

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

PUBLIC HEARING

NOTICE OF PUBLIC HEARING
TOWN OF EVANS

Please take notice, the Town Board of the Town of Evans, Erie County, NY will hold a Public Hearing on September 21, 2022 at 7:10 pm in the Court Room of the Evans Municipal Center (located at 8787 Erie Road, Angola, NY 14006) regarding the use of Federal Community Development funds in the Town of Evans. The Town of Evans is eligible for a Federal Community Development Grant under Title 1 of the Housing and Community Development Act of 1974, as amended. The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Evans. Citizens are urged to attend this Public Hearing to make known their views and/or written proposals on the Town of Evans' selection of potential projects to be submitted for possible funding by the Federal Community Development Grant program. The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Evans at (716) 217-3529. The Hearing may also be attended via a Zoom link which can be found on the Town's website. Questions and comments may also be forwarded via USPS to the Evans Planning Office at 8787 Erie Road, Angola, NY 14006 or by email to planning@townofevans.org; any written questions or comments forwarded to the Planning Department will be included in the record of the Public Hearing. All parties of interest and citizens shall have an opportunity to be heard by the Town Board at the Public Hearing to be held aforesaid.

By order of the Town Board of the Town of Evans
Lynn M. Krajacic
Town Clerk

RESOLUTION 2022 #336 Open the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to open the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

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

Bill Smith explained the CDBG process.
Bill Henry requested Bicycle Racks and Renewable Energy Projects

RESOLUTION 2022 #337 Close the Public Hearing

Supervisor Hosler moved and Councilman Macko seconded to close the public hearing.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #338 Accept Minutes

Supervisor Hosler moved and Councilman Macko seconded that the reading of the minutes of the September 7, 2022 meeting 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 #339 Remove from Old Business Item #3 2022 Mid -Year Budget Transfers

Supervisor Hosler moved and Councilman George seconded to remove from Old Business, item #3 2022 Mid Year Budget Transfers

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

RESOLUTION 2022 #340 2022 Mid -Year Budget Transfers

Supervisor Hosler moved and Councilman George 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 to reclassify previously budgeted amounts: SEE ATTACHED FOR LISTING

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

RESOLUTION 2022 #341 Appointment of Part Time Clerk

Supervisor Hosler moved and Councilman Reitz seconded,

WHEREAS; a vacancy exists for a Part Time Clerk; and

WHEREAS; interviews were conducted; and

WHEREAS; references and background checks were verified and completed;

NOW, THEREFORE, BE IT RESOLVED; that the Town Board of the Town of Evans hereby appoints Kolleen Kandra to Part Time Clerk for the Town of Evans, effective September 22, 2022.

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

RESOLUTION 2022 #342 Enter into Agreement with Comtel

Councilman Reitz moved and Supervisor Hosler 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, 2022 to July 31, 2023 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 Reitz	Aye
Councilman Macko	Aye
Councilman Schraft	Aye
Councilman George	Aye
Supervisor Hosler	Aye

RESOLUTION 2022 #343 Appointment of Permanent Crew Chief for Parks/Marina Department

Councilman George moved and Councilman Macko seconded,

WHEREAS, per resolution #2022 #267, Richard Galfo was unanimously appointed as Temporary Crew Chief, whereby Mr. Galfo will oversee all full and part time employees in the current Parks/Marina Department and departmental responsibilities; and

WHEREAS, per the above referenced resolution Mr. Galfo’s salary was adjusted to reflect the appointment, until such time the Town appoints an individual permanently;

WHEREAS, as per resolution #2022 #267, the Crew Chief for Parks/Marina was posted.

BE IT RESOLVED, that Richard Galfo is hereby appointed as permanent Crew Chief for the Parks/Marina Department, effective immediately.

VOTE RESULT: ADOPTED BY ROLL CALL

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

RESOLUTION 2022 #344 Authorize School Resource Officer to Attend MPTC Basic School Resource Officer Course

Councilman Macko moved and Supervisor Hosler seconded,
WHEREAS; Town of Evans Patrolman Patrick Atler is assigned to the Lake Shore Central School District as the School Resource Officer (SRO); and

WHEREAS; this training is a requirement to become a certified School Resource Officer (SRO);

NOW, THEREFORE BE IT RESOLVED; that the Town Board of the Town of Evans hereby approves the request of Chief of Police Gregory Szarowicz to grant permission to Patrolman Patrick Atler to attend the MPTC Basic School Resource Officer Course being held November 14th - 18th, 2022 in Ontario County, and all appropriate and reasonable expenses shall be paid by the Town, per Town policy.

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

RESOLUTION 2022 #345 2022 Town of Evans Halloween Celebration

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS, the Evans Town Board recognizes the celebration of Halloween in the Town of Evans for the year of 2022 on October 31, 2022; and

WHEREAS, the citizens of the Town of Evans may choose to participate by leaving an outside light on during the hours of 6:00pm to 8:00pm to insure the safety of the children in their Trick or Treat travels;

NOW, THEREFORE, BE IT RESOLVED, that a copy of this resolution be published by the Town Clerk in the Angola Pennysaver and be published on the Town of Evans website.

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

RESOLUTION 2022 #346 Awarding Bid for Town of Evans Seasonal Mowing

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, bids were solicited for the Seasonal Mowing Three (3) Year Contract in the Town of Evans, New York beginning May 2023 through October 2025; and

WHEREAS, bids were received and opened and read aloud on September 2, 2022 at 2:00pm, in accordance with the Notice to Bidders previously authorized and the extension thereof; and

WHEREAS, the lowest responsible bid was submitted by Empire Lawn Care and Hardscapes, 26 Henry Drive, Angola, NY 14006; and

WHEREAS, Clark Patterson Lee has reviewed and discussed the bid from Empire Lawn Care and Hardscapes and have confirmed the company’s understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by Empire Lawn Care and Hardscapes was \$152,187.00;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Town of Evans Seasonal Mowing Three (3) Year Contract to Empire Lawn Care and Hardscapes, 26 Henry Drive, Angola, NY 14006; and

BE IT FURTHER RESOLVED, that Supervisor Mary Hosler is authorized to execute any necessary contract documents regarding said 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 2022 #347 Suspend the Rules of Order

Supervisor Hosler moved and Councilman George seconded to suspend the rules of order for the consideration of an 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 #348 Authorization to Execute Interlocal Contract for Cooperative Purchasing

Supervisor Hosler moved and Councilman George seconded

WHEREAS, 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, pursuant to the Act, 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 under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on 01/08/2020 (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract

ARTICLE 3: WHOLE AGREEMENT

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

The period of this Contract shall be for the balance of the fiscal year of the End User, which began 9/1/2022 and ends 3/1/2023. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H- GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H- GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H- GAC shall transfer directly from the contractor to the End User.

ARTICLE 6: PAYMENTS

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H- GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

FURTHER, BE IT RESOLVED, Supervisor Mary Hosler is hereby authorize to execute the contract and all documents pertinent, 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

<p>AMENDED 11/16/2022 Res #427 PG 250</p>

RESOLUTION 2022 #349 Purchase of Surf Rake 400 HD for Parks Department

Supervisor Hosler moved and Councilman Macko seconded

WHEREAS, the Evans Town Board discussed the purchase of a new Surf Rake (Beach Rake) for the Parks Department at the September 7, 2022 Work Session to be put up for resolution at the September 21, 2022 Town Board meeting;

BE IT RESOLVED, the Evans Town Board hereby authorizes the purchase of a new Surf Rake 400HD (Product Code RH0820I13), which includes an automatic finisher attachment and a hydraulic moldboard, in the amount \$49,379.00, which \$40,000.00 will be paid for through the

Town of Evans Greenspace budget line and the remaining balance through the 2023 Parks budget line; and

FURTHER, BE IT RESOLVED, that the Town Board of the Town of Evans authorizes Supervisor Mary K. Hosler to execute all documentation pursuant to the purchase of the above referenced equipment, 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 2022 #350 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	9/22/2022
ABSTRACT NO.	17
VOUCHER NO.	11256 - 11330
CHECK NUMBERS	84687 - 84746
APPROVED AT	Board Meeting
DATE	9/21/2022
GENERAL	\$71,715.19
PART TOWN	\$2,192.38
HIGHWAY DB	\$55,948.89
WATER	
CAPITAL PROJECTS	\$1,029,492.76
SPECIAL DISTRICTS	\$25.00
DEBT SERVICE	
TOTAL	\$1,159,374.22

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

RESOLUTION 2022 #351 Adjournment

Supervisor Hosler moved and Councilman Macko seconded to adjourn Wednesday, October 5, 2022 at 6pm 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