Evans Town Board

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

PRESENT:	Mary Hosler	Supervisor
	Michael Schraft	Councilman
	Thomas George	Councilman
ALSO PRESENT:	Lynn Krajacic	Town Clerk
	Kenneth Farrell	Town Attorney
	Doug Czora	Chief of Police

RESOLUTION 2020 #353 Call Meeting to Order

Supervisor Hosler moved and Councilman Schraft seconded

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

RESOLUTION 2020 #354 Accept Minutes

Supervisor Hosler moved and Councilman Schraft seconded that the reading of the minutes of meetings of August 19, 2020 be dispensed with and accepted as submitted by the Town Clerk.

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

RESOLUTION 2020 #355 Remove Item from Old Business

Councilman George moved and Supervisor Hosler seconded,

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

RESOLUTION 2020 #356 Standard Work Day

AMENDED
2020-12-16
#461 pg 261

Councilman George moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the Town of Evans/30210 hereby establishes the following standard work days for these tiles and will report the officials to the New York State and Local Retirement System based on their record of activities: (see attached)

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Nay
Supervisor Hosler	Aye

RESOLUTION 2020 #357 Advertise for RFP for Energy Services

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Town of Evans is issuing a Request for Proposals (RFP) for the selection of an Energy Service Company (ESCO) to implement a facilities improvement project at the Town of Evans facilities; and

WHEREAS, the proposals shall consist of qualifications, experience, financial proposals and staffing plan; and

WHEREAS, a full copy of the Request for Proposal shall be available at the Office of the Engineer, Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203, or by emailing stanner@cplteam.com.

NOW, BE IT RESOLVED, the Town Clerk shall advertise a Request for Proposals; and

BE IT FURTHER RESOLVED, that sealed proposals are due to the Town of Evans Town Clerk 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Wednesday, September 30, 2020.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #358 Renewal of COMTEL Phone Agreement

Councilman Schraft moved and Councilman George seconded,

BE IT RESOLVED, that the Town of Evans renew and enter into a Maintenance & Service agreement for the Town of Evans telephone system with COMTEL located at 750 Ensminger Road, Suite 100, Tonawanda, New York 14150 for the period of August 1, 2020 to July 31, 2021 in the amount of $2,228.26 per said contract period, which is the New York State OGS pricing.

FURTHER, BE IT RESOLVED, that the Supervisor Hosler is hereby authorized to execute the contract, upon the approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #359 Create and Add Principal Personnel Clerk to Civil Service Inventory

Councilman George moved and Councilman Schraft seconded,

BE IT RESOLVED, that the Evans Town Board hereby creates and adds the position of Principal Personnel Clerk 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 George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #360 Advertise for Principal Personnel Clerk

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Erie County Civil Service title/position of Principal Personnel Clerk has been created and added to the Town of Evans Civil Service inventory; and

WHEREAS, a list for canvassing purposes for the Principal Personnel Clerk position will be requested from Erie County Civil Service to begin the canvassing process;

BE IT RESOLVED, if the above referenced list does not exist and/or does not qualify as an eligible list, the Evans Town Board hereby grants permission and authorizes the appropriate Town department to advertise for the position.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #361 Attend Marine Law Enforcement Training Program

Councilman Schraft moved and Supervisor Hosler seconded,

RESOLVED, that the Town Board of the Town of Evans approves the request of Chief Douglas Czora for Patrolman Patrick Atler to attend Marine Law Enforcement Program training September 21, 2020 to and including September 25, 2020 in Lake George, New York, with lodging and meals to paid for by NYS Parks, Recreation and Historic Preservation.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #363 Attend Marina Patrol Vessel Operator Course

Councilman George moved and Supervisor Hosler 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 NYS Parks, Recreation and Historic Preservation, the Marine Patrol Vessel Operator Course from September 28, 2020 to and including October 2, 2020 in Lake George, New York, with lodging and meals to be paid for by NYS Parks, Recreation and Historic Preservation.

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

RESOLUTION 2020 #363 Appointment of Assistant Code Enforcement Officer

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, the Town of Evans has canvased for the Civil Service position of Assistant Code Enforcement Officer;

WHEREAS, upon completion of interviews for the open position in the Code Enforcement Office, a recommendation has been made by Supervising Code Enforcement Officer Corey Baskerville, William Smith, Director of Planning and Community Development, Jeneen Hill, Assessor/Zoning Board liaison and Supervisor Mary Hosler to hire Christopher Martoche for the position of Assistant Code Enforcement Officer; and

NOW, THEREFORE, BE IT RESOLVED, that Christopher Martoche is hereby appointed as Assistant Code Enforcement Officer for the Town of Evans, effective August 31, 2020, at an annual salary of $55,551 and all terms and conditions of the IBEW #41 current collective bargaining agreement; and

FURTHER BE IT RESOLVED, this resolution is nunc pro tunc for purposes of the effective hiring date; and

BE IT, FURTHER, RESOLVED, all relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the IBEW #41 collective bargaining agreement.

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

RESOLUTION 2020 #364 Appointment of Part Time Police Dispatcher

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, there is an opening for a part time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, Brittany Annecchiarico meets the requirements needed to become a part-time Police Dispatcher; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Brittany Annecchiarico, effective immediately, to the position of part time Police Dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #365 Appointment of Part Time Police Dispatcher

Councilman George moved and Councilman Schraft seconded,

WHEREAS, there is an opening for a part time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, Edward Bluff meets the requirements needed to become a part-time Police Dispatcher; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Edward Bluff, effective immediately, to the position of part time Police Dispatcher with the Evans Police Department; and

FURTHER, BE IT RESOLVED, all other relative issues, rules and regulations will be understood to all parties subject to Civil Service Law.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #366 Declare Surplus Equipment

Supervisor Hosler moved and Councilman Schraft seconded,

RESOLVED, that the following police department homemade trailer is hereby declared surplus equipment; and

FURTHER BE IT RESOLVED, the above referenced trailer will be turned over to Patrick VanRemmen as scrap for $50.00, whereby proceeds being deposited into the Town's General Fund Account.

2012 Homemade Utility VIN: NYA613015

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #367 Extend Human Resources Payroll Consultant Agreement

Supervisor Hosler moved and Councilman George seconded,

BE IT RESOLVED, that the Town Supervisor is authorized to enter into an extension agreement, for the calendar year of 2020, with Nancy Tucker dba Thelma and Louise Consulting, LLC, 8818 Lake Shore Road, Angola, New York 14006, to provide Human Resource consulting and payroll services at the contract rate of $65.00 per hour, to provide a minimum of 19.5 hours per week.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Nay
Supervisor Hosler	Aye

RESOLUTION 2020 #368 Increase Parks & Recreation Budget

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the budgetary Account A7110.240.01 Parks and Recreation equipment be increased by $62,973, pursuant to the purchase of the John Deer Tractor which was approved at the July 8, 2020 Town Board meeting; and

FURTHER, BE IT RESOLVED, the above referenced increase in the budgetary appropriation will be funded from unrestricted fund balance, specifically the greenspace account.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #369 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Schraft seconded to suspend the Rules of Order for the consideration of additional resolutions.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #370 Proposition to Increase the Number of Council Members from Two (2) to Four (4)

Councilman Schraft moved and Supervisor Hosler seconded,

WHEREAS, on August 5, 2020, the Evans Town Board adopted Resolution 2020-336, directing that a proposition to increase the number of council members from two (2) to four (4) be placed on the biennial town election held on November 3, 2020, for the purpose of voting by ballot on such proposition, and

WHEREAS, the Evans Town Board believes that increasing the number of council members from two (2) to four (4) will lead to better town government, and desired the proposition to be submitted at the general election on November 3, 2020, so as to assure all citizens an opportunity to vote on this important proposition, and to avoid any additional expense to the town resulting from placing the proposition on a special election,

WHEREAS, after consultation with the Erie County Board of Elections, and due to time constraints concerning the submission of such proposition, the proposition is required to be heard at a special election held prior to the general election,

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That a proposition to increase the number of council members from two (2) to four (4) shall be submitted to the electors of the Town of Evans at a special town election held pursuant to Town Law Section 81(4) on September 22, 2020, between the hours of 8:00 a.m. and 8:00 p.m. for the purpose of voting by ballot on such proposition.

2. The polling places for said special town election are hereby designated, and the voting districts shall be consolidated so as to allow the use of one (1) voting machine at any polling place so established for more than one voting district, as set forth in Schedule A attached hereto and made a part hereof.

3. The Town Clerk shall give notice of such election by publication thereof in the Dunkirk Observer and Angola Pennysaver, such publication to be at least ten (10) days prior to the date of such special town election, and by posting a copy of such notice on the sign board of the town at least ten (10) days prior to the date of such special town election.

4. The notice of such special town election shall be in substantially the same form set forth in Exhibit 1 attached hereto and made a part hereof.

5. The Town Clerk shall contact the Erie County Board of Elections to make necessary arrangements for the purposes of bipartisan selection designation of qualified election inspectors, provision of a sufficient quantity of voting machines or ballots, preparation of the necessary oaths and certificates of election, and delivery to such election officers of any and all necessary paraphernalia for the proper conduct of such election, and the Town Clerk shall keep a log of all electors requesting a ballot by mail, and shall mail a ballot to such elector with instructions for completion and mailing of same

6. This resolution shall take effect immediately.

7. A certified copy of this resolution shall be immediately filed with the Erie County Board of Elections.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

PROPOSITION

Shall the number of council members on the Evans Town Board be increased from two (2) to four (4), such that the Evans Town Board shall be comprised of the Town Supervisor and four (4) council members beginning on January 1, 2022.

RESOLUTION 2020 #371 Authorization to Advertise for Part Time Building Inspector

Councilman George moved and Councilman Schraft seconded,

WHEREAS, a part-time Building Inspector vacancy exists in the position of Code Enforcement Office;

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to advertise for the vacancy in the Dunkirk Observer, Indeed.com and the Town of Evans website with resumes due by 11:00am on Friday, September 11, 2020 to the Supervisor's Office at 8787 Erie Road, Angola NY 14006 Attn: Mary Holl, via email mholl@townofevans.org or through the Indeed.com website.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #372 Intermunicipal Agreement with County of Erie Regarding Coronavirus Relief Funds

Supervisor Hosler moved and Councilman Schraft seconded,

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law on March 27, 2020, which provides over $2 trillion of economic relief; and

WHEREAS, through the Coronavirus Relief Fund, the CARES Act provides for payments to State, Local, and Tribal governments navigating the impact of the COVID-19 outbreak; and

WHEREAS, the CARES Act provides that the U.S. Treasury Department was to make payments from the Coronavirus Relief Fund to states and eligible units of local government; the District of Columbia and U.S. territories; and tribal governments, based on population calculations provided in the CARES Act; and

WHEREAS, the County of Erie ("County") is an eligible unit of local government under the CARES Act and has received an allocation of Coronavirus Relief Funds; and

WHEREAS, the CARES Act requires that Coronavirus Relief Funds may only be used to cover those costs of the local government that:

- are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- were not accounted for in the budget most recently approved as of March 27, 2020, for the local government entity; and
- were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the County desires to distribute a portion of its allocation of Coronavirus Relief Funds with the Local Government in order to effectuate the purpose and intent of the CARES Act and to assist the Local Government in mitigating the impacts of the COVID-19 emergency; and

WHEREAS, the Town of Evans ("Town") and the County desire to enter into an intermunicipal agreement in order to set forth the terms and conditions pertaining to such distribution.

NOW, THEREFORE BE IT RESOLVED, that the Town shall enter into the attached Intermunicipal Agreement with the County governing the terms and conditions for distribution to the Town of a portion of the County's allocation of Coronavirus Relief Funds, and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign the aforementioned Intermunicipal Agreement and transmit said Agreement to the County.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

RESOLUTION 2020 #373 Authorize Supervisor to Execute Settlement Agreement

Supervisor Hosler moved and Councilman George seconded,

WHEREAS, an Article 78 proceeding was previously filed against the Town of Evans, the Town Board, former councilwoman Jeanne Macko, and current councilman Michael Schraft, by the Petitioner, Vincent Gugliuzza, a former employee, and

WHEREAS, the Town of Evans, the Town Board, and Vincent Gugliuzza have agreed upon mutual terms and conditions of settlement of the Article 78 proceeding, wherein:

1. The October 2, 2019 resolution will be rescinded and the rescission will be reflected on the public record.
2. Vincent Gugliuzza, will receive the sum of $4,000.
3. The settlement is contingent on
    a. Approval by the Town Board,
    b. Discontinuance of the Article 78 proceeding,
    c. Releases for all respondents, whereby the Petitioner waives and releases all respondents from any claims that he may have against them, and
    d. A mutually-agreeable settlement agreement,

and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to enter into this settlement agreement in order to resolve the Article 78 proceeding and to conserve further litigation costs and;

NOW THEREFORE BE IT RESOLVED THAT the Town Board of the Town of Evans hereby authorizes the Supervisor to execute the settlement agreement with the Petitioner, Vincent Gugliuzza; and

BE IT FURTHER RESOLVED THAT the Town Board of the Town of Evans hereby authorizes the expenditure of $4,000.00 in consideration for Vincent Gugliuzza's Discontinuance of the Article 78 proceeding, as well as his waiver and release of all claims that he may have against all respondents.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman George	Aye
Councilman Schraft	Nay
Supervisor Hosler	Aye

RESOLUTION 2020 #374 Audit of Bills

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

	AUDIT OF BILLS
DATE	9/3/2020
ABSTRACT NO.	16
VOUCHER NO.	7440 - 7533
CHECK NUMBERS	81594 - 81666
APPROVED AT	Board Meeting
DATE	9/2/2020
GENERAL	$181,828.88
PART TOWN	$3,106.70
HIGHWAY DB	$37,795.69
WATER	$5,114.57
CAPITAL PROJECTS	$76,475.00
SPECIAL DISTRICTS	$19,829.12
DEBT SERVICE	$21,034.00
TOTAL	**$345,183.96**

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

RESOLUTION 2020 #375 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to September 16, 2020 at 5:00pm for a Work Session and a Town Board Meeting to follow.

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman George 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

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
(Rev. 8/15)

BE IT RESOLVED, that the Town of Evans (Name of Employer) / 30210 (Location Code) hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Highway Superintendent	8	Edward Michalski			☑	1/1/2018-12/31/2021		☐
Town Justice	6	Dennis Glascott			☐	1/1/2017-12/31/2020	2.23	☐
Town Clerk	8	Lynn Krajacic			☐	1/1/2018-12/31/2021	29.28	☐
Appointed Officials								
Town Attorney	6	Kenneth J. Farrell			☐	1/1/2020-12/31/2021	22.06	☐
Deputy Town Attorney	6	Brittany Penberthy			☐	1/1/2020-12/31/2021	3.04	☐
Town Prosecutor	6	Jennifer Farrell			☐	1/1/2020-12/31/2020	2.24	☐

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Lynn Krajacic (Name of secretary or clerk), secretary/clerk (Circle one) of the governing board of the Town of Evans (Name of Employer), of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ day of August, 20 20 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Evans (Name of Employer) on this 3 day of September, 20 20, Lynn M Krajacic (Signature of the secretary or clerk).

Affidavit of Posting: I, Lynn Krajacic (Name of secretary or clerk), being duly sworn, deposes and says that the posting of the Resolution began on September 3, 2020 (Date) and continued for at least 30 days. That the Resolution was available to the public on the

☑ Employer's website at Townofevans.org
☑ Official sign board at Town Clerk's Office
☑ Main entrance secretary or clerk's office at 8787 Erie Road, Angola NY 14006

(seal)

Attachment #1
September 2, 2020
pg 1 of 2

Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

RS 2417-B

(Rev. 8/15)

Title	Standard Work Day (Hrs/day) Min. 6 hrs, Max. 8 hrs	Name (First & Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official not sub their Reco Activiti
Elected Officials								
Town Justice	6	Moira Cooper				1/1/2019-12/31/2022	2.92	
Councilmember	6	Thomas George				1/1/2020-12/31/2023		✓
Councilmember	6	Michael Schraft				1/1/2018-12/31/2021	11.37	
Town Supervisor	6	Mary Hosler				1/1/2020-12/31/2023	43.45	
Appointed Officials								
Assessor	6	Jeneen Hill				10/1/2019-9/30/2025	29.52	
Town Prosecutor	6	Michelle Parker				1/1/2020-12/31/2020	1.29	
Assistant to Supervisor	8	Mary Holl				1/1/2020-12/31/2020	34.16	

Employer Town of Evans Location Code 30210 Page 2 of 2 (use with form RS 2417-A)

Attachment #1
September 2, 2020
page 2 of 2