetings with ECWA, the contractor and the Town, full-time inspection of the water main installation is preferred; and

WHEREAS, it is anticipated that the full-time inspection of the water main installation will add an additional 500-700 hours of inspection to the project with inspection services above 500 hours at a rate of $90 per hour; and

WHEREAS, based on anticipated additional hours of inspection for full-time inspection of the water main installation, would equate to an additional $45,000 - $63,000 on the project;

BE IT RESOLVED, based on the above, the Evans Town Board approves the proposal of the full-time construction inspection services of Clark Patterson Lee and authorizes Supervisor Mary Hosler to execute all documentation for said services, upon review 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 #211 Rescind 2022 #196

Supervisor Hosler moved and Councilman George seconded,

BE IT RESOLVED, that resolution #2022-196, appointment of Seasonal Part Time Gate Guards, is hereby rescinded.

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

RESOLUTION 2022 #212 Appt of Seasonal Part Time Gate Guards

Councilman Schraft moved and Councilman Macko seconded,

BE IT RESOLVED, effective May 19, 2022, the following individuals are hereby appointed as Part Time Seasonal Gate Guards, at the hourly rates indicated below, payable bi-weekly:

John Kurtzhalts	$13.20
Leon Widelko	$13.20
Robert Watts	$13.20

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

RESOLUTION 2022 #213 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 #214 Appt of Seasonal Laborers/Gateguards

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, effective May 19, 2022, the following individuals be appointed as PT Seasonal Laborer/Gate Guard positions:

NAME	SALARY
Bryce Cole	$13.20
Nancy Davis	$13.20
Peter Fuerst	$13.20/Gateguard - $14.20/Laborer
Aidan Nyitrai	$13.20
Timothy Shea	$13.20
Robert Sikorski	$13.20
Benjamin Vail	$13.20/Gateguard - $14.20/Laborer
Mary Webster	$13.20
Dale Zielonka	$13.20
Joseph Zubricky	$13.20/Gateguard - $14.20/Laborer

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #215 Appt of Code Enforcement Officer

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Evans Town Board passed Resolution #2022-197, whereby the Town Board authorized Supervisor Mary Hosler to extend an employment offer to Anthony Fischione for the position of Code Enforcement Officer;

NOW, THEREFORE, BE IT RESOLVED, that Anthony Fischione has accepted said employment offer and is hereby appointed as Code Enforcement Officer, effective May 31, 2022 for the Town of Evans at a salary of $61,000 yearly, payable bi-weekly; and

BE IT, FURTHER, RESOLVED, all relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the IBEW #41 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 #216 Audit of Bills

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

	AUDIT OF BILLS
DATE	5/19/2022
ABSTRACT NO.	10
VOUCHER NO.	10530 - 10597
CHECK NUMBERS	84049 - 84099
APPROVED AT	Board Meeting
DATE	5/18/2022
GENERAL	$39,012.45
PART TOWN	$499.50
HIGHWAY DB	$739.01
WATER	$104.06
CAPITAL PROJECTS	$9.90
SPECIAL DISTRICTS	$25.00
DEBT SERVICE	
TOTAL	$40,389.92

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #217 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, June 1, 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 R. Wolf
Deputy Town Clerk

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

Karen A. Erickson

Name of Action or Project:
Erickson Minor Subdivision

Project Location (describe, and attach a location map):
8921 Lake Shore Rd., Angola NY 14006

Brief Description of Proposed Action:
Minor Subdivision - Dividing a 0.6+/- acre parcel into two parcels; a 0.417+/- acre parcel with 178.69+/- feet of frontage on Lake Shore Road and a 0.174+/- acre parcel with 36.46+/- feet of frontage on Lake Shore Road.

Name of Applicant or Sponsor:	Telephone: 716-465-5157
Karen A. Erickson	E-Mail: connors1944@gmail.com

Address:
8991 Iroquois St.

City/PO:	State:	Zip Code:
Angola	New York	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? 0.6+/- 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? 0.6+/- 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: _____		
Delaware Creek to the east of the property; no alterations		

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:		

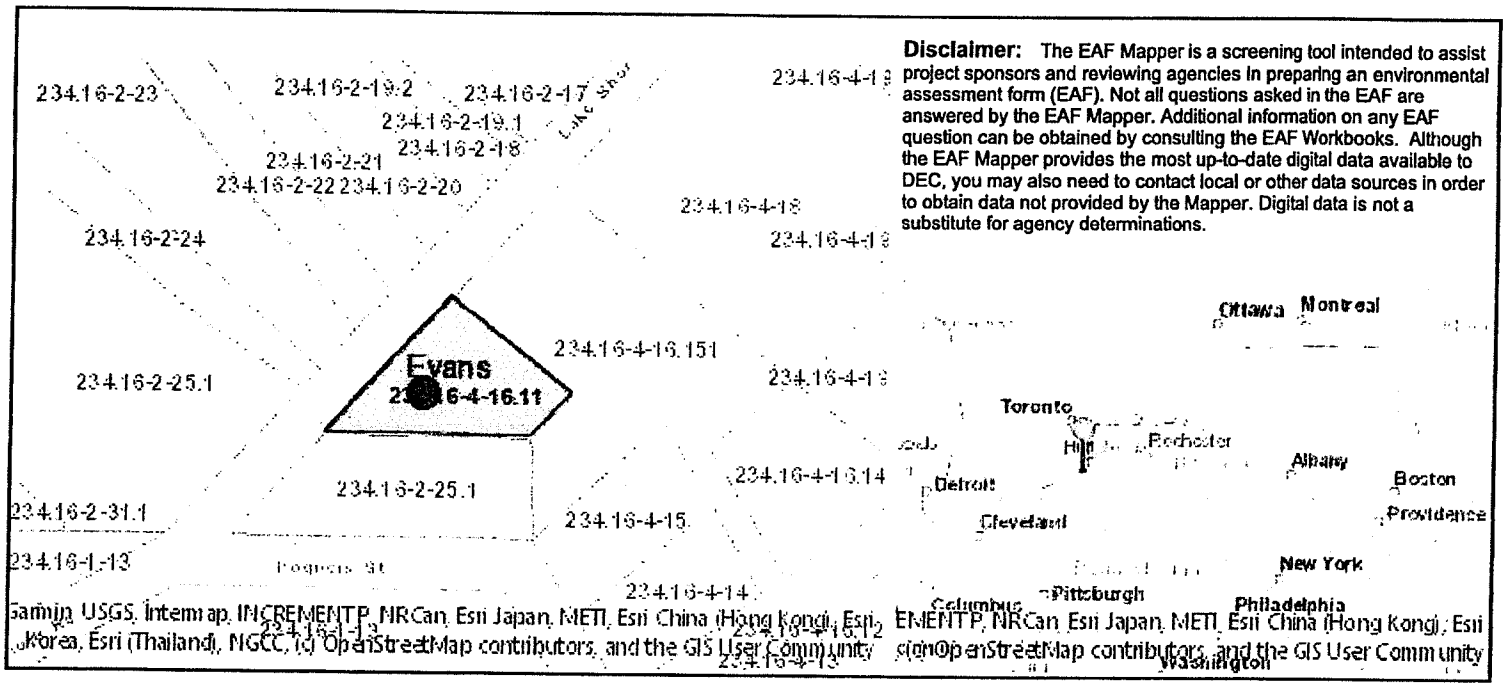
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Karen A. Erickson Date: 4-22-22

Signature: Karen A Erickson Title: Owner

EAF Mapper Summary Report

Wednesday, April 6, 2022 11:49 AM



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