Evans Town Board

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

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

RESOLUTION 2023 #425 Accept Minutes

Deputy Supervisor George moved and Councilman Reitz seconded that the reading of the minutes of September 6, 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	Aye
	Deputy Supervisor George	Aye

LEGAL NOTICE TOWN OF EVANS

Please take notice that the Town Board of the Town of Evans, Erie County, New York will hold an In-person Public Hearing on September 20, 2023 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, NY 14006 (with Zoom access listed on the Town website when available) to consider the petition of Solar Liberty Energy Systems, Inc. (dba "SL Evans, LLC") for a Special Use Permit for the development, construction and operation of two solar arrays, totaling approximately 10 Megawatt AC, located in the Solar Overlay District on Southwestern Boulevard, SBL# 207.00-4-11.11 (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 and 207.00-4-11.1.) Questions and comments may be forwarded to the Planning Office by USPS to the Town of Evans Planning Department 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 either In-person or via Zoom at the Public Hearing to be held aforesaid.

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

RESOLUTION 2023 #426 Open the Public Hearing

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

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

Bill Henry, Cllimate Smart spoke in favor
Tom Allen and Laura Bieniek- spoke neither in favor or opposition
Theresa Mecca – spoke in opposition

RESOLUTION 2023 #427 Close the Public Hearing

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

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

RESOLUTION 2023 #428 SEQR Lead Agency – Solar Liberty

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS, Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of two Type 1 Solar Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the designated Solar Overly District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11 (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1); and

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

WHEREAS, the Planning Department conducted a coordinated review with all involved and interested agencies for the purpose of making a determination of significance under SEQR regulations; and

WHEREAS, the Town of Evans Planning Board has reviewed and approved the Site Plan Development Application and have found no apparent significant environmental concerns, and has recommended the issuance of a SEQR negative declaration; and

WHEREAS, the Town Board of the Town of Evans has reviewed the Project and has determined that the project will not result in any significant impacts to the environment.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the SL Evans, LLC Special Use Permit for the purpose of development, construction and operation of two Type 1 Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd.

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

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

RESOLUTION 2023 #429 Special Use Permit Approval - Solar Liberty

Deputy Supervisor George moved and Councilman Macko seconded;

WHEREAS, Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC) have requested a Special Use Permit for the purpose of development, construction and operation of two Type 1 Solar Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11 (formerly two abutting parcels known as SBL#'S 207.00-4-21.1 & 207.00-4-11.1); and

WHEREAS, notice of the proposed Special Use Permit was duly advertised and notice provided in writing to owners of land immediately adjacent to the Project extending 500-feet therefrom and of that directly opposite thereto extending 500-feet from the street frontage; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on September 20, 2023 for consideration of said Special Use Permit; and

WHEREAS, the Town of Evans Planning Board has recommended the issuance of a Special Use Permit of said property based on the following reasons:

- The project is in accordance with the Town's zoning regulations.
- The project is consistent with the Evans-Angola Comprehensive Plan.
- The project promotes the use of clean energy in the Town.
- The project will constitute the use of underutilized property.
- The project is not expected to result in any significant adverse impacts; and

WHEREAS, the Planning Board would also like to recommend that the following conditions be placed on the approval of this action:

- Approval and execution of the Payment in Lieu of Taxes Agreement between the Town of Evans, Lake Shore Central School District, Erie County and SL Evans, LLC.

- Approval and execution of the Host Community Agreement between the Town of Evans and SL Evans, LLC.

- Approval and execution of the Decommissioning Plan between the Town of Evans and SL Evans, LLC, including without limitation a decommissioning bond.

- Submittal and approval of a Fire Suppression Plan to be coordinated with the North Evans Volunteer Fire Company, Inc.

WHEREAS, the Town Board of the Town of Evans has issued a SEQR negative declaration for the Project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit to Solar Liberty Energy Systems, Inc. (DBA SL Evans, LLC) for the purpose of development, construction and operation of two Type 1 Solar Photovoltaic Systems, producing a combined 10 MW AC of power, located on approximately 33 acres of undeveloped land located within the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11 (formerly two abutting parcels known as SBL#'S 207.00-4-21.1 & 207.00-4-11.1).

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office, the Assessor's Office and the Code Enforcement Office.

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

OLD BUSINESS

RESOLUTION 2023 #430 Remove Items 1 from Old Business

Councilman Schraft moved and Councilman Macko seconded to remove item 1- Filling Seats on Ethics Committee from Old Business.

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

RESOLUTION 2023 #431 Filling Seats on Ethics Committee

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the Town formed an Ethics Committee in 2018 and we have open seats on the committee;

NOW, THEREFORE BE IT RESOLVED, the following individuals be appointed to the Town of Evans Ethics Committee pending a Town background check:

Anthony Barone Chandra Shaver Ken Jurek Garnet Cedro

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #432 Lake Erie Beach Volunteer Fire Company Elected Membership

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS, Lake Erie Beach Volunteer 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 candidates were elected into membership of the Lake Erie Beach Volunteer Fire Company, Inc. during the September 7, 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.;

Olivia Pfluerger

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Deputy Supervisor George	Aye

RESOLUTION 2023 #433 Appointment of Full Time Court Clerk

Councilman Reitz moved and Councilman Macko seconded;

RESOLVED, effective Monday, October 2, 2023, the Town Board of the Town of Evans does hereby accepts Town Justice Cooper's appointment of Kristen Meyer as Clerk to Town Justice Glascott, for the remainder of the 2023 year, with salary and benefits as set forth in the IBEW #41 collective bargaining agreement; and

FURTHER, BE IT RESOLVED, a copy of this resolution be given to the HR/Payroll Department.

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

RESOLUTION 2023 #434 Budget Transfer Police

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, the Town is obligated by general municipal law to maintain a balanced budget;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget transfer to reappropriate funds for costs associated with Scheduling Software:

Transfer From:		
A.3120.210.00	Equipment - Information Technology	$5,805.00
Transfer To:		
A.3120.420.00	Professional & Technical Services - Information Technology	$5,805.00

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

RESOLUTION 2023 #435 Suspend the Rules of Order

Deputy Supervisor George moved and Councilman Schraft seconded to Suspend the Rules of Order for the consideration of additional resolutions;

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

RESOLUTION 2023 #436 BENLIC Acquisition

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, on November 20, 2019, the Town of Evans passed a resolution requesting the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) acquire, 273 Dawn and 146 Potomac Avenue in the Town of Evans on behalf of the Town at any subsequent Erie County Tax Foreclosure Auction; and

WHEREAS, the Town has targeted 273 Dawn and 146 Potomac Avenue for future CDGB funded demolition projects; and

WHEREAS, on December 15, 2021, the Town of Evans adopted Resolution 2021-456 directing the removal/demolition of all unsafe structures on sixteen (16) listed properties pursuant to Evans Town Code, Chapter 74, Unsafe Buildings, including 273 Dawn and 146 Potomac Avenue; and

WHEREAS, BENLIC acquired 273 Dawn and 146 Potomac Avenue pursuant to Resolution #2022- 31 and now seeks to sell the property to the Town via quit claim deed, each for the value of $1.00 and no more; and

WHEREAS, Town funds have been identified as available for this purchase and can accommodate this purchase price; and
WHEREAS, pursuant to 6NYCRR Part 617 (State Environmental Quality Review Act – SEQRA), the Town of Evans has begun review of the environmental impact of the aforementioned acquisition; and

WHEREAS, the Planning Board of the Town of Evans has been determined to be the lead agency for the proposed acquisition; and

WHEREAS, the Planning Board of the Town of Evans has conducted a coordinated review with any involved agencies and addressed any comments received by such involved agencies as a result; and

WHEREAS, the Town Board finds that the requirements of SEQRA have been completed and herein issues a negative declaration; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Evans hereby officially authorizes the Deputy Supervisor to execute all documents necessary for the acquisition of 273 Dawn (SBL 250.14-2-21) and 146 Potomac Avenue (SBL 250.17-7-18.1) in the Town of Evans from the Buffalo Erie Niagara Land Improvement Corporation for the purchase price of $1.00 each.

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

RESOLUTION 2023 #437 Advertise for Public Hearing for Community Development Block Grant

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, the Town of Evans will be applying for a Community Development Block Grant for the year 2024-2025; and

WHEREAS, the Evans Town Board authorizes the Town Clerk to advertise a public hearing on October 4, 2023 at 7:10pm for the purpose of soliciting citizen input regarding the Town's Community Block Development Grant;

THEREFORE, BE IT RESOLVED, that the Evans Town Board authorize the Supervisor and/or appropriate Town Officials to sign, submit and execute a contract with Erie County Community Development Grant Program; and

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

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

RESOLUTION 2023 #438 Part Time Clerk Appointment – Supervisor's Office

Councilman Reitz moved and Councilman Schraft seconded,

BE IT RESOLVED, effective September 21, 2023 the following individual is hereby appointed as Part-Time Clerk for the Town of Evans Supervisor's Office, working up to 19.5 hours per week, at the hourly rate indicated below;

NAME	SALARY
Kathleen Buckley	$16.20 per hour; and

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

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

RESOLUTION 2023 #439 Amend Resolution 2023-362 - Haley

Councilman Macko moved and Councilman Reitz seconded,

BE IT RESOLVED, effective immediately, that the Evans Town Board amend resolution 2023-362 to approve provisional appointment of Alex Haley as Assistant Code Enforcement Officer for Erie County Civil Service compliance purposes, with no additional compensation; and

FURTHER BE IT RESOLVED, that all other terms and conditions resolution 2023-362 remain as previously resolved.

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

RESOLUTION 2023 #440 Audit of Bills

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

	AUDIT OF BILLS
DATE	9/21/2023
ABSTRACT NO.	17
VOUCHER NO.	13159 - 13233
CHECK NUMBERS	86266 - 86329
APPROVED AT	Board Meeting
DATE	9/20/2023
GENERAL	$55,404.99
PART TOWN	$22,168.04
HIGHWAY DB	$25,612.06
WATER	$0.00
CAPITAL PROJECTS	$7,650.00
SPECIAL DISTRICTS	$360,092.76
DEBT SERVICE	
TOTAL	$470,927.85

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

RESOLUTION 2023 #441 Adjournment

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Wednesday, October 4, 2023 at 5:30pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of Zachary Patrick Davis.

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