

Evans Town Board

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

PRESENT:	Mary Hosler	Supervisor
	Laurie Reitz	Councilman
	Jeanne Macko	Councilman
	Michael Schraft	Councilman
	Thomas George	Councilman

ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #256 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the June 15, 2022 and July 12, 2022 meeting, be dispensed with and accepted as submitted by the Town Clerk.

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

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 July 20, 2022 at 7:10 P.M. via a Zoom and/or In-person Public Meeting to consider the petition of WNY Derby, Inc. for a Special Use Permit for the operation and expansion of the existing Gas Station with Renovation of the Convenience Store and Future Retail at 6766 Erie Road, Derby, NY 14047, SBL# 192.20-5-22. 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 a 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 2022 #257 Open the Public Hearing

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

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

Bill Henry spoke in favor

RESOLUTION 2022 #258 Close the Public Hearing

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

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

RESOLUTION 2022 #259 SEQR Lead Agency - WNY Derby Inc.

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the WNY Derby, Inc. Special Use Permit for the operation and expansion of the existing Gas Station with Renovation of the Convenience Store and Future Retail located at 6766 Erie Rd., (aka NYS Route 5), Derby NY, SBL# 192.20-5-22; and

WHEREAS, the Evans Town Board desires to be Lead Agency for the SEQR process regarding Special Use Permits.

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans shall be the Lead Agency for the SEQR process for the WNY Derby, Inc. Special Use Permit;

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

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

RESOLUTION 2022 #260 SEQR Negative Declaration - WNY Derby Inc.

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Evans Planning Board unanimously recommended approval of the WNY Derby, Inc., (dba Corner Market) Special Use Permit for the purpose of the operation and expansion of the existing Gas Station with Renovation of the Convenience Store and Future Retail located at 6766 Erie Rd., (aka NYS Route 5), Derby NY, SBL# 192.20-5-22; 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 issuance of a Special Use Permit will not result in any significant impacts to the environment.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans issues a negative declaration in accordance with the SEQR requirements for the WNY Derby, Inc. Special Use Permit for the purpose of the operation and expansion of the existing Gas Station with Renovation of the Convenience Store and Future Retail located at 6766 Erie Rd., (aka NYS Route 5), Derby NY SBL# 192.20-5-22. (Addendum A SEQR Short Environmental Assessment Form)

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #261 Special Use Permit Approval - WNY Derby Inc.

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, WNY Derby, Inc., (dba Corner Market), has requested a Special Use Permit for the purpose of the operation and expansion of the existing Gas Station with Renovation of the Convenience Store and Future Retail located at 6766 Erie Rd., (aka NYS Route 5), Derby NY, SBL# 192.20-5-22; and

WHEREAS, the Town Board of the Town of Evans has declared Lead Agency for the SEQR process and has reviewed the Environmental Assessment Form determining the action will not result in any significant impacts to the environment and declared a negative declaration; and

WHEREAS, notice of the proposed Special Use Permit was duly advertised and notice provided in writing to all addresses occurring within 100-feet; and

WHEREAS, the Town Board of the Town of Evans has held a public hearing on July 20, 2022 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 action is not expected to result in any significant adverse impacts
- The project will not result in any changes to the character of the surrounding community

- The project is anticipated to result in an aesthetic improvement to the property
- The retention and continuation of this business in the Town will be a benefit to the local community and surrounding area; and

WHEREAS, the Planning Board has also recommended that the following conditions be placed on the approval of this action:

- Prior to the occupancy of any future retail component of the project, the applicant will review the proposed use of the space with the Planning and Building Departments to ensure that any building, parking and loading requirements are met.
- All elements illustrated on the approved site plan and in the SUP application, including all landscaping, parking lot, lighting and façade improvements, be implemented and properly maintained throughout the life of the project.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans grants a Special Use Permit to WNY Derby, Inc., for the purpose of the operation and expansion of the existing Gas Station with Renovation of the Convenience Store and Future Retail located at 6766 Erie Rd., (aka NYS Route 5), Derby NY, SBL# 192.20-5-22 with the above-said two (2) conditions.

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
 Councilman George Aye
 Supervisor Hosler Aye

Communications

Supervisor Hosler reported that the Supervisor's February, March & April Monthly Reports have been made to the Town Board and a copy was filed with the Town Clerk's Office.

William Smith, Director of Planning RE: Proposed Local Law #2 of the year 2022- Amending Local Law #5 of the year 2019 entitled Solar Energy Systems Law and any amendments thereto, Town Code Chapter 200, Article XIII, Section 200-70.D.(1)(a)[1] Permitted Use and Locations.

RESOLUTION 2022 #262 Advertise for Public Hearing

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, in a letter dated July 19, 2022, the Planning Director has requested that the Town Board set a public hearing regarding amending the Solar Energy Systems Law and any amendments thereto, Town Code Chapter 200, Article XIII, Section 200-70.D.(1)(a)[1] Permitted Use and Locations.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on August 3, 2022 at 7:10pm for the consideration of said Solar Energy Systems Law and any amendments thereto; and

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

WHEREAS, in a letter dated June 13, 2022, the Evans Planning Board has requested that

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #263 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 June 2022:

Town Clerk Report	\$62,394.41
Interest	\$1.46
Greenspace Fee	\$1400.00
Petty Cash	\$650.00

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #264 Create & Add Principal Clerk Typist to Town Inventory

Councilman Reitz moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the Evans Town Board hereby creates and adds the position of Principal Clerk Typist to the Town's Civil Service inventory; and

FURTHER, BE IT RESOLVED, a Civil Service PO-17 form will be sent to Erie County Civil Service regarding the above referenced position.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #265 Appointment of Deputy Town Clerk

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, due to a retirement of a Town of Evans employee, there is a vacant position in the Town Clerk’s Office; and

WHEREAS, is it the recommendation of the Town of Evans Town Clerk Lynn Krajacic to appoint Alex Haley as Deputy Town Clerk for the Town of Evans;

NOW, THEREFORE, BE IT RESOLVED, effective July 21, 2022, the Evans Town Board hereby acknowledges the Town Clerk’s appointment of Alex Haley as Deputy Town Clerk, with salary and benefits to follow the IBEW CBA; and

BE IT FURTHER RESOLVED, the salary for the above referenced position is \$37,143 annually, paid bi-weekly, in accordance with the current IBEW #41 collective bargaining agreement; and

BE IT FURTHER RESOLVED, in conjunction with the above referenced appointment, that an additional annual stipend of \$1,150 (pro-rated for the remainder of 2022), be paid bi-weekly, for the additional duty and responsibility of Subregistrar of Vital Statistics; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and IBEW #41 collective bargaining agreement; 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
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #266 Appointment of Full Time Truck Driver - Highway Dept.

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, there is a vacant position at the Town of Evans Highway Department for a full time; and

WHEREAS, Michael Sciarrino has passed and obtained his CDL Class B license; and

WHEREAS, Michael Sciarrino is currently a part-time seasonal laborer for the Town of Evans Highway Department;

NOW, THEREFORE, BE IT RESOLVED, effective Monday, July 25, 2022, the Evans Town Board hereby appoints Michael Sciarrino to the position of full-time truck driver; and

FURTHER, BE IT RESOLVED; effective Monday, July 25, 2022, the payroll department is directed to increase Mr. Sciarrino rate of pay from \$15.00 per hour to \$18.98 per hour, in accordance with the current CSEA Local 815 collective bargaining agreement; and

FURTHER, BE IT RESOLVED, that all requirements pursuant to NYS DOT rules and regulations regarding CDL licensing for the above referenced employee is current and in compliance; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and CSEA Local 815 collective bargaining agreement; and

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

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #267 Appointment of Temporary Crew Chief (Parks)

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, due to a retirement of a Town of Evans employee, there is a vacant position in the Town of Evans Parks/Marina Department;

NOW, THEREFORE, BE IT RESOLVED, effective July 1, 2022, the Evans Town Board hereby appoints Richard Galfo as Temporary Crew Chief to the above referenced position, whereby Mr. Galfo will oversee all full and part time employees in the current Parks/Marina Department and departmental responsibilities; and

BE IT FURTHER RESOLVED, Mr. Galfo’s salary shall be adjusted to reflect this appointment, from \$24.20 per hour to \$28.54 per hour, effective immediately until such time the Town appoints an individual permanently; and

BE IT FURTHER RESOLVED, a pay adjustment of \$4.34 per hour from July 1, 2022 to this temporary appointment be paid in the next full pay period; and

FURTHER, BE IT RESOLVED, the Town Clerk will give a copy of this resolution to Human Resources for salary adjustment and distribution to the current Parks/Marina staff.

FURTHER, BE IT RESOLVED, the Supervisor shall be authorized to post for promotional opportunity to all present town employees specifically for the position of Town Park - Marina rew Chief.

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

RESOLUTION 2022 #268 Authorization - 18 Mile Creek Kayak & Fishing Access Project Grant Application

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town Board desires to acquire funds to develop the 18 Mile Creek Kayak and Fishing Access Project; and

WHEREAS, the Town Board desires to apply for financial assistance from the NYS Department of State’s Local Waterfront Revitalization Program; and

WHEREAS, the Town Board commits to providing the required local matching funds to ensure the timely implementation of the proposed project.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes and submits an application for the Department of State’s Local Waterfront Revitalization Program funds for the 18 Mile Creek Kayak and Fishing Access Project in the amount not to exceed \$589,950.00 with a 25% match of the total grant amount of \$196,650.00 of Town Funds; and

BE IT FURTHER RESOLVED, that Supervisor Mary Hosler is hereby authorized and directed to file an application to the Department of State’s Local Waterfront Revitalization Program, in a total project amount of \$786,600.00 and upon approval of said request to enter into and execute a project agreement with the Department of State’s Local Waterfront Revitalization Program for such financial assistance to the Town of Evans for the proposed 18 Mile Creek Kayak and Fishing Access Project.

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

RESOLUTION 2022 #269 Closeout of Sturgeon Point Marina Beachfront Erosion Project

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, on October 31, 2019 the Marina sustained damage to the electrical and beachfront erosion control and a damage claim was submitted and awarded for \$20,176.25 and,

WHEREAS, the Town decided to add additional erosion measures along the beachfront shoreline to help to decrease the wash out of the revetment in the corner of the harbor and,

WHEREAS, on August of 2021 the project was bid out and on September 15, 2021 the Town Board accepted the bid from Union Concrete in the amount of \$91,975 and,

WHEREAS, on November 17, 2021 change order #2021-418 was approved by the Town Board for \$20,176.25 that would allow for sidewalk repairs at Sturgeon Point Marina due to the October 2019 storm in the same area of the current repairs. The close out reflects that the total cost of the sidewalk repairs were \$11,949.98 which is less than the original approved change order #2021-418 for \$20,176.25 and,

RESOLVED, that Change Order #2021-418 is hereby being reduced from \$20,176.25 to \$11,949.98 and

BE IT FURTHER RESOLVED, that the following capital project be closed, and that the funding amount from the general fund be transferred to the capital projects fund.

Project	Date	Expenditure Account #	Revenue Account #	Original Authorization	Change Order	Total Expenditures	Total Revenue
Sturgeon Point Marina							
Beachfront Erosion Control							
<u>Expenditures:</u>							
Original Amount Authorized	9/15/2021	HC.07180.0240.SE		\$ 91,975		\$ 91,975.00	
Change Order #2021-418 Sidewalk Repair	11/17/2021			\$20,176.25		\$ 11,949.88	
Total Project Expenditures						<u><u>\$ 103,924.88</u></u>	
<u>Funding Sources:</u>							
FEMA			HC.04960.0200.SE	23,589.01			\$ 23,589.01
Transfer from General Fund			HC.05031.0000.00	68,385.99	11,949.88		<u>80,335.87</u>
Total Funding Sources						<u><u>\$ 103,924.88</u></u>	

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

RESOLUTION 2022 #270 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Schraft seconded to suspend the rules of order for the consideration of an additional resolution.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #271 Declare Surplus Vehicle (Parks)

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the following vehicle is hereby declared surplus equipment and will be scraped for parts;

2004 Chevrolet Astro Van VIN - #1GNOM19X64B109849; and

FURTHER, BE IT RESOLVED, that the revenue associated with the scraping of the above referenced vehicle shall be recognized into the appropriate general ledger account.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #272 Audit of Bills

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

<u>AUDIT OF BILLS</u>	
DATE	7/22/2022
ABSTRACT NO.	13
VOUCHER NO.	10853 - 10923
CHECK NUMBERS	84308 - 84375
APPROVED AT	Board Meeting
DATE	7/21/2022
GENERAL	\$83,484.28

PART TOWN	\$6,564.76
HIGHWAY DB	
WATER	\$2,965.33
CAPITAL PROJECTS	\$103,924.88
SPECIAL DISTRICTS	\$25.00
DEBT SERVICE	
TOTAL	\$196,964.25

\$ 20.00 difference due
to adjusting an invoice

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

RESOLUTION 2022 #273 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn Wednesday, July 12, 2022 at 8:00am for a Special Meeting and then to Wednesday, July 20, 2022 at 6pm for a Work Session and the Regular Meeting to follow. Meeting adjourned in Memory of Mary Jane Vacanti.

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

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.
 Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Respectfully Submitted,

Lynn 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 2 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:
7 Jul 2022

Notice ID: 464fhnPkXR5ikRjWl6Bu
Publisher ID: LTNEVN
Notice Name: Corner Store - Planning

PUBLICATION FEE: \$19.15

Jan Harrington
CLERK

VERIFICATION

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

Signed or attested before me on this

12th day of July, A.D. 2022.

Barbara J. Musso
Notary Public

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 July 20, 2022 at 7:10 P.M. via a Zoom and/or in-person Public Meeting to consider the petition of WNY Derby, Inc. for a Special Use Permit for the operation and expansion of the existing Gas Station with Renovation of the Convenience Store and Future Retail at 6766 Erie Road, Derby, NY 14047, SBL# 192.20-5-22. 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 a 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

Jul 7, 2022

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/2/23

