

Evans Town Board

At a Regular Meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola New York there were:

- |               |                   |                        |
|---------------|-------------------|------------------------|
| PRESENT:      | Jeanne Macko      | Councilman             |
|               | Michael Schraft   | Councilman             |
|               | Mary Hosler       | Supervisor             |
| ALSO PRESENT: | Lynn Krajacic     | Town Clerk             |
|               | Jennifer Farrell  | Town Attorney          |
|               | Doug Czora        | Police Chief           |
|               | Roberta Rappoccio | Director of Planning   |
|               | Edward Michalski  | Highway Superintendent |
|               | Brittany Gloss    | Director of Finance    |
|               | Steve Tanner      | Clark Patterson Lee    |

**RESOLUTION 2018 #182 Approve Minutes**

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of the meeting of the April 4, 2018, April 10, 2018 and April 11, 2018 meeting be dispensed with and accepted as submitted by the Town Clerk.

- |              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

**RESOLUTION 2018 #183 Town Clerk's Reports**

Supervisor Hosler moved and Councilman Macko seconded to accept the reports of the Town Clerk as presented for the month of March 2018:

|   |              |
|---|--------------|
| Town Clerk Report for March                           | \$107,013.24 |
| Interest for March                                    | \$11.97      |
| Greenspace Fees transferred to Trust & Agency Account | \$0          |

- |              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Schraft   | Aye |
|              | Councilman Macko     | Aye |
|              | Supervisor Hosler    | Aye |

**PUBLIC HEARING**

**NOTICE OF PUBLIC HEARING  
TOWN OF EVANS**

PLEASE TAKE NOTICE THAT, by resolution adopted on April 4, 2018, the Town Board of the Town of Evans, Erie County, New York, has scheduled a public hearing to occur on April 18, 2018 at 7:10 p.m. at the Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider an increase in the maximum estimated cost of the improvements described below.

By resolutions adopted on August 15, 2007, May 18, 2011 and December 27, 2012, said Town Board previously approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank, and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, all as is more particularly described in an Amended Map, Plan and Report dated December, 2012 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers (the "Project"), all at a maximum estimated cost of \$16,235,000.

Pursuant to a Preliminary Engineering Report dated January 2018, prepared by Clark Patterson Lee, the Town Board has learned that the revised estimated cost of undertaking the portion of Project relating to the construction of the elevated water storage tank including costs associated with the construction of an access road, installation of a waterline, clearing and grubbing, installation of a mixing system, and all ancillary and related costs incidental to the foregoing will be \$5,130,000, which will result in an increase in the overall maximum estimated cost of undertaking the facilities and improvements included in the Project from \$16,325,000 to \$20,290,000.

All interested persons shall have an opportunity to be heard at such public hearing to be held as aforesaid.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF EVANS.

Lynn M. Krajacic, Town Clerk

Dated: April 4, 2018

**RESOLUTION 2018 #184 Open the Public Hearing**

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

|              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

The following spoke in opposition: Tebra Howard, Ed Conboy, Bill Henry  
The following spoke both in favor and opposition: Cheryl St. George

**RESOLUTION 2018 #185 Close the Public Hearing**

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

|              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

**RESOLUTION 2018 #186 Establish Lead Agency for the Purposes of Financing the Engineering & Construction of Water Storage Tank Project**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans prepared and reviewed the short form EAF for the financing of a new water storage tank in the Town of Evans, and

WHEREAS, pursuant to such above referenced information, the Town of Evans intends to establish itself as the appropriate lead agency, now therefore be it,

BE IT RESOLVED, that the Town of Evans hereby establishes itself as lead agency for the purpose of implementing the above referenced project.

|              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

**RESOLUTION 2018 #187 Issue SEQR Negative Declaration - Evans Storage Tank**

Supervisor Hosler moved and Councilman Macko seconded,

Whereas, the Town of Evans became lead agency for purposes of financing the engineering and construction of the Town of Evans Water Storage Tank Project, and

Whereas, the Town of Evans has considered and reviewed the project, and

Whereas, the Town of Evans has reviewed the environmental assessment form regarding the Environmental Impact of the proposed financing of the Town of Evans Water Storage Tank Project during its April 18, 2018 Town Board Meeting, now therefore be it

Resolved, that the Town of Evans hereby finds and declares that the identified environmental effects regarding the unlisted action will not be significant, and be it further

Resolved, that as a consequence of such finding and declaration, and in compliance with the requirements of SEQRA, the Town of Evans, as lead agency for the purposes of the project, hereby issues a negative declaration relative to the proposed action.

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

**RESOLUTIONS 2018 #188 Authorize an Increase in the Overall Maximum Estimated Cost of the Joint Increase & Improvement of the Water Facilities for Consolidation with ECWA**

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, pursuant to a resolution dated August 15, 2007 (the “2007 Bond Resolution”), this Town Board approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority at a maximum estimated cost of \$12,600,000, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank (the improvements described in clauses (i) and (ii) being collectively referred to as the “Water Improvements”), and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith (the improvements described in clause (iii) being referred to as the “Road Improvements” and, collectively with the Water Improvements, the “Project”), all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers, at a maximum estimated cost of \$12,600,000; and

WHEREAS, by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, “SEQRA”) that the Project would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, pursuant to a resolution dated May 18, 2011, the Town Board authorized an increase in the maximum cost of undertaking Project from \$12,600,000 to \$13,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, pursuant to a resolution dated December 27, 2012, the Town Board authorized an increase in the maximum cost of undertaking the Project from \$13,235,000 to

\$16,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, as set forth in a Preliminary Engineering Report dated January 2018, prepared by Clark Patterson Lee (the "Preliminary Engineering Report"), the Town has learned that the revised estimated cost of undertaking the portion of Project relating to the construction of the elevated water storage tank, including costs associated with the construction of an access road, installation of a waterline, clearing and grubbing, installation of a mixing system, and all ancillary and related costs incidental to the foregoing, will be \$5,130,000, which will result in an increase in the overall maximum estimated cost of undertaking the facilities and improvements included in the Project from \$16,325,000 to \$20,290,000; and

WHEREAS, by resolution adopted on April 4, 2018, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing to be held on April 18, 2018 at 7:10 p.m. at the Town of Evans Town Hall to consider whether the Town Board should approve an increase in the overall maximum estimated cost of the Project from \$16,235,000 to \$20,290,000 and to hear all persons interested in the subject thereof; and

WHEREAS, notice of said public hearing by the Town Clerk was duly published and posted by the Town Clerk as required by law, to wit: a copy thereof was published in the Dunkirk Observer, the official newspaper of the Town, on April 7, 2018, and that a copy of such notice was posted on April 5, 2018 on the signboard maintained by the Town Clerk and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, by resolution dated April 18, 2018 and adopted immediately prior to the consideration this resolution, the Town Board made a supplemental determination under SEQRA that the portion of the Project relating to the construction of the elevated water storage tank constituted an "Unlisted" action under SEQRA and would not have a significant adverse impact on the environment, and the Town Board adopted a Negative Declaration under SEQRA to such effect.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK, HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that the maximum cost of the Project, is hereby increased from \$16,325,000 to \$20,290,000, and that it is in the public interest to undertake the Project at such increased maximum authorized cost of \$20,290,000.

SECTION 2. This order shall take effect immediately.

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

**RESOLUTION 2018 #189 Amendment & Reinstatement a Bond Resolution Relating to Joint Increase in Water Project**

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, pursuant to a resolution dated August 15, 2007 (the “2007 Bond Resolution”), this Town Board approved, in accordance with Section 202-b of the Town Law, certain improvements for the joint increase and improvement of the water facilities of the Town for consolidation with the Erie County Water Authority at a maximum estimated cost of \$12,600,000, including (i) upgrades to meet Authority standards to include replacement of approximately 5,200 water meters with remote meter reads, installation of tilesets, replacement of approximately 265 fire hydrants, elimination of duplicate watermains, replacement of approximately 49,000 linear feet of waterlines less than six inches in diameter; and replacement of an additional approximately 3,000 linear feet of water main; (ii) further improvements to include construction of an elevated water storage tank (the improvements described in clauses (i) and (ii) being collectively referred to as the “Water Improvements”), and (iii) construction of public roadway access improvements to service residences currently located on unimproved right-of-ways, including the construction or reconstruction of curbs, gutters, drainage, landscaping and grading, and including in each case any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith (the improvements described in clause (iii) being referred to as the “Road Improvements” and, collectively with the Water Improvements, the “Project”), all as is more particularly described in the Map, Plan and Report dated August, 2007 prepared at the direction of the Town Board by Wendell Duchscherer Architects and Engineers, at a maximum estimated cost of \$12,600,000; and

WHEREAS, by resolution dated June 6, 2007, the Town Board determined, in accordance with the regulations of the New York State Department of Environment Conservation promulgated under the State Environmental Quality Review Act (collectively, “SEQRA”) that the Project would not have a significant adverse impact on the environment and adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, by resolution dated May 18, 2011, the Town Board authorized an increase in the maximum cost of undertaking Project from \$12,600,000 to \$13,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, by resolution dated December 27, 2012, the Town Board authorized a further increase in the maximum cost of the Water Improvements and the Project from \$13,235,000 to \$16,235,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, by resolution dated December 27, 2012 (the “2012 Bond Resolution”), the Town Board (i) authorized the issuance of \$3,000,000 in serial bonds to finance a portion of the

cost of the Water Improvements, (ii) appropriated said amount therefore, and (iii) authorized an increase in the maximum estimated cost of the Project from \$13,235,000 to \$16,235,000; and

WHEREAS, as set forth in a Preliminary Engineering Report dated January 2018, prepared by Clark Patterson Lee (the "Preliminary Engineering Report"), the Town has learned that the revised estimated cost of undertaking the portion of Project relating to the construction of the elevated water storage tank, including costs associated with the construction of an access road, installation of a waterline, clearing and grubbing, installation of a mixing system, and all ancillary and related costs incidental to the foregoing, will be \$5,130,000, which will result in an increase in the overall maximum estimated cost of undertaking the facilities and improvements included in the Project from \$16,325,000 to \$20,290,000; and

WHEREAS, by resolution dated April 18, 2018 and adopted immediately prior to the consideration this resolution, the Town Board made a supplemental determination under SEQRA that the portion of the Project relating to the construction of the elevated water storage tank constituted an "Unlisted" action under SEQRA and would not have a significant adverse impact on the environment, and the Town Board adopted a Negative Declaration under SEQRA to such effect; and

WHEREAS, by resolution dated April 18, 2018 and adopted immediately prior to the consideration of this resolution, the Town Board authorized an increase in the maximum cost of undertaking Water Improvements and the Project from \$16,235,000 to \$20,290,000, and determined that it was in the public interest to undertake the Project at such increased maximum cost; and

WHEREAS, the Town Board now intends to amend and restate the 2012 Bond Resolution in its entirety so as to (i) increase the amount of bonds authorized thereunder to finance a portion of the cost of the Water Improvements from \$3,000,000 to \$7,055,000; (ii) appropriate said increased amount; (iii) increase the maximum estimated cost of the Project from \$16,235,000 to \$20,290,000; and (iv) restate the plan of finance set forth therein.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (the "Town") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), TO AMEND AND RESTATE THE 2012 BOND RESOLUTION IN ITS ENTIRETY, TO READ AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue \$7,055,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance a portion of the cost of the Water Improvements and said amount is hereby appropriated therefore. It is hereby determined that the maximum estimated cost of the specific object or purpose is \$20,290,000, and the plan for the financing thereof shall consist of (a) the issuance of \$12,600,000 in serial bonds of the Town as authorized by a Bond Resolution of the Town Board, dated August 15, 2007, as amended on May 8, 2011 (as so amended, the "2007 Bond Resolution"), (b) the expenditure of \$200,000 in a Federal Community Block Grant and \$435,000 in a New York Local Government Efficiency Grant received by the Town, (c) the issuance of \$7,055,000 in serial bonds or bond anticipation notes of the Town

pursuant to this resolution, and (d) unless paid from other sources, the levy and collection of taxes on all the real property in the Town to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law, commencing from October 9, 2007, the date of issuance of the first obligations issued pursuant to the 2007 Bond Resolution.

SECTION 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subdivision d.3(a) of Section 107.00 of the Law.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purpose described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of serial bonds and/or bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds, herein authorized, including without limitation, the determination whether to issue bonds having substantially level or declining annual debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Town Supervisor"). Further, the

power to issue and sell bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Town Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of the Local Finance Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, and instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Town Board.

SECTION 12. This resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 13. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

VOTE RESULT: ADOPTED BY ROLL CALL

|                    |     |
|--------------------|-----|
| Councilman Macko   | Aye |
| Councilman Schraft | Aye |
| Supervisor Hosler  | Aye |

**PUBLIC HEARING**

LEGAL NOTICE  
TOWN OF EVANS

Please take notice that a public hearing will be held by the Town Board of the Town of Evans, Erie County, New York at 7:10 p.m. on April 18, 2018, at the Evans Town Hall, 8787 Erie Road, Angola, New York to consider the petition of Louis Catalano, d/b/a Catalano Motors, for a Special Use Permit renewal for the purpose of continued operation of a new and used auto sales facility located at 6777 Erie Road, Derby, NY 14047, SBL# 192.20-6-1.

All parties in interest and citizens shall have an opportunity to be heard 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 2018 #190 Open the Public Hearing**

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

VOTE RESULT: ADOPTED BY ROLL CALL

|                    |     |
|--------------------|-----|
| Councilman Macko   | Aye |
| Councilman Schraft | Aye |
| Supervisor Hosler  | Aye |

The following spoke in favor: Ed Conboy, Marie O'Connor

**RESOLUTION 2018 #191 Close the Public Hearing**

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

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

**RESOLUTION 2018 #192 Grant Special Use Permit 6777 Erie Road, Derby**

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, a renewal application dated March 5, 2018 was submitted by Louis Catalano, d/b/a Catalano Motors, petitioning for a special use permit renewal for the purpose of continued operation of a new and used auto sales facility located at 6777 Erie Road, Derby, NY 14047, SBL# 192.20-6-1; and

WHEREAS, the Town of Evans Planning Office and the Code Enforcement Office have conducted a proper review of the application and the facility and have recommended the Special Use Permit be renewed for a period of two (2) years; and

WHEREAS, the negative SEQRA declaration issued by the Town Board on July 12, 2006, for the original Special Use Permit for said facility is still sufficient and valid for this action; and

WHEREAS, the Town Board of the Town of Evans conducted a public hearing on April 18, 2018 regarding said special use permit renewal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans grants a Special Use Permit renewal to Catalano Motors, for the purpose of continued operation of a new and used auto sales facility located at 6777 Erie Road, Derby, NY 14047, SBL# 192.20-6-1; and

BE IT FURTHER RESOLVED, that the above-said Special Use Permit be granted for a two (2) year period and may be renewed; and

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

VOTE RESULT:     ADOPTED BY ROLL CALL  
                   Councilman Macko                     Aye  
                   Councilman Schraft                   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 April 18, 2018 at 7:10 P.M. at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006 to consider the adoption of Proposed Local Law #1 of the year 2018, which will amend Town Code Chapter 200: Zoning, Section 200-21 - General Business District

(GB), to add a Self-Storage Facilities use to the General Business District (GB), with exceptions, and other related zoning amendments to the Town of Evans Zoning Code.

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 on the Town’s website at [www.townofevans.org](http://www.townofevans.org).

All parties in interest and citizens shall have an opportunity to be heard by the Town Board 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 2018 #193 Open the Public Hearing**

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

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

The following spoke in opposition: Ed Conboy, Marie O’Connor, Cheryl St. George

**RESOLUTION 2018 #194 Close the Public Hearing**

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

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

**RESOLUTION 2018 #195 Declare Lead Agency for SEQR Process for Proposed Local Law #1 of 2018 Mini Storage to GB**

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Planning Board of the Town of Evans has recommended the zoning amendment to add the self-storage facility use (“mini-storage”) to the General Business Zoning District with exceptions, as set forth in Proposed Local Law #1 of the year 2018; and

WHEREAS, the Town Board of the Town of Evans desires to be the Lead Agency for the SEQR process regarding said zoning 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 2018; and

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

|              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

**RESOLUTION 2018 #196 Issue SEQR Negative Declaration - Proposed Local Law #1 of 2018**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, the Planning Board of the Town of Evans recommended the zoning amendment to add the self-storage facility use (“mini storage”) to General Business zoning district (GB), with exceptions, as set forth in Proposed Local Law #1 of the year 2018; 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 addition of the self-storage facility use to the General Business Zoning District 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 (Schedule A, SEQR Full Environmental Assessment Form) in accordance with PART 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law, SEQR requirements for Proposed Local Law #1, regarding the addition of self-storage facility use (“mini-storage”) to the General Business Zoning District (GB), with exceptions (Schedule A, SEQR Full 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 Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

**RESOLUTION 2018 #197 Adopt Proposed Local Law #1 of 2018 Mini Storage to GB**

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Evans Town Board held a public hearing on April 18, for consideration of Proposed Local Law #1 of the year 2018, regarding the addition of the Self-storage Facility use (“mini-storage”) to the General Business Zoning District, with exceptions; and

WHEREAS, the Town of Evans Planning Board has recommended the zoning amendment based on the following reasons:

- the action is consistent with the Town of Evans Comprehensive Plan;
- The proposed zoning amendment is consistent with the legislative intent of the General Business District (“GB”) which is to establish areas for larger scale commercial operations that provide a wider variety of goods and services;
- the action is not expected to result in any significant adverse impacts; and

WHEREAS, the Town Board of the Town of Evans has issued a SEQR negative declaration for this action; and

WHEREAS, more than thirty (30) days has elapsed since the Town of Evans has submitted a full statement of proposed action to the Erie County Division of Planning pursuant to GMU Section 239-m (on March 8, 2018) and, to date, the Erie County Division of Planning has not made any recommendation regarding the matter;

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law #1 of the year 2018 be and hereby is adopted as Local Law #1 of the year 2018; and

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

VOTE RESULT:      ADOPTED BY ROLL CALL

|                    |     |
|--------------------|-----|
| Councilman Macko   | Aye |
| Councilman Schraft | Aye |
| Supervisor Hosler  | Aye |

**RESOLUTION 2018 #198 Credit Card Policy**

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans has established a Credit Card Policy & Procedure;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the above referenced policy, effective immediately.

VOTE RESULT:      ADOPTED BY ROLL CALL

|                    |     |
|--------------------|-----|
| Councilman Macko   | Aye |
| Councilman Schraft | Aye |
| Supervisor Hosler  | Aye |

**RESOLUTION 2018 #199 Ethics Committee Appointment of Members**

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, an Ethics Committee was previously created by the Town of Evans; and

WHEREAS, the seats on the Ethics Committee are vacant;

NOW, THEREFORE, BE IT RESOLVED, that, effective immediately, the following individuals be appointed to the Ethics Committee;

Paula Eastman, with term to expire December 31, 2019.

Cheryl St. George, with term to expire December 31, 2018.

William Sill Jr., with term to expire December 31, 2019.

Lori Lehnen, with term to expire December 31, 2018.

Maria Wrafter, with term to expire December 31, 2019.

|              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

**RESOLUTION 2018 #200 Establishment of Hiring Policy**

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Town of Evans has established a Hiring Policy;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the above referenced policy, effective immediately.

|              |                      |     |
|--------------|----------------------|-----|
| VOTE RESULT: | ADOPTED BY ROLL CALL |     |
|              | Councilman Macko     | Aye |
|              | Councilman Schraft   | Aye |
|              | Supervisor Hosler    | Aye |

**RESOLUTION 2018 #201 Authorization to Attend Marine Patrol Vessel Operator Course**

Supervisor Hosler moved and Councilman Macko seconded,

RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Douglas Czora for Lieutenant Peter Smith and Patrolman Ken Kloss to attend Marine Patrol Vessel Operator Course training May 7, 2018 to May 11, 2018 in Lake George, NY, with lodging and meals to be paid for by the N.Y.S. Parks, Recreation and Historic Preservation.

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

**RESOLUTION 2018 #202 Authorization of Instructor to Attend Marine Patrol Vessel Operator Course**

Councilman Schraft moved and Councilman Macko seconded,

RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Douglas Czora for Patrolman Michael Kauzala to instruct, at the request of the N.Y.S. Parks, Recreation and Historic Preservation, the Marine Patrol Vessel Operator Course from May 7, 2018 to May 11, 2018 in Lake George, NY, with lodging and meals to be paid for by the N.Y.S. Parks, Recreation and Historic Preservation.

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

**RESOLUTION 2018 #203 Appointment of Matron**

Councilman Macko moved and Councilman Schraft seconded,

RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Douglas Czora that Donna Kraft is hereby appointed as part-time matron at the rate of \$15.00 per hour.

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

**RESOLUTION 2018 #204 Authorize Supervisor to Enter into Contract with Northeastern Environmental Mgmt**

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town of Evans received a grant award through the Restore New York Communities Initiative Grant from Empire State Development for the demolition of unsafe and dangerous buildings in the Town of Evans; and

WHEREAS, four of the properties in the Town of Evans which were deemed to be unsafe and an endangerment to the public at large contain asbestos that requires air monitoring to be conducted during the demolition process;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to execute a contract for air monitoring services with Northeastern Environmental Management not to exceed \$9,900.00, upon approval of the Town Attorney, with the costs to be submitted to the grant for payment; and

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

**RESOLUTION 2018 #205 Appointment of Part Time Clerk**

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, that Mary Bivin be appointed as a part-time clerk at the rate of \$12.00 per hour, effective immediately.

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

**RESOLUTION 2018 #206 Award Bid of Sturgeon Point Marina**

Councilman Macko moved and Councilman Schraft seconded,

WHEREAS, bids were solicited for the Sturgeon Point Marina Dredging re-bid for the Town of Evans; and

WHEREAS, bids were received and opened on April 16, 2018 at 10:00am, in accordance with the Notice to Bidders previously authorized and the extension thereof; and

WHEREAS, the lowest responsible bid was submitted by Ingalls Site Development, Inc., 297 Meyer Road, West Seneca NY 14224; and

WHEREAS, Clark Patterson Lee has reviewed the proposal from Ingalls Site Development, Inc. and held a conference call with the project manager, and confirmed his understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by Ingalls Site Development, Inc., was \$79,600.00 for a bid item A (2018) and \$79,600.00 for bid item B (2019);

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Sturgeon Point Marina Dredging in the Town of Evans, New York for bid items A and B to Ingalls Site Development, Inc. and authorizes Supervisor Mary Hosler to

execute all necessary contract documents regarding same, contingent upon approval of the Town Attorney.

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

**RESOLUTION 2018 #207 Audit of Bills**

Councilman Macko moved and seconded Supervisor Hosler seconded that all properly audited bills be paid out of their respective accounts per abstract

| <b><u>AUDIT OF BILLS</u></b> |                    |
|------------------------------|--------------------|
| DATE                         | 4/19/2018          |
| ABSTRACT NO.                 | 8                  |
| VOUCHER NO.                  | 2396 - 2485        |
| CHECK NUMBERS                | 77691 - 77753      |
| APPROVED AT                  | Board Meeting      |
| DATE                         | 4/18/2018          |
| GENERAL                      | \$63,560.19        |
| PART TOWN                    | \$3,306.89         |
| HIGHWAY DB                   | \$3,356.76         |
| WATER                        | \$0.00             |
| CAPITAL PROJECTS             |                    |
| SPECIAL DISTRICTS            | \$218.38           |
| DEBT SERVICE                 |                    |
| TA FUND                      |                    |
| <b>TOTAL</b>                 | <b>\$70,442.22</b> |

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

**RESOLUTION 2018 #208 Adjournment**

Supervisor Hosler moved and Councilman Macko seconded to adjourn to Wednesday, April 25, 2018 for a Work Session at 6pm then to Wednesday, May 2, 2018 at 6pm for an Agenda Meeting then to 7pm for the Regular Meeting.

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