Meeting #04 Wednesday, February 15th, 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: February 1st, 2023 Minutes	
V	Communications:	
VI	Public Hearing & Bid Opening: 1.) Proposed Local Law #1 Agribusiness and Agritourism enterprises 2.) Proposed Local Law #2 Battery Energy Storage Systems 3.) Proposed Local Law #3 Regulating the Design of Structures 4.) Proposed Local Law #4 8328 Erie Road, Angola, NY 14006 from General Business (GB) to Multi-Family Residential-3 (MFR-3)	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports January 2023 Town Clerk $ 25,427.23 Interest Earned on Checking Account $ 1.25 Greenspace Fees/Trust & Agency Account $ 0.00 Petty Cash Fund Balance $ 650.00	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Appointment of Part Time Dog Control Officer 2.) Authorization to attend NYS Floodplain and Stormwater 2023 Annual Conference 3.) Authorization to Execute Municipal Solutions Inc Disclosure renewal contract 2023 4.) LEB Vol. Fire Company accept new Member 5.) Part Time Seasonal Appointments Highway Department 6.) Advertise for Bids for Garbage and Recycling	
XII	Licenses: 1.) William Paladino D/B/A The Beach Club at Mickey Rats (Ref, Amusement, Live Band Com)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, March 1st, 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 Paper:www.Townofevans.org http://www.observertoday.com/store/ (716)366-3000 click Newsletter Signup under the Quick Links

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

RESOLUTION 2023 #87 Accept Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of January 18, 2023 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	Absent
	Councilman George	Aye
	Supervisor Hosler	Aye

Communications

William B. Smith, Director of Planning and Community Development RE: Recommendation for Adoption of Regulations to encourage Agribusiness and Agri-tourism Enterprises within the Town's Agricultural Zoning Districts.

RESOLUTION 2023 #88 Advertise Public Hearing for Proposed Local Law #1 - Agritourism and Agribusiness Uses

Councilman Reitz moved and Councilman Macko seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

William B. Smith, Director of Planning and Community Development RE: Recommendation for Adoption of Regulations for the Permitting of Battery Energy Storage Systems.

RESOLUTION 2023 #89 Advertise Public Hearing for Proposed Local Law #2 - Battery Energy Storage Systems

Supervisor Hosler moved and Councilman Macko seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

William B. Smith, Director of Planning and Community Development RE: Recommendation for Adoption of Architectural Design Standards for the General Business (GB), Neighborhood Business (NB) and Motor Services (MS) Zoning Districts.

RESOLUTION 2023 #90 Advertise Public Hearing for Proposed Local Law #3 - Architectural Design Standards

Councilman George moved and Councilman Macko seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

William B. Smith, Director of Planning and 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 Road, Angola, NY 14006, SBL# 220.19-1-5. Petitioner: Northeast Property Partners, LLC, 9666 Northfield St., Angola, NY 14006

RESOLUTION 2023 #91 Advertise Public Hearing for Proposed Local Law #4 - Northeast Property Partners, LLC

Councilman Macko moved and Supervisor Hosler seconded,

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 30, 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 ESOLVED, 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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

William B. 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

RESOLUTION 2023 #92 Declare Lead Agency - Steen

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 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 A 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.

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

RESOLUTION 2023 #93 SEQR Negative Declaration - Steen

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 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 A SEQR Short Environmental Assessment Form),

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

5. a 5.632± acre vacant parcel with 200± feet of frontage on Backus Road,
6. a 5.594± acre vacant parcel with 200± feet of frontage on Backus Road,
7. a 7.085± acre vacant parcel with 258.18± feet of frontage on Backus Road,
8. 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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #94 Amend Resolution 2023 #10

Councilman George moved and Supervisor Hosler seconded,

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #95 2023 Parks and Marina Fees

Councilman Reitz and Supervisor Hosler seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #96 DCO Shared Services Stipend

Supervisor Hosler and Councilman Macko seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #97 Road Cut Permit Fees

Councilman Macko moved and Councilman Reitz seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #98 Award Contract for the Sturgeon Point Master Plan and Revitalization Strategy and Parks Master Plan and Improvement Strategy

Supervisor Hosler moved and Councilman Macko seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #99 Approve Town Licenses

Councilman George moved and Supervisor Hosler seconded,

1.) William Pfeil D/B/A Triton Valley Estates - Angola (Mobile Home Development)
2.) William Pfeil D/B/A Triton Valley Estates - 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)

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	Absent
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2023 #100 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	2/2/2023
ABSTRACT NO.	27 (2022)
VOUCHER NO.	11962 - 11968
CHECK NUMBERS	85263 - 85274
APPROVED AT	Board Meeting
DATE	2/1/2023
GENERAL	$22,887.88
PART TOWN	
HIGHWAY DB	

WATER	$2,395.10
CAPITAL PROJECTS	$5,445.00
SPECIAL DISTRICTS	
DEBT SERVICE	
TOTAL	$30,727.98

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #101 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	2/2/2023
ABSTRACT NO.	3
VOUCHER NO.	11969 - 12017
CHECK NUMBERS	85275 - 85315
APPROVED AT	Board Meeting
DATE	2/1/2023
GENERAL	$41,157.68
PART TOWN	$311.33
HIGHWAY DB	$5,670.43
WATER	$40.00
CAPITAL PROJECTS	$521,020.80
SPECIAL DISTRICTS	$144,131.76
DEBT SERVICE	
TOTAL	$712,332.00

.36 difference because of adjusted voucher

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

RESOLUTION 2023 #102 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, February 15, 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	Absent
	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

PH 1

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, February 15 at 7:10 P.M.** via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #1 of the year 2023 which will amend Chapter 200, Article IIIA of the Town Code regulating structures and uses within the Town's Agricultural Districts which shall apply to all Agribusiness and Agritourism enterprises. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after February 3, 2023. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom and/or In-Person Public Hearing to be held aforesaid.

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

PH 1

RESOLUTION – PROPOSED LOCAL LAW #1 OF 2023 (LEAD AGENCY, SEQR, APPROVAL)

RESOLUTION – Proposed Local Law #1 of 2023 – Lead Agency

WHEREAS, the Evans Town Board wishes to amend Chapter 200, Article IIIA of the Town Code regulating structures and uses within the Town's Agricultural Districts; and

WHEREAS, the Town Board of the Town of Evans desires to be the Lead Agency for the SEQR process regarding said amendment.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #1 of the year 2023; and

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

RESOLUTION – Proposed Local Law #1 of 2023 – SEQR

WHEREAS, the Evans Town Board wishes to amend Chapter 200, Article IIIA of the Town Code regulating structures and uses within the Town's Agricultural Districts; and

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

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the proposed amendment will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Local Law #1 of 2023; and

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

RESOLUTION – Proposed Local Law #1 of 2023 – Approval

WHEREAS, the Evans Town Board held a public hearing on February 15, 2023 for consideration of Proposed Local Law #1of the year 2023, to amend Chapter 200, Article IIIA of the Town Code regulating structures and uses within the Town's Agricultural Districts; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #1 and recommended the code amendment for approval by unanimous vote at their January 25, 2023 public meeting; and

WHEREAS, the Planning Department has submitted a full statement of the proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M and has addressed their comments; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #1 of the year 2023, as amended, be adopted as Local Law #1 of the year 2023; and

BE IT FURTHER RESOLVED, a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

ROLL CALL VOTE:

PH2

LEGAL NOTICE

TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, February 15 at 7:10 P.M.** via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #2 of the year 2023 to add a new subsection to Chapter 200 of the Town Code regulating Battery Energy Storage Systems throughout all Zoning Districts. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after February 3, 2023. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom and/or In-Person Public Hearing to be held aforesaid.

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

PH2

RESOLUTION – LOCAL LAW #2 OF 2023 – (LEAD AGENCY, SEQR, APPROVAL)

RESOLUTION – Proposed Local Law #2 of 2023 – Lead Agency

WHEREAS, the Evans Town Board wishes to add a new subsection to Chapter 200 of the Town Code regulating Battery Energy Storage Systems throughout all zoning districts; and

WHEREAS, the Town Board of the Town of Evans desires to be the Lead Agency for the SEQR process regarding said amendment.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #2 of the year 2023; and

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

RESOLUTION – Proposed Local Law #2 of 2023 – SEQR

WHEREAS, the Evans Town Board wishes to add a new subsection to Chapter 200 of the Town Code regulating Battery Energy Storage Systems throughout all zoning districts; and

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

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the proposed amendment will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Local Law #2 of 2023; and

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

RESOLUTION – Proposed Local Law #2 of 2023 – Approval

WHEREAS, the Evans Town Board held a public hearing on February 15, 2023 for consideration of Proposed Local Law #2 of the year 2023 to add a new subsection to Chapter 200 of the Town Code regulating Battery Energy Storage Systems throughout all zoning districts; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #2 and recommended the code amendment for approval by unanimous vote at their January 25, 2023 public meeting; and

WHEREAS, the Planning Department has submitted a full statement of the proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M and has addressed their comments; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #2 of the year 2023, as amended, be adopted as Local Law #2 of the year 2023; and

BE IT FURTHER RESOLVED, a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

ROLL CALL VOTE:

PH3

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on **Wednesday, February 15 at 7:10 P.M.** via Zoom, to which a link will be provided on the Homepage of the Town's website, and/or In-person Public Meeting to consider the adoption of Proposed Local Law #3 of the year 2023 to amend Chapter 200, Article VI of the Town Code regulating the design of structures within the Town's Business Districts. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm, Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after February 3, 2023. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom and/or In-Person Public Hearing to be held aforesaid.

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

PH3

RESOLUTION – LOCAL LAW #3 OF 2023 (LEAD AGENCY, SEQR, APPROVAL)

RESOLUTION – Proposed Local Law #3 of 2023 – Lead Agency

WHEREAS, the Evans Town Board wishes to amend Chapter 200. Article VI of the Town Code regulating the architectural design of structures within the Town's Business Districts; and

WHEREAS, the Town Board of the Town of Evans desires to be the Lead Agency for the SEQR process regarding said amendment.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #3 of the year 2023; and

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

RESOLUTION – Proposed Local Law #3 of 2023 – SEQR

WHEREAS, the Evans Town Board wishes to amend Chapter 200. Article VI of the Town Code regulating the architectural design of structures within the Town's Business Districts; and

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

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the proposed amendment will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Local Law #3 of 2023; and

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

RESOLUTION – Proposed Local Law #3 of 2023 – Approval

WHEREAS, the Evans Town Board held a public hearing on February 15, 2023 for consideration of Proposed Local Law #3 of the year 2023 to amend Chapter 200. Article VI of the Town Code regulating the architectural design of structures within the Town's Business Districts; and

WHEREAS, the Planning Board has reviewed the proposed Local Law #3 and recommended the code amendment for approval by unanimous vote at their January 25, 2023 public meeting; and

WHEREAS, the Planning Department has submitted a full statement of the proposed action to the Erie County Division of Planning pursuant to GMU Section 239-M and has addressed their comments; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #3 of the year 2023, as amended, be adopted as Local Law #3 of the year 2023; and

BE IT FURTHER RESOLVED, a copy of this resolution be provided to the Planning Office and Code Enforcement Office.

ROLL CALL VOTE

PH4

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on **February 15, 2023 at 7:10 P.M.** via a Zoom and/or In-person Public Meeting to consider the adoption of Proposed Local Law #4 of the year 2023 which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) – Provision for Official Zoning Map, for the purpose of rezoning a 1.10± acre vacant parcel on Erie Road, SBL# 220.19-1-5, located 8328 Erie Road, Angola, NY 14006 from General Business (GB) to Multi-Family Residential-3 (MFR-3) on the Town's official map. Copies of the Proposed Local Law will be available for inspection by any interested person in the Office of the Town Clerk during normal business hours Monday, Tuesday, Thursday, Friday from 8am – 4pm or Wednesday from 9am – 5pm and the Town's website www.townofevans.org on or after February 3, 2023. Questions and comments may be forwarded to the Planning Office by USPS or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties in interest and citizens shall have an opportunity to be heard by the Town Board at the Zoom Public Hearing to be held aforesaid.

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

PH4

RESOLUTION – LOCAL LAW #4 OF 2023 (LEAD AGENCY, SEQR, APPROVAL)

RESOLUTION – Proposed Local Law #4 of 2023 – Lead Agency

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

WHEREAS, the Town Board of the Town of Evans desires to be Lead Agency for the SEQR process regarding said rezone.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for proposed Local Law #4 of the year 2023; and

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

RESOLUTION – Proposed Local Law #4 of 2023 – SEQR

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

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

WHEREAS, the Town Board of the Town of Evans has reviewed the Environmental Assessment Form and has determined that the proposed rezone will not result in any significant impacts.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration for Local Law #4 of 2023.

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

RESOLUTION – Proposed Local Law #4 of 2023 – Approval

WHEREAS, the Town Board of the Town of Evans held a public hearing on February 15, 2023 for consideration of the rezone of a 1.10+ acre parcel from General Business (GB) to Multi-Family Residential-3 (MFR-3) for the purpose of developing the property for residential use at 8328 Erie Road (SBL# 220.19-1-5); and

WHEREAS, the Planning Board has reviewed the proposed Local Law #4 of 2023 and recommended the rezone for approval by a unanimous vote at their January 25, 2023 public meeting for reasons that the action will constitute the use of an underutilized property and is not expected to result in any significant adverse impacts; and

PH4

WHEREAS, the applicant Northeast Property, LLC is also required to obtain an area variance of regarding minimum front and side yard setbacks from a dedicated street as a condition for approval of the rezone; and

WHEREAS, the Zoning Board of Appeals will be voting on the requested variances at their February 22, 2023 public meeting; and

WHEREAS, the Planning Department submitted a full statement of the proposed action to the Erie County Division of Environment and Planning pursuant to GMU Section 239-M, which was deemed a matter of local concern; and

WHEREAS, the Town Board of the Town of Evans declared Lead Agency in accordance with the SEQR process and issued a negative declaration for this action.

NOW, THEREFORE BE IT RESOLVED, that Proposed Local Law #4 of the year 2023, as amended, which will amend Local Law #8 of the year 1987, commonly known as the Zoning Law, and any amendments thereto, specifically Town Code Chapter 200: Zoning, Section 200-4(B) – Provision for Official Zoning Map, for the purpose of rezoning the 1.10+ acre parcel located 8328 Erie Road (SBL# 220.19-1-5) from General Business (GB) to Multi-Family Residential-3 (MFR-3) on the Town's official zoning map be adopted as Local Law # 4 of the year 2023; and

AND BE IT FURTHER RESOLVED, that final approval of this rezone is contingent on the ZBA's approval of the area variances for front and side yard setback of the preexisting nonconforming structure on the site; and

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

ROLL CALL VOTE:

TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

February 8, 2023

Mary Hosler, Supervisor
8787 Erie Road
Angola, New York 14006

Dear Supervisor Hosler,

Per transfer through Evans Bank, $25,428.48 was transferred to the Town of Evans Savings & Green Space account.

This represents the following:

Town Clerk January 1, 2022 - January 31, 2022	$ 25,427.23
Interest Earned on Checking Account January 1, 2022 - January 31, 2022	$ 1.25
Greenspace Fees/Trust & Agency Account January 1, 2022 - January 31, 2022	$ 0
Petty Cash Fund Balance	$ 650.00

These funds were received by me as Town Clerk for the Town of Evans.

Best Regards,

Lynn Krajacic, RMC
Town Clerk

Cc: Finance Dept
Councilman George
Councilman Schraft
Councilman Macko
Councilman Reitz

Res 1

RESOLUTION – Police Department: Part Time Dog Control Officer

Submitted for the February 13, 2023 Board Meeting

WHEREAS, the Town of Evans and Town of Brant have entered into a shared services agreement for Dog Control Services and the Town of Evans will be providing Dog Control Services for the Town of Brant which will increase the calls for service for our Dog Control Officers; and

WHEREAS, Melissa Sciarrino has completed a certification program in small animal science and has successfully completed an internship with the Town of Evans Dog Control;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Melissa Sciarrino as a Part Time Dog Control Officer effective February 27, 2023 at an hourly salary of $15.20; and

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

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

Res 2

Resolution – Authorization to attend NYS Floodplain and Stormwater 2023 Annual Conference April 18 –April 20, 2023

WHEREAS; Code Enforcement Officer/MS4 Officer Tony Fischione requests permission to attend the 2023 Annual NYS Floodplain and Stormwater Managers Association Conference; and

WHEREAS; said training will be held in Syracuse, NY on April 18 — April 20, 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;

NOW THEREFORE BE IT RESOLVED; the Town Board of the Town of Evans grants permission to Tony Fischione, Code Enforcement Officer/MS4 Officer, to attend said training and all appropriate and reasonable expenses shall be paid by the Town.

ROLL CALL VOTE

Res 3

RESOLUTION – Authorization to Execute Renewal – Continuing Disclosure Contract

WHEREAS, Municipal Solutions, Inc. submitted a proposal to the Town to assist with Continuing Disclosure filings and regulations pursuant to the Rule, which supersedes any prior disclosure filing currently in place. This information must be disclosed through filings on the Municipal Securities Rulemaking Board's (MSRB) Electronic Municipal Market Access (EMMA) system, the Nationally Recognized Municipal Securities Information Repository (NRMSIR);

BE IT RESOLVED, the Town of Evans enter into a renewal agreement (Contract dated March 30, 2023) for the Town of Evans MSRB Continuing Disclosure Updates and EMMA filings) with Municipal Solutions, Inc. Western New York Office located at 65 Main Street, LeRoy, New York 14482, with the terms and conditions per the proposal submitted to the Town of Evans; and

FURTHER, BE IT RESOLVED, that the Supervisor Hosler is hereby authorized to execute the contract, upon the approval of the Town Attorney.

ROLL CALL VOTE:

Res 4

RESOLUTION – LAKE ERIE BEACH VOLUNTEER FIRE COMPANY, INC. ELECTED MEMBERSHIP

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 February 1, 2023 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.;

Christopher Paine

ROLL CALL VOTE

Res 5

RESOLUTION – PART TIME SEASONAL LABORER APPOINTMENTS – HIGHWAY DEPARTMENT

BE IT RESOLVED, effective February, 21, 2023, the following individuals be appointed as PT Seasonal Laborer positions for the Town of Evans Highway Department, for up to a five (5) month period (July 21, 2023), working up to 39.5 hours per week, at the hourly rated indicted below;

NAME	SALARY
Kurtiss Driscoll	$15.20
Jonathan Hammond	$15.20; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources and the Superintendent of Highways.

ROLL CALL VOTE:

Res 6

RESOLUTION – ADVERTISE FOR BIDS FOR GARBAGE AND RECYCLING SERVICES

WHEREAS, the current contract for the collection, hauling and processing of municipal solid waste, bulk waste and recyclables is about to expire; and

WHEREAS, the Town wishes to solicit and request proposals for the provision of such services in the future;

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is authorized to advertise for a request for proposals for the collection, hauling and processing of municipal solid waste, bulk waste and recyclables to be received in response to such published request and said proposals are to be received no later than 2:00pm on Thursday, March 9, 2023 and opened then.

ROLL CALL VOTE: