Meeting #01
Regular _X_ Special _____

Wednesday, January 04th, 2023

AGENDA

Evans Town Board, Evans Town Hall, 8787 Erie Road, Angola, New York
www.townofevans.org

Item	Description	Disp.
I	Call the Meeting to Order	
II	Pledge of Allegiance	
III	Roll Call	
IV	Approval of the Minutes: December 21, 2022 Minutes	
V	Communications: 1.) Supervisors Report November 2022	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports December Town Clerk $ 12119.88 Interest Earned on Checking Account $ .54 Greenspace Fees/Trust & Agency Account $ 2100.00 Petty Cash Fund Balance $ 650.00	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Establish a capital reserve fund for the Town of Evans 2.) Establish tax stabilization reserve fund for The Town of Evans 3.) Commit ARPA Fund for The Town of Evans	
XII	Licenses: 1.) David Smith D/B/A Pappi's Place (Refreshment) 2.) Paulette Combs D/B/A Paulette's Blue Collar Inn (Refreshment, Live Band Com, Amusement) 3.) Vincent Cala Jr D/B/A Calas Catering (Refreshment) 4.) Gary Ballowe D/B/A Turtle Joe's Sandbar (Refreshment, Live Band Com, Amusement) 5.) Norman Gzyl D/B/A Lake Erie Beach Vol Fire Co. (Refreshment, Live Band Com, Amusement) 6.) Eden Valley Brewing Inc D/B/A Tim Hortons Angola (Refreshment) 7.) TSG Hamburg LLC D/B/A McDonald's #5960 (Refreshment) 8.) Robert Pasinski D/B/A Jovial Bar II Inc (Refreshment, Amusement)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday, January 18, 2023 at 6:00pm for the Work Session and Regular Meeting immediately to follow.	

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. Get the Agenda and Meeting Packet sent to your email! Subscribe to the Town of Evans Legal Paper:www.Townofevans.org http://www.observertoday.com/store/ (716)366-3000 click Newsletter Signup under the Quick Links

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:	Alex Haley	Deputy Town Clerk
	Kenneth Farrell	Town Attorney

RESOLUTION 2022 #459 Accept Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the December 7th meeting will 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

RESOLUTION 2022 #460 Appointment of Full-Time "Provisional" Dispatcher

Councilman Schraft moved and Councilman Macko seconded,

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

WHEREAS, The Town of Evans Police Department has canvassed the Erie County Civil Service Public Safety Dispatcher list and per Civil Service Law can hire "provisionally"; and

WHEREAS, Rose Hassan is a volunteer fireman and active with EMS in the Town of Evans and meets the requirements to participate in the upcoming Erie County Public Safety Dispatcher Civil Service test;

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Evans hereby appoints Rose Hassan, effective January 1, 2023 to the position of Full Time Police Dispatcher "Provisionally" 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 and the U.A.W Local 55 collective bargaining agreement.

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

RESOLUTION 2022 #461 Declare Surplus Police Department Equipment

Councilman Schraft moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the following Police Department equipment is hereby declared surplus equipment;

Whelen Control Box Part Number 01-0882233-00C SN: PID14287
Pentax PocketJet 3Plus Thermal Printer - Model A4312 SN: 021217345
HHP Scanner
HAVIS PN: DS PAN 411 - SN: 01111-P410-0261
HAVIS PN: DS PAN 421 - SN: 27752-005

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

RESOLUTION 2022 #462 Extension Contract/Agreement For Modern Disposal

Supervisor Hosler moved and Councilman Macko seconded,

WHEREAS, the Town entered into a Contract and Agreement ("Agreement"), dated January 1, 2015, with Allied Waste Services of North America, LLC d/b/a/ Allied Waste Services of Buffalo ("Republic") to provide certain solid waste collection, hauling, and disposal services as well as recycling collection, hauling and processing services; and

WHEREAS, the Agreement was amended and approved by the Town dated September 2017; and

WHEREAS, the Town accepted an Assignment ("Assignment") of the Agreement with Modern dated March 30, 2020; and

WHEREAS, the Town and Modern would like to extend the current Agreement for three (3) months;

NOW, THEREFORE, BE IT RESOLVED, the Town of Evans and Modern Disposal stipulate and agree to the following extension of the Agreement:

1. The Town and Modern hereby extend the term of the Agreement until March 31, 2023;

FURTHER, BE IT RESOLVED, this Extension Agreement is intended to modify the agreement only to the extent that the agreement is consistent with the terms stated above. All others terms and conditions of the Agreement including any amendments agreed to and made part of the original Agreement shall remain in full force and effect.

FURTHER, BE IT RESOLVED, that Supervisor Mary Hosler is hereby authorized to execute and any all documents regarding the agreement between the Town of Evans and Modern Disposal, upon approval of the Town Attorney.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #463 Authorization To Execute Interlocal Contract For Cooperative Purchasing (Hgacbuy) - (Heavy Duty In-Ground Lift) - Highway Department

Councilman Macko moved and Supervisor Hosler seconded,

WHEREAS, the Evans Town Board discussed the purchase of a new Heavy Duty In-Ground Lift for the Town of Evans Highway Department, which includes removal of the old lift and installation and construction of the new equipment; and

WHEREAS, an HGAC Equipment quote (#2022785) was obtained by the Town of Evans Highway Department from Rotary Lift having its principal place of business at 2700 Lanier Drive, Madison, IN 47250, HGAC #FL03-21; and

WHEREAS, Houston-Galveston Area Council ("H-GAC") is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities; and

WHEREAS, the Town of Evans is one of the above referenced eligible entities;

NOW, THEREFORE, BE IT RESOLVED, the Evans Town Board authorizes the HGAC purchase of the Heavy Duty In-Ground Lift and Supporting Equipment (Product Code FL21A14, FL21A15 and FL21B06), in the amount of $324,710.13, per the Rotary Lift HGAC Equipment Quotation #2022785, dated December 13, 2022; and

FURTHER, BE IT RESOLVED, Supervisor Mary Hosler is hereby authorized to execute the contract and all documents pertinent documentation, which will allow the Town of Evans to use H-GAC as a purchasing cooperative that meets the procurement policy of the Town of Evans and New York State municipal law, upon approval of the Town Attorney.

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

RESOLUTION 2022 #464 U&S Services, Inc. Agreement (2023-2025)

Councilman Reitz moved and Supervisor Hosler seconded,

BE IT RESOLVED, that the Town of Evans enter into a HVAC (Heating, Ventilating and Air Conditioning) Preventative and System Software Maintenance and Support agreement for the Municipal Building located at 8787 Erie Road, Angola, New York 14006 with U&S Services, Inc. located at 95 Stark Street, Tonawanda, New York 14150 for the period of January 1, 2023 to December 31, 2025 in the amounts of $6,480 for 2023, $6,480 for 2024 and $6,480 for 2025, payable semi-annually

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

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

RESOLUTION 2022 #465 2022 Year End Budget Transfers/Modifications

Councilman George moved and Councilman Schraft seconded,

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

NOW, THEREFORE BE IS RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget transfers/modifications to reclassify previously budgeted amounts:

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

RESOLUTION 2022 #466 2022 Budget Transfers/Modifications - Highway

Councilman Macko moved and Councilman Schraft seconded,

BE IT RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget transfers/modifications to reclassify previously budgeted amounts for the Highway Department:

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

RESOLUTION 2022 #467 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Schraft seconded, to suspend the rules of order for additional resolutions.

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

RESOLUTION 2022 #468 Employee Stipend

Supervisor Hosler moved and Councilman Schraft seconded,

RESOLVED, that the Secretary to the Supervisor, Marry Holl, shall receive additional compensation in the sum of $1,000.00 for the additional duties performed during the fiscal year 2022, payable next payroll.

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

RESOLUTION 2022 #469 Approve Town Licenses

Councilman Schraft moved and Supervisor Hosler seconded,

1.) Carrie Preischel D/B/A Chick's Restaurant & Lanes (Amusement, Refresh, Live Band Com)
2.) Tracy Spada D/B/A The Lucy Goose (Amusement, Refresh, Live Band Com)
3.) Karen Erickson D/B/A Connors Hot Dog Stand (Refreshment)
4.) William Holland D/B/A Castaways Bar & Grill (Amusement, Refresh, Live Band Com)
5.) Diana Ulsurd D/B/A Tim Hortons Derby (Refreshment)
6.) Eric Robinson D/B/A Overseas Vets of Evans Post 5798 (Refreshment & Amusement)
7.) Shixing Huang D/B/A AA China King Derby (Refreshment)

RESOLVED, that the aforesaid licenses be granted pertaining to the report of the Chief of Police and the Department of Health where appropriate.

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

RESOLUTION 2022 #158 Enter Executive Session

Supervisor Hosler moved and Councilman Reitz 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: Pending Litigation

NOW THEREFORE BE IT RESOLVED: Town Attorney Kenneth Farrell is invited to attend the Evans Town Board Executive Session.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #471 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	12/22/2022
ABSTRACT NO.	24
VOUCHER NO.	11734 - 11807
CHECK NUMBERS	85077 - 85137
APPROVED AT	Board Meeting
DATE	12/21/2022
GENERAL	$278,988.76
PART TOWN	$2,254.12
HIGHWAY DB	$35,576.37
WATER	$5,308.19
CAPITAL PROJECTS	$661,323.45
SPECIAL DISTRICTS	$1,339.02
DEBT SERVICE	
TOTAL	**$984,789.91**

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Reitz	Aye
Councilman Macko	Aye

Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #472 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn to Wednesday, December 28, 2022 at 5:00pm for a Special Work Session.

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
Town Clerk, RMC

DRAFT

Com 1

Communication

The Supervisor's Monthly report has been made to the Town Board and a copy was filed with the Town Clerk's office in accordance with Town Law.

November, 2022

TOWN OF EVANS
8787 Erie Road • Angola, NY 14006-9600
LYNN M. KRAJACIC, TOWN CLERK
Telephone (716) 549-8787

January 3, 2023

Mary Hosler, Supervisor
8787 Erie Road
Angola, New York 14006

Dear Supervisor Hosler,

Per transfer through Evans Bank, $14,220.42 was transferred to the Town of Evans Savings & Green Space account.

This represents the following:

Town Clerk December 1, 2022 - December 31, 2022	$ 12,119.88
Interest Earned on Checking Account December 1, 2022 - December 31, 2022	$ .54
Greenspace Fees/Trust & Agency Account December 1, 2022 - December 31, 2022	$ 2,100.00
Petty Cash Fund Balance	$ 650.00

These funds were received by me as Town Clerk for the Town of Evans.

Best Regards,

Lynn Krajacic, RMC
Town Clerk

Cc: Finance Dept
Councilman George
Councilman Schraft
Councilman Macko
Councilman Reitz

Res 1

RESOLUTION TO ESTABLISH A CAPITAL RESERVE FUND FOR THE TOWN OF EVANS

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Town of Evans hereby establishes a capital reserve fund in the general townwide fund known as the 2023 Evans Capital Reserve fund. The purpose of this reserve fund is to accumulate moneys to finance the cost of the attached upcoming capital improvement projects. The estimated maximum cost of such projects is $2,016,100.

The Chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Chief Fiscal Officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Evans. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law.

This resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law.

RESOLUTION TO FUND THE 2023 EVANS CAPITAL RESERVE

RESOLVED, to fund the 2023 Evans Capital Reserve with $2,016,100 of unappropriated fund balance.

Res 1
Att 1

2023 Evans Capital Reserve Fund		
Wendt Road Terminas	$	217,179
Senior Center Windows		220,000
Police - parking lot paving		75,000
Shelter Improvements at Town Park		30,000
Resurface Tennis Courts, relined, lights		200,000
18-Mile Creek Kayak and Fishing Access		196,650
Sewer Capacity Analysis - additional scope alternate and Sturgeon Point Master Plan		171,078
Parks Master Plan		60,000
Senior Center Pavilion		300,000
Energy Performance Contract - Building Envelopes & building lights		546,174
	$	2,016,081

Res 2

RESOLUTION TO ESTABLISH TAX STABILIZATION RESERVE FUND FOR THE TOWN OF EVANS

RESOLVED, that the Town of Evans hereby establishes a tax stabilization reserve for the general townwde fund. The purpose of this reserve fund is to accumulate moneys to finance certain unanticipated revenue losses or unanticipated expenditures chargeable to the eligible portion of the annual budget and to lessen or prevent projected increases in excess of 2.5% percent of the amount of the real property tax levy needed to finance the eligible portion of the annual budget.

The source of funds used to fund the reserve may be from budgetary appropriations; unrestricted, unappropriated fund balance; and such revenues not required by law to be paid into any other fund or account. No amount may be appropriated for payment into the tax stabilization reserve that would cause the balance of the fund to exceed 10 percent of the eligible portion of the annual budget for the fiscal year for which the appropriation would be made.

This resolution is subject to permissive referendum pursuant to subdivision 2 of Section 6-E of the General Municipal Law.

RESOLUTION TO FUND THE TAX STABILIZATION RESERVE

RESOLVED, to fund the tax stabilization reserve of the general townwide fund with $1,000,000 from unappropriated fund balance.

Res 3

RESOLUTION TO COMMIT ARPA FUND FOR THE TOWN OF EVANS

WHEREAS, the Town of Evans received American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF), and

WHEREAS, THE Town Board deems it necessary to commit the remaining unspent ARPA SLFRF funds to projects identified as meeting the requirements of the Final Rule;

THEREFORE, BE IT RESOLVED, that the Town of Evans hereby commits the remaining $1,146,612 of ARPA funds to the attached projects. These funds must be obligated by December 31, 2024 and must be fully expended by December 31, 2026.

Res 3
Att 1

ARPA FUND PROJECTS

Project Name	Amount Local Match
Sturgeon Point Marina Repairs	165,000
Update to the Local Waterfront Revitalization Program	20,000
Lake Erie Beach Park Shoreline Management Solutions (includes survey $12,500)	15,000
Shoreline Trail Design and construction	9,922
Phase IV FINAL Shoreline hike bike trail final phase	588,723
Sturgeon Point Marina Electrical and Sidewalk Repair	65,016
NYSDOT - Derby Road Culvert	58,633
NYSDOS - Sturgeon Point Master Plan	43,750
Erie County Office of Agircultural Funding	10,000
Drainage study	87,000
Accounting program	83,568
	1,146,612