Meeting #03 Wednesday, February 1st, 2023
Regular _X_ Special _____

AGENDA

Evans Town Board, Evans Town Hall, 8787 Erie Road, Angola, New York
www.townofevans.org

Item	Description	Disp.
I	Call the Meeting to Order	
II	Pledge of Allegiance	
III	Roll Call	
IV	Approval of the Minutes: January 18, 2023 Minutes	
V	Communications: 1.) William Smith Director Planning & Community Development RE: Recommendation for Adoption of Regulations to encourage Agribusiness and Agritourist Enterprises within the Town's Agricultural Zoning Districts. 2.) William Smith Director Planning & Community Development RE: Recommendation for Adoption of Regulations for the Permitting of Battery Energy Storage Systems 3.) William Smith Director Planning & Community Development RE: Recommendation for Adoption of Architectural Design Standards for the General Business (GB), Neighborhood Business (NB) and Motor Services (MS) Zoning Districts. 4.) William Smith Director Planning & Community Development RE: Rezone - Proposed Rezone of a 1.10 ± acre parcel from General Business (GB) to Multi-Family Residential-3 (MFR-3) to convert previous office space into eight rental units. Project location: 8328 Erie Rd, Angola NY 14006 SBL#220.19-1-5. Petitioner: Northeast Property Partners, LLC, 9666 Northfield St, Angola, NY 14006 5.) William Smith Evans Minor Subdivision Review Committee RE: Minor Subdivision - Dividing a 21.7 ± acre vacant parcel with 658.80± feet of frontage on Backus Road, Derby NY known as SBL #220.02-1-13 into four vacant parcels. Petitioner: William J. & Sharon L. Steen, 1114 Backus Road, Derby, NY 14047	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports:	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Amend Resolution 2023-010 2.) Approve 2023 Fees for Parks Department 3.) DCO Shared Service Stipend 4.) Road Cut Permit Fees 5.) Award Contract for Sturgeon Point Master Plan and Revitalization Strategy and the Evans Parks master plan and Improvement Strategy	
XII	Licenses: 1.) William Pfeil D/B/A Triton Valley Estate- Angola (Mobile Home Development) 2.) William Pfeil D/B/A Triton Valley Estate- Derby (Mobile Home Development) 3.) Marguerite Hogg D/B/A Melody Meadows Home Const. Inc. (Mobile Home Development) 4.) Brandon Gonzalez D/B/A Niko's Mediterranean Café (Refreshment) 5.) John Popple D/B/A The Bagel Jar, LLC (Refreshment) 6.) Amber Wesser D/B/A Super Freeze (Refreshment, Amusement, Live Band Commercial)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, February 15, 2023 at 6:00pm for the Work Session and Regular Meeting immediately to follow.	

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. Get the Agenda and Meeting Packet sent to your email! Subscribe to the Town of Evans Legal

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
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2023 #71 Accept Minutes

Supervisor Hosler moved and Councilman George seconded that the reading of the minutes of January 04, 2023 & the Reorganizational meeting be dispensed with and accepted as submitted by the Town Clerk.

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

Communications

William B. Smith Evans Minor Subdivision Review Committee RE: Minor Subdivision Review - dividing a 25.44+ acre parcel with 327.8+ feet of frontage on Lake Shore Road, known as SBL# 235.09-5-5.212, into two lots to create a 24.26+ acre parcel and a 1.18+ acre parcel. Petitioner: Frank J. Campofelice, 2721 Transit Rd., Suite 114, Elma NY 14059
Councilman Schraft moved and Councilman Macko seconded;

RESOLUTION 2023 #72 Minor Subdivision Review on Lake Shore Road Lead Agency

Supervisor Hosler moved and Councilman George 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 January 17, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the Frank J. Campofelice 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 Frank J. Campofelice Minor Subdivision. (Addendum_____SEQR Short Environmental

Assessment Form), a division of SBL# 235.09-5-5.212, dividing a 25.44+ acre parcel to create:
1. a 24.26□acre parcel with 247.8□feet of frontage on Lake Shore Road, and
2. a 1.18□acre parcel with 80.0□feet of frontage on Lake Shore Road.

Petitioner: Frank J. Campofelice, 2721 Transit Road, Suite 114, Elma NY 14059 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	Absent
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2023 #73 SEQR Negative Declaration - Lake Shore Road

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 parcel to be subdivided is within the Town's Local Waterfront Revitalization Program (LWRP) boundaries, and therefore is subject to the consistency review law which requires the submittal of a Waterfront Assessment Form in conjunction with the NYS Department of Environmental Conservation (NYSDEC), and

WHEREAS, the applicant submitted the required Waterfront Assessment Form for review and contacted the NYSDEC whom confirmed no further state or federal regulated permits were required as the property is not within the NYSDEC regulated Coastal Erosion Hazard Area (CEHA), 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 Frank J. Campofelice Minor Subdivision, a division of SBL# 235.09-5-5.212, dividing a 25.44+ acre parcel to create:

1. a 24.26□acre parcel with 247.8□feet of frontage on Lake Shore Road, and
2. a 1.18□acre parcel with 80.0□feet of frontage on Lake Shore Road.

Petitioner: Frank J. Campofelice, 2721 Transit Road, Suite 114, Elma NY 14059 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	Absent
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2023 #74 Lake Erie Beach Volunteer Fire Company, Inc. Elected Membership

Councilman Reitz moved and Supervisor Hosler seconded;

WHEREAS, Lake Erie Beach Fire Company, Inc. has accepted applications for new candidates for membership; and

WHEREAS, each candidate was interviewed thoroughly and found to meet or exceed the qualifications; and

WHEREAS, the following candidate was elected into membership of the Lake Erie Volunteer Fire Company, Inc. during the July 1, 2021 General Membership Meeting;

NOW, THEREFORE, BE IT RESOLVED, based on the above, the Evans Town Board hereby approves the following member elected into membership to Lake Erie Beach Volunteer Fire Company, Inc.; Clark Schmidt

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #75 Authorization for Director of Planning to Attend Conference

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS; the Director of Planning & Community Development requests permission to attend the 2023 Annual New York Planning Federation Conference; and

WHEREAS; said training will be held in Saratoga, NY on April 16 – April 18, 2023; and

WHEREAS; conference registration and hotel reservations are required well in advance to secure attendance; and

WHEREAS; all appropriate and reasonable expenses shall be paid per Town policy and budget transfer.

NOW THEREFORE BE IT RESOLVED; the Town Board of the Town of Evans grants permission to William Smith, Director of Planning & Community Development, to attend said training and all appropriate and reasonable expenses shall be paid by the Town.

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

RESOLUTION 2023 #76 Authorization Evans Shoreline Trail First Instance Project Payment

Supervisor Hosler moved and Councilman Reitz seconded;

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Evans Shoreline Trail - Beaches Section Phase 4, P.I.N. 576469 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Evans desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Engineering and Right-of-Way Incidentals phases;

NOW, THEREFORE, the Evans Town Board, duly convened does hereby

RESOLVE, that the Evans Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Evans Town Board hereby authorizes the Town of Evans to pay in the first instance 100% of the federal and non-federal share of the cost of $612,500.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of $612,500.00 is hereby appropriated from the 2023 Adopted Budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Evans shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Evans be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Evans with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #77 Police Department: Administrative Assistant Appointment

Councilman George moved and Councilman Reitz seconded;

WHEREAS, Nicole Sullivan currently holds the Civil Service title of Clerk Typist for the Evans Police Department and;

WHEREAS, Nicole Sullivan took the Erie County Civil Service Administrative Assistant civil service exam and scored number (1) one County wide;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Nicole Sullivan to the title of Administrative Assistant in the Town of Evans Police Department at a salary of $40,061 per year, effective 1/14/2023. Salary is set per the CBA of the current IBEW Local #41 (January 1, 2013 to December 17, 2017).

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the IBEW Local 41.

FURTHER, BE IT RESOLVED, this resolution is nunc pro tunc and a copy of this resolution will be given to the Human Resource department.

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

RESOLUTION 2023 #78 Appointment of Secretary for Zoning Board of Appeals

Supervisor Hosler moved to remove the resolution from the meeting and Councilman Schraft seconded;

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

RESOLUTION 2023 #79 Appointment of Supervising Accountants

Councilman Reitz and Supervisor Hosler seconded;

BE IT RESOLVED, the Evans Town Board hereby accepts the accounting and bookkeeping professional services of Lumsden McCormick as the Supervising Accountants for the Town of Evans, effective immediately through and including December 31, 2023; and

FURTHER BE IT RESOLVED, the services, which are outlined in the letter of engagement, are billable on a monthly basis; and

FURTHER BE IT RESOLVED, that Supervisor Mary Hosler is authorized to execute the above referenced engagement letter, upon review of the Town Attorney.

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

RESOLUTION 2023 #80 Authorization for Assessor to Attend NYS Assessors Association Meeting

Councilman Schraft and Supervisor Hosler seconded;

WHEREAS; the Assessor Jeneen Hill request permission to attend the New York State Assessors' Association meeting; and

WHEREAS; Assessor Jeneen Hill, is Past President and Executive Board of the New York State Assessor's Association; and

WHEREAS; said meeting will be held in Liverpool, New York on January 20, 2023 thru January 21, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Board of the Town of Evans shall grant permission to Assessor Jeneen Hill, Past President and Executive Board member of the New York State Assessors' Association to attend said meeting and all appropriate and reasonable expenses shall be paid by the New York State Assessor's Association.

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

RESOLUTION 2023 #81 Suspend the Rules of Order

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #82 Authorize Town Attorney to Attend NYS Association of Towns Training 2023

Supervisor Hosler moved and Councilman Reitz seconded;

WHEREAS, the Town Attorney requests permission to attend the annual New York State Association of Towns training/continuing legal education courses for attorneys ("training"); and

WHEREAS, said training will be held in New York City on February 19-22, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans shall grant permission to the Town Attorney, Kenneth J. Farrell, Esq., to attend said training 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	Absent
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2023 #83 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

1.) Brenda Shaw D/B/A Suncliff on the Lake (Refreshment, Live Band Commercial)
2.) Shannon Rogers D/B/A Pasquales Italian Restaurant (Refreshment)
3.) Ibrahim Cisse D/B/A Uptown Subway, LLC (Refreshment)
4.) Thomas Eudonnou D/B/A Point Breeze RV Resort (Refresh, Live Band Commercial, Amus)

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 2023 #84 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	1/19/2023
ABSTRACT NO.	26 (2022)
VOUCHER NO.	11829 - 11961
CHECK NUMBERS	85150 - 85214
APPROVED AT	Board Meeting
DATE	1/18/2023
GENERAL	$81,598.94
PART TOWN	$10,647.48
HIGHWAY DB	$39,617.17
WATER	$7,221.42
CAPITAL PROJECTS	$81,275.00
SPECIAL DISTRICTS	$3,861.00
DEBT SERVICE	
TOTAL	**$224,221.01**

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #85 Audit of Bills

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

	AUDIT OF BILLS
DATE	1/19/2023
ABSTRACT NO.	1 (2023)
VOUCHER NO.	11879 - 11950
CHECK NUMBERS	85215 - 85262

APPROVED AT	Board Meeting
DATE	1/18/2023
GENERAL	$44,694.83
PART TOWN	$7,508.79
HIGHWAY DB	$0.00
WATER	$0.00
CAPITAL PROJECTS	$373,929.00
SPECIAL DISTRICTS	$7,690.00
DEBT SERVICE	
TOTAL	**$433,822.62**

difference of $629.17 as read as

2 invoices were removed

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #86 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, January 18, 2023 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,

Alex Haley
Deputy Town Clerk

Lynn M. Krajacic RMC
Town Clerk

DRAFT

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TOWN OF EVANS

8787 Erie Road • Angola, New York 14006-9600 • www.townofevans.org

WILLIAM B. SMITH
Director of Planning and Community Development
Telephone: (716) 549-0945 / Fax: (716) 549-0456
wsmith@townofevans.org

January 30, 2023

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

RE: Recommendation for Adoption of Regulations to encourage Agribusiness and Agri-tourism Enterprises within the Town's Agricultural Zoning Districts.

Dear Town Board:

Please be advised at the January 25, 2023 meeting of the Evans Planning Board, the board voted unanimously to recommend approval of the Adoption of Regulations to promote Agritourism and Agribusiness enterprises taking place in the Agriculture Open Space (AOS), and the Rural Agriculture (RA) Districts.

Please set a public hearing for the above-referenced request for Amendment to Town Code as required.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

William Smith

William B. Smith, Director
Planning & Community Development

cc: Planning Board Members
Town Attorney
Code Enforcement Office
Assessor

Comm 1
Pg 2

Submitted for the February 1, 2023 Evans Town Board meeting:

WHEREAS, the Evans Planning Board seeks to adopt regulations to promote Agritourism and Agribusiness uses in the Town of Evans, while maintaining the Town's rural character; preserving farmland of the area; and, protecting the health, safety, and welfare of the public; and

WHEREAS, the proposed Local Law #1 shall apply to all Agribusiness and Agritourism enterprises taking place in the Agriculture Open Space (AOS) District, and the Rural Agriculture (RA) District; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the proposed regulations have been reviewed by the Agricultural Advisory Committee with comments addressed; and

WHEREAS, the Evans Planning Board held a public meeting on January 25, 2023 and voted unanimously to recommend approval of Proposed Local Law #1 of the Year 2023; and

WHEREAS, in a letter dated January 30, 2023, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #1 of the year 2023, to be held on February 15, 2023 at 7:10p.m. for the consideration of said Code Regulation,

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

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TOWN OF EVANS

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WILLIAM B. SMITH
Director of Planning and Community Development
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wsmith@townofevans.org

January 30, 2023

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

RE: Recommendation for Adoption of Regulations for the Permitting of Battery Energy Storage Systems.

Dear Town Board:

Please be advised at the January 25, 2023 meeting of the Evans Planning Board, the board voted unanimously to recommend approval of the adoption of regulations for the Permitting of Battery Energy Storage Systems.

Please set a public hearing for the above-referenced request for Amendment to Town Code as required.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

William Smith

William B. Smith, Director
Planning & Community Development

cc: Planning Board Members
Town Attorney
Code Enforcement Office
Assessor

Comm 2
pg 2

Submitted for the February 1, 2023 Evans Town Board meeting:

WHEREAS, the Evans Planning Board seeks to adopt regulations to advance and protect the public health, safety, welfare, and quality of life of the Town of Evans by creating regulations for the installation and use of Battery Energy Storage Systems; and

WHEREAS, the proposed Local Law #2 shall regulate the siting, design and permitting requirements for all Type 1, 2 & 3 Battery Energy Storage Systems in the Town; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the proposed regulations have been reviewed by the Agricultural Advisory Committee with comments addressed; and

WHEREAS, the Evans Planning Board held a public meeting on January 25, 2023 and voted unanimously to recommend approval of Proposed Local Law #2 of the Year 2023; and

WHEREAS, in a letter dated January 30, 2023, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #2 of the year 2023, to be held on February 15, 2023 at 7:10p.m. for the consideration of said Code Regulations,

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

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TOWN OF EVANS

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WILLIAM B. SMITH
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wsmith@townofevans.org

January 30, 2023

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

RE: Recommendation for Adoption of Architectural Design Standards for the General Business (GB), Neighborhood Business (NB) and Motor Services (MS) Zoning Districts.

Dear Town Board:

Please be advised at the January 25, 2023 meeting of the Evans Planning Board, the board voted unanimously to recommend approval of the adoption of Architectural Design Standards for the General Business (GB), Neighborhood Business (NB) and Motor Services (MS) Zoning Districts.

Please set a public hearing for the above-referenced request for Amendment to Town Code as required.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

William Smith

William B. Smith, Director
Planning & Community Development

cc: Planning Board Members
Town Attorney
Code Enforcement Office
Assessor

Comm 3
pg 2

Submitted for the February 1, 2023 Evans Town Board meeting:

WHEREAS, the Evans Planning Board seeks to promote high quality development and design, and to foster economic growth throughout the Town's Business Districts; and

WHEREAS, the proposed Local Law #3 will provide specific guidance and Architectural Design Standards for development located in the General Business (GB), Neighborhood Business (NB) and Motor Services (MS) Districts; and

WHEREAS, the Planning Board of the Town of Evans has determined that the proposed code amendment will not result in any significant adverse impacts to the environment; and

WHEREAS, the Evans Planning Board held a public meeting on January 25, 2023 and voted unanimously to recommend approval of Proposed Local Law #3 of the Year 2023; and

WHEREAS, in a letter dated January 30, 2023, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of the Evans Planning Board.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #3 of the year 2023, to be held on February 15, 2023 at 7:10p.m. for the consideration of said Code Regulations,

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

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Pg 1

TOWN OF EVANS

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WILLIAM B. SMITH
Director of Planning and Community Development
Telephone: (716) 549-0945 / Fax: (716) 549-0456
wsmith@townofevans.org

January 30, 2023

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

Rezone – Proposed rezone of a 1.10± acre parcel from General Business (GB) to Multi-Family Residential-3 (MFR-3) to convert previous office space into eight rental units. Project location: 8328 Erie Road, Angola, NY 14006, SBL# 220.19-1-5. Petitioner: Northeast Property Partners, LLC, 9666 Northfield St., Angola, NY 14006

Dear Town Board:

Please be advised at the January 25, 2023 meeting of the Evans Planning Board, the board voted unanimously to recommend approval of the parcel from General Business (GB) to Multi-Family Residential-3 (MFR-3) based on the following reasons:

- The action is consistent with the objectives of the Town of Evans Comprehensive Plan to increase housing options.
- The project will constitute the use of an underutilized property.
- The action is not expected to result in any significant adverse impacts.

Please set a public hearing for the above-referenced request for Rezoning as required by Town Code.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

William Smith

William B. Smith, Director
Planning & Community Development

cc: Town Attorney
CEO
Assessor
Applicant

G:\PLANNING\REZONE\2023\Northeast Pty -TB ltr- Rezone Rqst PH 230126.docx

Comm 4
pg 2

Submitted for the February 1, 2023 Evans Town Board meeting:

WHEREAS, Northeast Property Partners, LLC has requested that the Town Board of the Town of Evans rezone the 1.10± acre parcel located at 8328 Erie Road, Angola, NY 14006, SBL# 220.19-1-5, from General Business (GB) to Multi-Family Residential-3 (MFR-3) for the purpose of developing the property for residential use; and

WHEREAS, in a letter dated January 26, 2023 the Evans Planning Board voted unanimously to recommend rezone from General Business (GB) to Multi-Family Residential-3 (MFR-3); and

WHEREAS, the Evans Planning Director has requested that the Town Board set a public hearing regarding the request of Northeast Property Partners, LLC.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Evans authorizes the Town Clerk to advertise for a public hearing to consider Proposed Local Law #4 of the year 2023, to be held on February 15, 2023 at 7:10pm for the consideration of said rezoning,

AND BE IT FURTHER

RESOLVED, that a copy of this resolution be given to the Planning Office.

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TOWN OF EVANS

8787 Erie Road • Angola, New York 14006-9600 • www.townofevans.org

WILLIAM B. SMITH
Director of Planning and Community Development
Telephone: (716) 549-0945 / Fax: (716) 549-0456
wsmith@townofevans.org

January 30, 2023

Evans Town Board
Evans Municipal Center
8787 Erie Road
Angola, NY 14006

RE: Minor Subdivision – dividing a 21.7± acre vacant parcel with 658.80± feet of frontage on Backus Road, Derby, NY known as SBL# 220.02-1-13 into four vacant parcels. Petitioner: William J. & Sharon L. Steen, 1114 Backus Road, Derby, NY 14047

Dear Town Board:

The Town of Evans Minor Subdivision Review Committee has reviewed the above-referenced petition for the division of lands and has recommended approval.

After further review, the committee also found that the subdivision of this property will not result in any significant environmental impacts regarding the SEQR process.

If you have any further questions regarding this matter, please feel free to contact me.

Sincerely,

William Smith

William B. Smith
Evans Minor Subdivision Review Committee

cc: Assessor
Code Enforcement Office
Applicant

Submitted for the February 1, 2023 Town Board meeting:

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 January 30, 2023, the Town of Evans Minor Subdivision Review Committee has recommended a negative declaration regarding the SEQR process for the William & Sharon Steen Minor Subdivision, and

WHEREAS, it has been determined that the subdivision of this property will not result in any significant environmental 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 William & Sharon Steen, Minor Subdivision.
(Addendum_____SEQR Short Environmental Assessment Form),

a division of SBL# 220.02-1-13, dividing a 21.7± acre vacant parcel to create:

1. a 5.632± acre vacant parcel with 200± feet of frontage on Backus Road,
2. a 5.594± acre vacant parcel with 200± feet of frontage on Backus Road,
3. a 7.085± acre vacant parcel with 258.18± feet of frontage on Backus Road,
4. a 3.635± acre vacant parcel to be annexed to adjoining properties known as SBL# 220.02-1-15 and 222.02-1-14.1 with 123± feet of frontage on Backus Road.

Petitioner: William J. & Sharon L. Steen, 1114 Backus Road, Derby, NY 14047

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

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Submitted for the February 1, 2023 Town Board meeting:

WHEREAS, the proposed subdivision was not referred to the Erie County Department of Environment and Planning for a 239M Review as it did not meet their criteria for review, 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 William & Sharon Steen Minor Subdivision,

a division of SBL# 220.02-1-13, dividing a 21.7± acre vacant parcel to create:

1. a 5.632± acre vacant parcel with 200± feet of frontage on Backus Road,
2. a 5.594± acre vacant parcel with 200± feet of frontage on Backus Road,
3. a 7.085± acre vacant parcel with 258.18± feet of frontage on Backus Road,
4. a 3.635± acre vacant parcel to be annexed to adjoining properties known as SBL# 220.02-1-15 and 222.02-1-14.1 with 123± feet of frontage on Backus Road.

Petitioner: William J. & Sharon L. Steen, 1114 Backus Road, Derby, NY 14047

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

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PAID
JAN 12 2023
Lynn M. Krajacic
Evans Town Clerk

APPLICATION FOR MINOR SUBDIVISION

DATE: 1-20-23 **FILE #** 23-02

TO BE COMPLETED BY APPLICANT

OWNER: NAME William J. & Sharon L. Steen
STREET ADDRESS 1114 Backus Rd. STATE NY
CITY/ZIP Derby, 14047 PH/FAX
CELL # 716-382-8122 EMAIL ADDR wsteensr@roadrunner.com

CONSULTANT: NAME n/a
STREET ADDRESS STATE
CITY/ZIP PH/FAX
CELL # EMAIL ADDR
SUBDIVISION LOCATION vacant parcel
ZONING DISTRICT RR SBL# 220.02-1-13

	ROAD NAME	FRONTAGE	ACRES
ORIGINAL LOT:	Backus Rd.	658.80+/-	21.7+/-
PROPOSED LOTS:			
LOT # 1	Backus Rd.	200+/-	5.632+/-
LOT #2	Backus Rd.	200+/-	5.594+/-
LOT #3	Backus Rd.	258.18+/-	7.085+/-
LOT #4	Backus Rd.	0.00+/-	3.635+/-

to be annexed to adjoining pty SBL# 220.02-1-15 + 14.1

APPLICATION SUBMITTAL APPOINTMENT 1-13-23 FEE (First Lot) $ 200.00
+$50 per each additional lot FEE TOTAL $ 200.00 CK#2161-100 CK#2160-100
(Non-Refundable – Payable to Town of Evans)

DATE RCVD: 1-13-23 MATERIALS CHKD BY: dw
REVIEWED BY: dw CKD BY: dw/ws
PB WORK SESSION DATE: PB MEETING DATE:
TOWN BOARD PUBLIC HEARING DATE:
TOWN BOARD RESOLUTION DATE:

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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

William & Sharon Steen

Name of Action or Project:
Minor Subdivision

Project Location (describe, and attach a location map):
Vacant Land on Backus Road, Derby, NY SBL# 220.02-1-13

Brief Description of Proposed Action:
Minor Subdivision - dividing a 21.945+- acre parcel into 4 lots; a 5.632+/- ac lot with 200' of frontage on Backus Rd., a 5.594+/- ac lot with 200' of frontage on Backus Road, a 7.085+/- ac lot with 258.18' of frontage on Backus Rd., and a 3.635+/- ac lot to be annexed to adjoining parcel known as SBL# 220.02-1-15.

Name of Applicant or Sponsor:	Telephone: 716-382-8122
William & Sharon Steen	E-Mail: wsteensr@roadrunner.com

Address:
1114 Backus Road

City/PO:	State:	Zip Code:
Derby	New York	14047

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

3. a. Total acreage of the site of the proposed action? 21.945+/- 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? 21.945+/- 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

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	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: Septic	☑	☐

	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: Small portion at the rear of property which will not be disturbed.		

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? Bald Eagle	☐	☑
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: William L. Steen Date: 10/29/22

Signature: William J Steen Title: OWNER

PRINT FORM

Res 1

RESOLUTION – AMEND RESOLUTION #2023-010

WHEREAS; resolution #2023-010 indicated a December 21st Town Board meeting date;

BE IT RESOLVED, that resolution #2023-010 is hereby amended as follows:

RESOLVED, that the Town Board of the Town of Evans shall hold is work session and board meetings on the following dates, with the work session starting at 6:00PM followed by the Town Board agenda meeting published by the Town Clerk:

January 4 and 18
February 1 and 15
March 1 and 15
April 5 and 19
May 3 and 17
June 7 and 21
July 19
August 2 and 16
September 6 and 20 Friday, September 29th – Tentative Budget is due
October 4, 11, and 18th 11th will be the meeting with outside organizations
November 1 and 8, 15 Final Budget due November 20th
December 6 and **20**

ROLL CALL VOTE:

Res 2

RESOLUTION – APPROVE FEES FOR PARKS/MARINA DEPARTMENT FOR 2023

RESOLVED, that the attached rates be approved for the calendar year 2023 for the Town of Evans Parks Department; and

FURTHER BE IT RESOLVED, that effective immediately, the Parks & Recreation Department is hereby directed to advertise the 2023 Parks Fees;

BE IT FURTHER RESOLVED, that Shelter/Pavilion Reservation day shall be March 11, 2023.

ROLL CALL VOTE:

Res 2 Attach 1

ON SALE NOW
2023 SEASON PRICES
TOWN OF EVANS
Parks Department
8787 Erie Road, Angola, NY 14006
(716)549-0970



TOWN PARK – PAVILLIONS & SHELTERS

Pavillion #1 (Parkside)	$ 100.00
Pavillion #2 (Beachside)	$ 200.00
Small Shelters	$ 30.00
Two Small Shelters	$ 55.00
Three Small Shelters	$ 75.00

Our town park is for residents only, non-residents are welcomed when accompanied by a town resident or are attending an event hosted by the town or a resident, and parking fees still apply

TOWN PARK – STICKERS & PARKING

Yearly resident sticker (under 65)	$ 10.00
Senior yearly sticker (65 or older)	FREE
Non-Residents Daily (attending resident function)	$ 10.00

Special Events as determined by town Holidays (Memorial Day, 3rd & 4th of July and Labor Day)

- Residents with yearly sticker — FREE
- Residents without yearly sticker — $ 10.00
- Non-Residents — $ 20.00

Town Park is open year round
Park stickers are good for the entire year

POOL – RESIDENTS

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

POOL – NON-RESIDENTS

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

***Note: Children under 5 years of age must be accompanied at the pool by an adult, at least 18 years of age.**

SENIOR AEROBICS – Residence have preference

(Held at South Creek Pool)

Residents	$ 35.00
Non-Residents	$ 75.00

Seniors are considered 65 years or older & must provide proof of age.
Veterans must provide proof (one of the following):

- **Driver's license indicating veteran status**
- **DD-214 indicating honorable discharge**
- **Erie County veteran's card**
- **VA Healthcare Card**

SOFTBALL LEAGUE FEES

(Mens', Womens', Boys' & Girls')
$100.00 per team per season

VOLLEYBALL LEAGUE FEES

(Mens', Womens', Boys' & Girls')
$80.00 per team per season

NOTE TO ALL LEAGUES & PLAYERS: Insurance certificates and a waiver for each player are required prior to the season beginning.

Res 3

RESOLUTION – Police Department: DCO Shared Service Stipend

Submitted for the February 1, 2023 Board Meeting

WHEREAS; The Town of Evans and Town of Brant have entered into a shared services agreement for Dog Control Services; and

WHEREAS, the Town of Evans will be providing Dog Control Services for the Town of Brant which will increase the duties and responsibilities of the Dog Control Officer, Michael Franey;

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans hereby approves to pay Dog Control Officer Michael Franey an annual stipend of $1,200. Said stipend to be paid bi-weekly via payroll.

FURTHER, BE IT RESOLVED, this stipend shall be nunc pro tunc to the date the shared service commenced (January 18, 2023), and all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the IBEW Local 41.

FURTHER, BE IT RESOLVED, a copy of this resolution will be provided to HR Department and the Chief of Police.

ROLL CALL VOTE:

Res 4

RESOLUTION – ROAD CUT PERMIT FEES

BE IT RESOLVED, effective immediately, the Evans Town Board approves the Road Cut Permit Fee of $300.00 payable to the Town of Evans; and

FURTHER BE IT RESOLVED, effective immediately, the Evans Town Board approves a minimum of $1,500.00, payable to the Town of Evans, for security deposit/restoration fee, unless otherwise determined by the Town of Evans Highway Superintendent.

ROLL CALL VOTE:

Res 5

Submitted by the Director of Planning and Community Development for the February 1, 2023 Evans Town Board meeting:

RESOLUTION – AWARDING CONTRACT FOR THE STURGEON POINT MASTER PLAN AND REVITALIZATION STRATEGY AND THE EVANS PARKS MASTER PLAN AND IMPROVEMENT STRATEGY

WHEREAS, the Town of Evans has been awarded funding from the NYS Department of State's Local Waterfront Revitalization Program to develop the Sturgeon Point Master Plan and Revitalization Strategy; and

WHEREAS, the Town also desires to develop a Parks Master Plan and Improvement Strategy for all Town parks and public spaces; and

WHEREAS, the Director of Planning and Community Development solicited competitive proposals from qualified firms to conduct both Master Plans; and

WHEREAS, the Consultant Selection Committee and the Planning Board carefully reviewed all proposals and have determined that the proposals submitted by Fisher Associates provide the best project understanding, approach to the scope of work, and overall cost to the town; and

WHEREAS, the cost of the proposals submitted by Fisher Associates was a combined $330,000.00 to conduct both Master Plans including a sewer capacity analysis for the Sturgeon Point area.

NOW, THEREFORE BE IT RESOLVED, that the Evans Town Board authorizes the award of contract for the Sturgeon Point Master Plan and the Evans Parks Master Plan to Fisher Associates located at 55 Chicago Street, Buffalo, NY 14204.

AND BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any necessary contract documents.

ROLL CALL VOTE: