Evans Town Board

At a meeting of the Town Board of the Town of Evans, the following were present:

PRESENT:	Mary Hosler	Supervisor
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney
ABSENT:	Laurie Reitz	Councilman

Public Hearing

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on Wednesday, 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

RESOLUTION 2023 #103 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

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

Councilman George	Aye
Supervisor Hosler	Aye

There was nobody wishing to speak in favor or opposition

RESOLUTION 2023 #104 Close the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to close the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #105 Declare Lead Agency Law #1 - Agritourism and Agribusiness Uses

Supervisor Hosler moved and Councilman Schraft seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #106 SEQR Negative Declaration Law #1 - Agritourism and Agribusiness Uses

Supervisor Hosler moved and Councilman Macko seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #107 Adopt Local Law #1 of 2023 - Agritourism and Agribusiness Uses

Supervisor Hosler moved and Councilman George seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on Wednesday, 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

RESOLUTION 2023 #108 Open the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

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

Bill Henry spoke in opposition

RESOLUTION 2023 #109 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #110 Declare Lead Agency Law #2 - Battery Energy Storage

Councilman Macko moved and Supervisor Hosler seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #111 SEQR Negative Declaration Law #2 - Battery Energy Storage

Councilman Macko moved and Supervisor Hosler seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #112 Adopt Local Law #2 of 2023 - Battery Energy Storage

Councilman Macko moved and Supervisor Hosler seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a Public Hearing on Wednesday, 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

RESOLUTION 2023 #113 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

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

Nobody spoke in favor or opposition

RESOLUTION 2023 #114 Close the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to close the public hearing.

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

RESOLUTION 2023 #115 Declare Lead Agency Law #3 - Regulating the Design of Structures

Councilman Schraft moved and Councilman Macko seconded;

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.

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

RESOLUTION 2023 #116 SEQR Negative Declaration Law #3 - Regulating the Design of Structures

Councilman Schraft moved and Councilman George seconded;

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.

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

RESOLUTION 2023 #117 Adopt Local Law #3 of 2023 - Regulating the Design of Structures

Councilman Schraft moved and Supervisor Hosler seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

LEGAL NOTICE
TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold a public hearing on 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

RESOLUTION 2023 #118 Open the Public Hearing

Supervisor Hosler moved and Councilman Schraft seconded to open the public hearing.

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

The following spoke in opposition of Local Law #4
Judith Woodman Stanley Kwilos Lisa Snyder

The following spoke in favor of Local Law #4
John Miller Bill Henry Doug Nichols Norm Sandusky

Robert Densmore, Deputy Highway Superintendent spoke about the Highway issues

RESOLUTION 2023 #119 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

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

RESOLUTION 2023 #120 Declare Lead Agency Law #4 - Lead Agency - 8328 Erie Road

Councilman George moved and Supervisor Hosler seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #121 SEQR Negative Declaration Law #4 - 8328 Erie Road

Councilman George moved and Supervisor Hosler seconded;

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #122 Adopt Local Law #4 of 2023 - 8328 Erie Road

Councilman George moved and Supervisor Hosler seconded;

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

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 contingent and to be enacted only upon 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, Assess.

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

RESOLUTION 2023 #123 Accept Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of February 1, 2023 be dispensed with and accepted as submitted by the Town Clerk.

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

Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2023 #124 Town Clerk's Reports

Supervisor Hosler moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of January 2023:

Town Clerk Report	$25,427.23
Interest	$1.25
Greenspace Fee	$ 0
Petty Cash	$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #125 Part Time Dog Control Officer

Councilman Schraft moved and Supervisor Hosler seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #126 Authorization to Attend NYS Floodplain & Stormwater Conference

Supervisor Hosler moved and Councilman Macko seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #127 Authorization to Execute Contract with Municipal Solutions Inc

Councilman George and Councilman Schraft seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #128 Accept New Member - Lake Erie Beach Volunteer Fire Company

Supervisor Hosler moved and Councilman Schraft 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 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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #129 Part Time Seasonal Laborer Appointments - Highway Dept.

Councilman Macko moved and Councilman Schraft seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #130 Advertise for Bids for Garbage and Recycling Services.

Councilman George moved and Supervisor Hosler seconded,

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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #131 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Schraft seconded to Suspend the Rules of Order for the consideration of an additional resolution.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #132 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

1.) William Paladino D/B/A The Beach Club at Mickey Rats - 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	Absent
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2023 #133 Audit of Bills

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

AUDIT OF BILLS

DATE	2/16/2023
ABSTRACT NO.	4
VOUCHER NO.	12018 - 12076
CHECK NUMBERS	85316 - 85368
APPROVED AT	Board Meeting
DATE	2/15/2023
GENERAL	$297,505.12
PART TOWN	$5,038.25
HIGHWAY DB	$58,912.97
WATER	$6,073.60
CAPITAL PROJECTS	
SPECIAL DISTRICTS	$1,754,376.32
DEBT SERVICE	
TOTAL	$2,121,906.26

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #134 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	Absent
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Councilman George	Aye
	Supervisor Hosler	Aye

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.
Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.
These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Lynn M. Krajacic RMC
Town Clerk

OBSERVER

AFFIDAVIT OF PUBLICATION

Observer
10 E SECOND ST
(716) 366-3000

I, JAN HARRINGTON, of lawful age, being duly sworn upon oath, deposes and says that I am the CLERK of Observer, a publication that is a "legal newspaper" as that phrase is defined for the city of DUNKIRK, for the County of CHAUTAUQUA, in the state of New York, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
3 Feb 2023

Notice ID: ozwAWhZ56UYt5JnO1n99
Notice Name: PLL #1 Agribus & Agritour

PUBLICATION FEE: $25.84

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/23
01 MU4890621

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
Feb 3, 2023

OBSERVER

AFFIDAVIT OF PUBLICATION

Observer
10 E SECOND ST
(716) 366-3000

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PUBLICATION DATES:
3 Feb 2023

Notice ID: oCwlOIjmnEV1q42JWPY1
Notice Name: PLL #2 Battery Storage

PUBLICATION FEE: $24.95

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/23
01MU4892621

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
Feb 3, 2023

OBSERVER

AFFIDAVIT OF PUBLICATION

Observer
10 E SECOND ST
(716) 366-3000

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PUBLICATION DATES:
3 Feb 2023

Notice ID: ImnARQncf9LEmHFUVfSJ
Notice Name: PLL #3 Arch Design

PUBLICATION FEE: $24.50

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/24/23
01MU4890621

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
Feb 3, 2023

OBSERVER

AFFIDAVIT OF PUBLICATION

Observer
10 E SECOND ST
(716) 366-3000

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PUBLICATION DATES:
3 Feb 2023

Notice ID: twaTLAF1TyhiPbpKy4Dr
Notice Name: NE Prop Rezone

PUBLICATION FEE: $28.51

Jan J Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

6th day of February, A.D. 2023.

Barbara J Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/1/23
01MU4890621

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
Feb 3, 2023