

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 7<sup>th</sup> 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 (Hqacbuy) - (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:

	<b><u>AUDIT OF BILLS</u></b>
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	
<b>TOTAL</b>	<b>\$984,789.91</b>

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

Alex Haley  
Deputy Town Clerk



Town of Evans  
 Budget Transfer and Modification Requests  
 Through December 13, 2022

**BUDGET TRANSFERS**

Account	Department	Account Number	Increase	Decrease
COURT REIMBURSEMENT	Court	AA.01110.0431.00	1,000.00	
COURT CONTRACTUAL	Court	AA.01110.0400.02		1,000.00
To cover costs				
SUPERVISOR SUPPLIES	Supervisor	AA.01220.0401.00	1,000.00	
SUPERVISOR INFORMATION TECHNOLOGY		AA.01220.0420.00	500.00	
SUPERVISOR PART TIME HOURLY	Supervisor	AA.01220.0111.00		1,500.00
To cover costs				
ENGINEERING	Engineer	AA.01440.0423.00	5,000.00	
CONTINGENT	Judgements & Claims	AA.01910.0408.00		5,000.00
to cover costs				
FINANCE COPIER	Finance	AA.01610.0420.03	1,000.00	
AUDITING SERVICES	Finance	AA.01610.0422.02	8,500.00	
CONTINGENT	Judgements & Claims	AA.01910.0408.00		9,500.00
To cover services - additional audit service for agreed upon procedure engagement for pool grant				
MAINTENANCE SUPPLIES	Buildings & Grounds	AA.01620.0401.01	4,000.00	
UTILITIES GAS AND ELECTRIC	Buildings & Grounds	AA.01620.0405.01	15,000.00	
UTILITIES TIME WARNER CABLE AND INTERNET	Buildings & Grounds	AA.01650.0405.02	4,000.00	
CENTRAL COMMUNICATION EQUIPMENT MAINTENANCE	Buildings & Grounds	AA.01650.0410.00	250.00	
CONTINGENT	Judgements & Claims	AA.01910.0408.00		23,250.00
TO COVER COSTS				
DISPATCHERS OVERTIME	Police	AA.03120.0120.02	30,000.00	
POLICE OVERTIME	Police	AA.03120.0120.03	100,000.00	
POLICE FULL TIME SALARIED	Police	AA.03120.0100.00		130,000.00
POLICE FUEL	Police	AA.03120.0403.00	30,000.00	
POLICE VEHICLE MAINTENANCE	Police	AA.03120.0411.00	2,000.00	
POLICE INFORMATION TECHNOLOGY	Police	AA.03120.0420.00	6,000.00	
POLICE PT HOURLY	Police	AA.03120.0111.05		18,175.00
POLICE SUPPLIES OTHER	Police	AA.03120.0401.03		2,000.00
POLICE UNIFORM MAINTENANCE	Police	AA.03120.0404.01		17,825.00
to cover overtime and vehicle costs				
DOG CONTROL FUEL		AA.03510.0403.00	1,500.00	
PT SEASONAL MARINA	Special Recreation	AA.07180.0112.03		1,500.00
to cover costs				
VEHICLE MAINTENANCE	Highway Admin	AA.05010.0411.00	1,000.00	
FACILITY MAINTENANCE	Highway Admin	AA.05010.0412.00	3,000.00	
INFORMATION TECHNOLOGY	Highway Admin	AA.05010.0420.00	400.00	
DUES AND SUBSCRIPTIONS	Highway Admin	AA.05010.0430.00	400.00	
REIMBURSEMENT	Highway Admin	AA.05010.0431.00	700.00	
PT SEASONAL MARINA	Special Recreation	AA.07180.0112.03		5,500.00
To cover highway costs				

Town of Evans  
 Budget Transfer and Modification Requests  
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BUDGET TRANSFERS

Account	Department	Account Number	Increase	Decrease
PARKS EQUIPMENT (surf rake)	Parks	AA.07110.0240.01	10,379.00	
PARKS EQUIPMENT (truck)	Parks	AA.07110.0240.01	30,000.00	
PARKS PART TIME SEASONAL	Parks	AA.07110.0112.00	14,000.00	
POOL - DANFORTH SERVICE CONTRACT	Parks	AA.07110.0400.04	200.00	
PARKS FUEL	Parks	AA.07110.0403.00	1,500.00	
PARKS - UTILITIES	Parks	AA.07110.0405.00	500.00	
POOL UTILITIES	Parks	AA.07110.0405.01	2,500.00	
PARKS EQUIPMENT - LANDSCAPING	Parks	AA.07110.0410.00	35,000.00	
MARINA FULL TIME SALARIED	Special Recreation	AA.07180.0120.00	17,000.00	
FUEL MARINA OPERATIONS	Special Recreation	AA.07180.0403.02	3,000.00	
MARINA - UTILITIES	Special Recreation	AA.07180.0405.02	5,000.00	
PT SEASONAL MARINA	Special Recreation	AA.07180.0112.03		21,079.00
FUEL RESALE	Special Recreation	AA.07180.0403.01		20,000.00
DREDGING MARINA - RESTORATION AND IMPROVEMENTS (dredging costs covered by monies received from Erie County) to cover costs	Special Recreation	AA.07180.0413.00		78,000.00
environmental fair CONTINGENT to cover costs	Celebrations Judgements & Claims	AA.07550.0400.04 AA.01910.0408.00	2,000.00	2,000.00
SENIORS OTHER SUPPLIES	Seniors	AA.07610.0401.01	750.00	
SENIORS PRINTING POSTAGE ADVERT	Seniors	AA.07610.0402.00	50.00	
SENIORS FACILITY MAINTENANCE	Seniors	AA.07610.0412.00	7,000.00	
SENIORS EQUIPMENT	Seniors	AA.07610.0200.00		3,000.00
SENIORS BUILDINGS AND IMPROVEMENTS	Seniors	AA.07610.0240.00		4,000.00
CONTINGENT To cover costs	Judgements & Claims	AA.01910.0408.00		800.00
PRINTING POSTAGE ADVERTISING DUES & SUBSCRIPTIONS to cover costs	Administration Administration	AA.08686.0402.00 AA.08686.0430.00	500.00	500.00

Town of Evans  
 Budget Transfer and Modification Requests  
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**BUDGET MODIFICATIONS**

	Department	Account	Increase	Increase
SCHOOL RESOURCE OFFICER POLICE FULL TIME SALARIED	Police Police	AA.02260.0000.03 AA.03120.0100.00	100,000.00	100,000.00
modify budget to increase the school resource officer revenue from the Seneca Nation and salary expenditures				
PERMITS, OTHER - GREENSPACE PARKS EQUIPMENT		AA.02590.0000.GS AA.07110.0240.01	14,810.00	14,810.00
modify budget to increase permit revenues to cover 1/2 cost of salt rake				
MISCELLANEOUS OTHER GOVT DREDGING-MARINA - RESTORATION AND IMPROVEMENTS		AA.02260.0000.06 AA.07180.0413.00	81,970.00	81,970.00
modify budget for monies received from Erie County for dredging				
ENVIRONMENTAL FAIR - GIFTS & DONATIONS GIFTS & DONATIONS BICENTENNIAL SPECIAL EVENTS ADVISORY BOARD ENVIRONMENTAL FAIR	Gifts & Donations Gifts & Donations Celebrations Celebrations	AA.002705.0000.02 AA.02705.0000.06 AA.07550.0400.03 AA.07550.0400.04	1,000.00 2,000.00	2,000.00 1,000.00
modify budget to increase revenues and expenditures for community events				
STATE AID MORTGAGE TAX LEGAL SERVICES INSURANCE SERVICE CONTRACT CLAIMS PARKS EQUIPMENT (truck)	State Aid Finance Unallocated Insurance Judgements & Claims Parks	AA.03005.0000.00 AA.01510.0427.00 AA.01910.0400.00 AA.01930.0408.00 AA.07110.0240.01	200,000.00	80,000.00 43,000.00 45,000.00 32,000.00
modify budget for mortgage tax received in an amount greater than budgeted				

Town of Evans  
 Budget Transfer and Modification Requests  
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BUDGET TRANSFERS

Account	Department	Account Number	Increase	Decrease
MACHINERY EQUIPMENT	HIGHWAY	DB.05130.0410.00	30,000.00	
EQUIPMENT RENTAL	HIGHWAY	DB.05130.0410.01		30,000.00

cover new transmission for truck 11 & additional supplies

BUDGET MODIFICATIONS

	Department	Account	Increase	Increase
Highway Machinery & Capital Outlay		DB.05110.0220.00	325,000.00	
Unappropriated Fund Balance		DB.00915.0000.00		325,000.00

modify budget for new lift