

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:
- | | |
|-----------------|---------------|
| Lynn Krajacic | Town Clerk |
| Kenneth Farrell | Town Attorney |

RESOLUTION 2023 #57 Accept Minutes

Supervisor Hosler moved and Councilman Reitz seconded that the reading of the minutes of December 21, 2022 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 |

Communications

Supervisor Hosler reported that the Supervisor’s Monthly Report for November 2022 has been made to the Town Board and a copy was filed with the Town Clerk’s Office.

RESOLUTION 2023 #58 Town Clerk’s Reports

Supervisor Hosler moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of December 2022:

Town Clerk Report	\$12,119.88
Interest	\$.54
Greenspace Fee	\$ 2,100.00
Petty Cash	\$ 650.00

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

RESOLUTION 2023 #59 Establish Capital Reserve Fund for the Town of Evans

Councilman Schraft moved and Councilman Macko seconded;

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, as amended.

(See attachment A)

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

RESOLUTION 2023 #60 Establish Tax Stabilization Reserve Fund

Supervisor Hosler moved and Councilman Reitz seconded;

RESOLVED, that the Town of Evans hereby establishes a tax stabilization reserve for the general townwide 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.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #61 Commit ARPA Fund

Councilman Macko moved and Councilman Reitz seconded;

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.

(See attachment B)

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #62 Suspend the Rules of Order

Supervisor Hosler moved and Councilman Schraft seconded to suspend the rules of order for the consideration of an additional resolution

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

RESOLUTION 2023 #63 Award of Bid for Demolition

Supervisor Hosler moved and Councilman Schraft seconded;

WHEREAS, per resolution #2022-418, fifteen (15) properties in the Town of Evans which were deemed to be unsafe and an endangerment to the public at large, specifically:

- 8800 Southwestern Boulevard, Angola 14006
- 170 W Sterling Avenue, Angola 14006
- 172 W Sterling Avenue, Angola 14006
- 9687 Erie Road, Angola 14006
- 9813 Erie Road, Angola 14006
- 8291 Erie Road, Angola 14006
- 170 Delavan Avenue, Angola 14006
- 566 Monroe Avenue, Angola 14006
- 7254 Erie Road, Angola 14006
- 1441 Sturgeon Point Road, Derby 14047
- 7018 Woodcliff Drive, Angola 14006
- 395 Herr Road, Angola 14006
- 497 Roanoke Avenue, Angola 14006
- 197 Pleasant Avenue, Angola 14006
- 9625 Ivanhoe Avenue, Angola 14006; and

WHEREAS, the Evans Town Board authorized the Town Clerk to advertise for bids for demolition of the aforementioned unsafe and dangerous properties in the Town of Evans, New York; and

WHEREAS, bids were received and opened on December 29, 2022 at 2:00pm, in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by Geiter Done of WNY, 300 Greene Street, Buffalo, NY 14206; and

WHEREAS, the Town of Evans' Code Enforcement Officer and Town Attorney has reviewed the proposal from Geiter Done of WNY; and

WHEREAS, Town of Evans' Code Enforcement Officer has confirmed and reviewed the contractor's bonds and insurances; and

WHEREAS, the bid for the Base Bid submitted by Geiter Done of WNY was \$359,000;

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned bid of Geiter Done WNY, 300 Greene Street, Buffalo, New York 14206, to demolish the fifteen (15) above referenced properties in the Town of

Evans, New York, be and hereby is accepted by the Town of Evans, with a cost not to exceed \$359,000; and

BE IT FURTHER RESOLVED, that the Supervisor Mary K. Hosler is authorized to execute all bid award and/or contract documents for such bid award, upon the 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 2023 #64 Network & Cellular Provider

Councilman George moved and Supervisor Hosler seconded;

WHEREAS, the Town of Evans is currently utilizing Verizon Wireless for its wireless network and cellular provider; and

WHEREAS, the Town of Evans desires to change its' network and cellular provider from Verizon Wireless to FIRSTNET with AT&T Government accounts; and

WHEREAS, at the December 21, 2022 Work Session, the Evans Town Board discussed and verbally approved the Chief of Police move forward with this change in order to secure 2022 pricing, with a resolution to be presented at the January 4, 2023 Town Board meeting;

NOW, THEREFORE, BE IT RESOLVED, the Town of Evans Supervisor and/or the Chief of Police may enter into an agreement for services with FIRSTNET (AT&T Government Accounts) and the Town of Evans Supervisor may execute all documents pertaining to this agreement;

BE IT FURTHER RESOLVED, this resolution is considered nunc pro tunc.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #65 Appointment of Maintenance 1 Workers

Supervisor Hosler moved;

BE IT RESOLVED, effective Monday, January 9, 2023, Joshua Geiser and Matthew Timm are hereby appointed Full Time Maintenance 1 Workers; and

FURTHER, BE IT 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.
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RESOLUTION 2023 #66 Amend Resolution to Appointment of Maintenance 1 Workers

Councilman Schraft moved and Councilman Macko seconded to amend Resolution to Appoint Maintenance 1 Workers

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #67 Amended Resolution to Appointment of DPW Workers

Councilman Schraft moved and Councilman Macko seconded,

BE IT RESOLVED, effective Monday, January 9, 2023, Joshua Geiser and Matthew Timm are hereby appointed Full Time DPW Maintenance Worker B workers; and

FURTHER, BE IT RESOLVED, all relative issues, rules and regulations will be understood to all parties subject to Civil Service Law and the SEIU 200 United collective bargaining agreement, as amended.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #68 Approve Town Licenses

Councilman Schraft moved and Councilman Macko seconded,

- 1.) David Smith D/B/A Pappi’s Place - Refreshment
- 2.) Paulette Combs D/B/A Paulette’s Blue Collar Inn - Refreshment, Live Band Commercial, Amusement
- 3.) Vincent J. Cala D/B/A Cala’s Kitchen & Catering - Refreshment
- 4.) Gary T. Ballowe D/B/A Turtle Joes Sandbar - Refreshment, Amusement & Live Band
- 5.) Norman Gzyl D/B/A Lake Erie Beach Vol Fire Co. - Refreshment, Live Band Commercial, 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 - 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 2023 #69 Audit of Bills

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

	<u>AUDIT OF BILLS</u>
DATE	1/5/2023
ABSTRACT NO.	25
VOUCHER NO.	11808 - 11828
CHECK NUMBERS	85138 - 85149
APPROVED AT	Board Meeting
DATE	1/4/2023
GENERAL	\$16,805.90
PART TOWN	\$20.49
HIGHWAY DB	
WATER	\$2,198.37
CAPITAL PROJECTS	
SPECIAL DISTRICTS	\$113,396.43
DEBT SERVICE	
TOTAL	\$132,421.19

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2023 #70 Adjournment

Supervisor Hosler moved and Councilman Schraft seconded to adjourn Wednesday, January 18, 2023 at 6:00pm for a Work Session and the Regular Meeting to follow.

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 RMC
Town Clerk