Evans Town Board

At a Work Session 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
	Brittany Gloss	Director of Finance
	Douglas Czora	Police Chief
	Mary Holl	Supervisor's Secretary

RESOLUTION 2018 #076 Authorize Director of Finance to Attend Training

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS; the Director of Finance requests permission to attend the New York State Government Finance Officers' Association conference; and

WHEREAS; said training will be held in Albany on March 21-23, 2018; and

NOW THEREFORE BE IT RESOLVED, that the Board of the Town of Evans shall grant permission to Brittany M. Gloss, Director of Finance, to attend said training and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

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

RESOLUTION 2018 #077 Authorize Town Clerk to Attend Training

Councilman Schraft moved and Supervisor Hosler seconded,

Resolved: that Lynn M. Krajacic, Town Clerk is authorized to attend the 2018 New York State Town Clerks Association Conference to be held on April 22, 2018 - April 25, 2018 in Albany, New York and be it further,

Resolved: all reasonable expenses incurred being a town charge be paid in accordance with the rules and regulations governing travel and education.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #078 BAN for Town of Evans Highway Roof

Councilman Macko moved and Supervisor Hosler seconded,

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO $400,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF THE RECONSTRUCTION OR REPLACEMENT OF THE ROOF AT THE TOWN'S HIGHWAY DEPARTMENT MAIN BUILDING

WHEREAS, the Town Board (the "Board") of the Town of Evans, Erie County (the "Town") proposes to authorize the issuance of $400,000 in serial bonds of the Town to finance the reconstruction or replacement of the roof at the Town's Highway Department main building (collectively, the "Project"); and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

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), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue $400,000 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 the cost of the reconstruction or replacement of the roof at the Town's Highway Department main building, and any appurtenant and incidental costs and expenses.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is $400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of $400,000 in serial bonds of the Town authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivisions 12(a)(3). and 89. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The final maturity of the bonds herein authorized to be issued pursuant to Sections 1 of this resolution shall <u>not</u> be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note.

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 purposes described in Section 1 of this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. 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 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 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 terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating 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 Town Supervisor of the Town, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose 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, 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 7. The Town Supervisor of the Town 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 anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. 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 affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 9. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to the Project need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 10. 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.

SECTION 11. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

SECTION 12. This resolution shall take effect immediately

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2018 #079 Signatories for Court Accounts

Supervisor Hosler moved and Councilman Schraft seconded,

BE IT RESOLVED, that Town Justice Dennis Glascott and Supervisor Mary Hosler are authorizes as signatories for Justice Glascott's Bail Account and Fine Fee Account and;

BE IT FURTHER RESOLVED, that Town Justice Moira Cooper and Supervisor Mary Hosler are authorizes as signatories for Justice Cooper's Bail Account and Fine Fee Account.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #80 Audit of Bills

Councilman Macko moved and Councilman Schraft seconded that all properly audited bills be paid out of the respective

AUDIT OF BILLS

DATE	1/25/2018
ABSTRACT NO.	25
VOUCHER NO.	2033 - 2046
CHECK NUMBERS	77393 - 77420
APPROVED AT	Work Session
DATE	1/24/2018
GENERAL	$64,048.87
PART TOWN	$877.62
HIGHWAY DB	$32,015.98
WATER	$834.97
CAPITAL PROJECTS	$7,435.00
SPECIAL DISTRICTS	$11,391.98
DEBT SERVICE	
TA FUND	
TOTAL	**$116,604.42**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 #80 Audit of Bills

Councilman Macko moved and Supervisor Hosler seconded that all properly audited bills be paid out of the respective

AUDIT OF BILLS

DATE	1/25/2018
ABSTRACT NO.	2B
VOUCHER NO.	2047-2048
CHECK NUMBERS	77421 - 77422
APPROVED AT	Work Session
DATE	1/24/2018
GENERAL	$12,164.30
PART TOWN	$91.20
HIGHWAY DB	$3,483.38
WATER	
CAPITAL PROJECTS	
SPECIAL DISTRICTS	
DEBT SERVICE	
TA FUND	
TOTAL	**$15,738.88**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2017 # 81 Enter Executive Session

Supervisor Hosler moved and Councilman Schraft seconded

WHEREAS: the Evans Town Board wishes to enter Executive Session, and;

BE IT RESOLVED: that the public shall be excluded from discussion of and action upon hereinafter specified subject matter.

The general nature of the subject matter to be discussed as follows: personnel matters of employee and Litigation.

NOW THEREFORE BE IT RESOLVED: Jennifer Farrell, Town Attorney, Lynn Krajacic, Town Clerk, Mary Holl, Supervisor's Secretary and Douglas Czora, Chief of Police are invited to attend the Evans Town Board Executive Session.

VOTE RESULT: ADOPTED
AYES: Macko, Schraft, Hosler
NAYS: None

RESOLUTION 2017 #82 Adjournment of Executive Session

Councilman Macko moved and Supervisor Hosler seconded to adjourn tonight's Executive Session.

VOTE RESULT: ADOPTED
Ayes: Macko, Schraft, Hosler
Nays: None

RESOLUTION 2017 #83 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn tonight's Work Session.

VOTE RESULT: ADOPTED
Ayes: Macko, Schraft, Hosler
Nays: None

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
Town Clerk

AFFIDAVIT OF PUBLICATION

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on January 24, 2018 by the Town Board of the Town of Evans, Erie County, New York, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Evans, Erie County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Lynn M. Krajacic,
Town Clerk
Town of Evans

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Evans on January 24, 2018.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EVANS, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO $400,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF THE RECONSTRUCTION OR REPLACEMENT OF THE ROOF AT THE TOWN'S HIGHWAY DEPARTMENT MAIN BUILDING".
2. The resolution authorized serial bonds of the Town to finance the reconstruction or replacement of the roof at the Town's Highway Department main building.
3. The period of probable usefulness is 5 years.
4. Amount of Debt Obligations Authorized: up to $400,000.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the Town Clerk, Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006.

O-163224 January 27, 2018 -Adv.

State of New York

County of Chautauqua

City of Dunkirk

Sheila McWillson , being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

January 27, 2018

Signed: Sheila McWillson
Sheila McWillson

Signed before me this 29th day of January 2018

Barbara J Miller
Notary Public

5/4/19

Adopted
1-24-18