Meeting #1
Regular _X_ Special _____

Wednesday January 8, 2025

AGENDA

Evans Town Board, Evans Town Hall, 8787 Erie Road, Angola, New York
www.townofevansny.gov

Item	Description	Disp.
I	Call the Meeting to Order	
II	Pledge of Allegiance	
III	Roll Call	
IV	Approval of the Minutes: December 18, 2024 Regular Town Board Meeting Minutes	
V	Communications:	
VI	Public Hearing & Bid Opening:	
VII	Committee & Department Head Reports:	
VIII	Town Clerk's Reports: December 2024 Town Clerk Report $17,780.80 Interest $.86 Greenspace Fee $ 0 Petty Cash $650.00	
IX	Old Business:	
X	Privilege of the Floor:	
XI	Resolutions: 1.) Appointment of Part Time Dispatcher 2.) Award RFP for Town of Evans Water Building - Roof Replacement 3.) Budget Transfers - Highway Department 4.) Declare Surplus - Highway Equipment and Vehicle 5.) Employee Stipend	
XII	Licenses: 1.) David Jacobson d/b/a Pat's Pizzeria (9542 Lakeshore Rd) (Refreshment) 2.) David Jacobson d/b/a Pat's Pizzeria (8923 Erie Rd) (Refreshment) 3.) American Legion-Newcomb Long Post 928 (Refreshment, Amusement, Live Band-Commercial) 4.) Gary Ballowe d/b/a Turtle Joe's Sand Bar (Refreshment, Amusement, Live Band-Commercial) 5.) David Johnson/Brenda Shaw d/b/a Suncliff on the Lake (Refreshment, Live Band-Commercial) 6.) Vincent Cala Jr. d/b/a Calas Kitchen & Catering (Refreshment, Live Band-Commercial) 7.) Lake Erie Beach Volunteer Fire Company (Amusement, Live Band-Commercial) 8.) David Singelyn d/b/a McDonald's (Refreshment)	
XIII	Audit of Bills:	
XIV	Adjournment to: Wednesday January 22, 2025 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:	Michael Schraft	Councilman
	John Wilson	Councilman
	Jeanne Macko	Councilman
	Laurie Reitz	Councilman
	Raymond Ashton	Supervisor
ALSO PRESENT:	Kristen Bauer	Deputy Town Clerk

RESOLUTION 2024 #402 Accept Minutes

Supervisor moved and Councilman Macko seconded that the reading of the December 4, 2024 meeting minutes dispensed with and accepted and submitted by the Town Clerk.

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Schraft	Aye
	Councilman Wilson	Aye
	Councilman Macko	Aye
	Councilman Reitz	Aye
	Supervisor Ashton	Aye

Communications

Supervisor Ashton reported that the Supervisor's September and October 2024 Monthly Report has been made to the Town Board and a copy was filed with the Town Clerk's Office.

RESOLUTION 2024 #403 Establish a Capital Reserve Fund for The Town of Evans (2024)

Councilman Wilson moved and Councilman Reitz seconded;

BE IT 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 2024 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 $3,806,085; and

FURTHER BE IT RESOLVED, 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 monies 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; and

FURTHER BE IT RESOLVED, 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; and

FURTHER BE IT RESOLVED, this resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Nay
Councilman Wilson	Aye
Councilman Macko	Nay
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #404 Fund the 2024 Evans Capital Reserve

Supervisor Ashton moved and Councilman Reitz seconded;

BE IT RESOLVED, to fund the 2024 Evans Capital Reserve with $3,806,085 of unappropriated fund balance.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Nay
Councilman Wilson	Aye
Councilman Macko	Nay
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #405 Rescinding Town Board Resolution #2019-411, "Workplace Violence Penalty"

Councilman Reitz moved and Supervisor Ashton seconded;

WHEREAS, an Article 78 proceeding was previously filed against Town of Evans' Town Board Councilwoman Jeanne Macko and Councilman Michael Schraft; and

WHEREAS, the Town Board has determined it is in the best interest of the Town to enter into an agreement in order to resolve the Article 78 proceeding and to conserve further litigation cost;

NOW, THEREFORE, BE IT RESOLVED, Town of Evans Board Resolution #2019-411, entitled "Workplace Violence Penalty" adopted October 2, 2019 is hereby rescinded; and

BE IT FURTHER RESOLVED, that the rescission of Resolution #2019-411 will be reflected on the public record, including without limitation the minutes of the October 2, 2019 Town Board meeting, when said resolution was adopted. (No Vote)

RESOLUTION 2024 #406 Enter into Executive Session

Supervisor Ashton moved and Councilman Wilson 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: Lisa Poch, Town Attorney, is invited to attend the Evans Town Board Executive Session.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Nay
Councilman Wilson	Aye
Councilman Macko	Aye
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #407 to Amend Rescinding Town Board Resolution #2019-411, "Workplace Violence Penalty"

Councilman Wilson moved and Supervisor Ashton seconded to amend the resolution Rescinding Town Board Resolution #2019-411, Workplace Violence Penalty

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Nay
Councilman Wilson	Aye
Councilman Macko	Nay
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #408 Rescinding Town Board Resolution #2019-411, "Workplace Violence Penalty", Amended

Supervisor Ashton moved and Councilman Wilson Seconded;

NOW, THEREFORE, BE IT RESOLVED, Town of Evans Board Resolution #2019-411, entitled "Workplace Violence Penalty" adopted October 2, 2019 is hereby rescinded; and

BE IT FURTHER RESOLVED, that the rescission of Resolution #2019-411 will be reflected on the public record, including without limitation the minutes of the October 2, 2019 Town Board meeting, when said resolution was adopted

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Nay
Councilman Wilson	Aye
Councilman Macko	Nay
Councilman Reitz	Aye
Supervisor Ashton	Aye

RESOLUTION 2024 #409 Audit of Bills

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

AUDIT OF BILLS

DATE	12/5/2024
ABSTRACT NO.	22
VOUCHER NO.	15589 - 15709
CHECK NUMBERS	88237 - 88325
APPROVED AT	Board Meeting
DATE	12/4/2024
GENERAL	$75,027.68
PART TOWN	$4,956.69
HIGHWAY DB	$24,723.16
WATER	$10,739.80
CAPITAL PROJECTS	$549,132.45
SPECIAL DISTRICTS	$1,135.00
DEBT SERVICE	
TOTAL	**$665,714.78**

RESOLUTION 2024 #410 Adjournment

Supervisor Ashton moved and Councilman Reitz seconded to adjourn to Wednesday, January 8, 2025 at 6:00 pm for the Organizational Meeting with the Work Session and the Regular Meeting to follow.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Schraft	Aye
Councilman Wilson	Aye
Councilman Macko	Aye
Councilman Reitz	Aye
Supervisor Ashton	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

Kristen Bauer
Deputy Town Clerk

TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

January 2, 2025

Raymond Ashton, Supervisor
8787 Erie Road
Angola, New York 14006

Dear Supervisor Ashton,

Per transfer through Evans Bank, $17,781.66 was transferred to the Town of Evans Savings & Green Space account.

This represents the following:

Town Clerk December 1, 2024 - December 31, 2024	$ 17,780.80
Interest Earned on Checking Account December 1, 2024 - December 31, 2024	$ .86
Greenspace Fees/Trust & Agency Account December 1, 2024 - December 31, 2024	$ 0
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 Wilson
Councilman Schraft
Councilman Macko
Councilman Reitz

Res 1

RESOLUTION – APPOINTMENT OF PART-TIME DISPATCHER

Submitted for the January 8, 2025 Board Meeting

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

WHEREAS, Michael J. Gian has been interviewed and has met the qualifications to be a Public Safety Dispatcher; and

WHEREAS, Michael Gian worked as a Public Safety Dispatcher for the Town of Evans and resigned from his employment in 2020 in good standing upon accepting a full time position as a Firefighter/ EMT with Horry County Fire Rescue in Conway, South Carolina;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Michael J. Gian, effective January 10, 2025, to the position of part time Public Safety Dispatcher with the Evans Police Department; at an hourly rate set forth in the 2025 reorganizational resolution; and

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

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

ROLL CALL VOTE:

Authorized by _____

Chief of Police

Res 2

RESOLUTION
AWARDING REQUEST FOR PROPOSALS (RFP)
TOWN OF EVANS – WATER BUILDING 8752 DELAMATER ROAD

WHEREAS, request for proposals were solicited for the replacement of the Town of Evans Water Building located at 8752 Delamater Road, Angola, New York; and

WHEREAS, proposals were received by August 5, 2024 by 2:00pm and opened on August 5, 2024 at 2:00pm; and

WHEREAS, the lowest responsible proposal was submitted by Elmer W. Davis, Inc., 2600 N. America Drive, #8, West Seneca, NY 14224; and

WHEREAS, the Town of Evans has reviewed the proposal from Elmer W. Davis, Inc., and has confirmed the company's understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by Elmer W. Davis, Inc., 2600 N. America Drive, #8, West Seneca, NY 14224 was $488,157.00;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Town of Evans Water Building – Roof Replacement to Elmer W. Davis, Inc., 2600 N. America Drive, #8, West Seneca, NY 14224; and

BE IT FURTHER RESOLVED, that Supervisor Ray Ashton is authorized to execute all necessary contract documents regarding said proposal award, upon the approval of the Town Attorney.

ROLL CALL VOTE:

Res 3

RESOLUTION – BUDGET TRANSFERS – HIGHWAY

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

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans hereby authorizes the Director of Finance to make the following budget transfers for Resurfacing Overages and Maintenance and Parts Costs:

Transfer From:

DB5110.220.00	Highway Machinery & Motor Vehicles	$10,000.00
DB5110.220.00	Highway Machinery & Motor Vehicles	$20,000.00

Transfer To:

DB5110.401.04	Dedicated Highway Funds	$10,000.00
DB5130.410.00	Equipment – Parts & Supplies	$20,000.00

ROLL CALL VOTE:

Res 4

Resolution - Declare Surplus - Highway Equipment and Vehicle

Submitted by Highway Department

BE IT RESOLVED, that the following highway equipment is hereby declared surplus equipment and will be sold at auction with proceeds being deposited in the Towns General Fund account:

1-2 way plow 1(one) foot

9- Calcium tank (70 gallon)

Calcium tank (2600 gallon)

Hydraulic lift tank and motor (240 volt)

2-old style Gradall buckets

Parts washer

14- plastic pvc water lines (8 inch)

Mini John Deere broom

Alamo mower deck; and

FURTHER, BE IT RESOLVED, that the following highway vehicle is hereby declared a surplus vehicle and will be sold at auction with the proceeds being deposited in the Towns General Fund account:

2006 International 7600 with plow and wing VIN: 1HTWZAHR26J234722

ROLL CALL VOTE:

Resolution – Employee Stipend

Res 5

RESOLVED, that Alex Haley shall receive additional compensation in the amount of $1000 annually for additional duties performed pursuant to the administration of the Town of Evans website, payable bi-weekly.

ROLL CALL VOTE: