Evans Town Board

At a meeting of the Town Board of the Town of Evans, the following were present:

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| PRESENT: | Laurie Reitz | Councilman |
| | Jeanne Macko | Councilman |
| | Michael Schraft | Councilman |
| | Thomas George | Deputy Supervisor |
| ALSO PRESENT: | Lynn Krajacic | Town Clerk |
| | Kenneth Farrell | Town Attorney |

***RESOLUTION 2023 #402 Enter Executive Session***

Deputy Supervisor George moved and Councilman Schraft 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: Employment History of a Particular Person and Litigation.

NOW THEREFORE BE IT RESOLVED: Ken Farrell, Town Attorney, Jennifer Rogers, Sugarman Law Firm, Chief Greg Szarowicz and Kelly Kent, Human Resources are invited to attend the Evans Town Board Executive Session.

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

***RESOLUTION 2023 #403 Accept Minutes***

Deputy Supervisor George moved and Councilman Schraft seconded that the reading of the minutes of August 16, 2023 be dispensed with and accepted as submitted by the Town Clerk.

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

***Communications***

William Smith, Director of Planning & Community Development Re: Special Use Permit - Development, construction and operation of two solar arrays, totaling approximately 10 Megawatt AC located in the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11, (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1). Petitioner: Solar Liberty Energy Systems, Inc., (DBA SL Evans, LLC), 6500 Sheridan Dr., Suite 120, Buffalo NY 14221.

***RESOLUTION 2023 #404 Advertise for Public Hearing Solar Liberty Energy***

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS, in a letter dated September 1, 2023, the Planning Board has requested that the Town Board set a public hearing regarding the petition of Solar Liberty Energy Systems, Inc. (DBA SL Evans, LLC), 6500 Sheridan Dr., Suite 120, Buffalo NY 14221 for a Special Use Permit for proposed development, construction and operation of two solar arrays, totaling approximately 10 MW AC located in the Solar Overlay District on Southwestern Blvd. (AKA U.S. Route 20), SBL# 207.00-4-11.11, (formerly two abutting parcels known as SBL#'s 207.00-4-21.1 & 207.00-4-11.1).

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on September 20, 2023 at 7:10pm for the consideration of said Special Use Permit; and

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning and Code Enforcement Offices.

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

***RESOLUTION 2023 #405 Town Clerk's Reports***

Deputy Supervisor George moved and Councilman Schraft seconded to accept the reports of the Town Clerk as presented for the month of August 2023:

| | |
|---|---|
| Town Clerk Report | $57,104.50 |
| Interest | $3.94 |
| Greenspace Fee | $1,400.00 |
| Petty Cash | $650.00 |

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

***OLD BUSINESS***

***RESOLUTION 2023 #406 Remove Items 2 and 4 from Old Business***

Councilman Macko moved and Councilman Reitz seconded to remove items 2 and 4 Budget Amendments – Highway from Old Business.

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

***RESOLUTION 2023 #407 Budget Transfer – Highway – Tree Removal***

Councilman Macko moved and Councilman Schraft seconded;

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 Supervising Accountant to make the following budget transfer to reappropriate funds for costs associated with tree removal discussed by the Town Board at the February 15, 2023 Work Session:

Transfer From:

| | | |
|---|---|---|
| A1990.400.00 | Contingent | $10,500 |

Transfer To:

| | | |
|---|---|---|
| DB.5110.400.02 | Tree Removal | $10,500 |

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

***RESOLUTION 2023 #408 Budget Amendment – Highway – Ground Life***

Councilman Schraft moved and Councilman Macko seconded;

WHEREAS, the Town of Evans Town Board approved the 2023 budget on November 16, 2022 by resolution 2022-425; and,

WHEREAS, the Town finds it necessary to amend the 2023 budget to recognize the receipt of funds associated Resolution 2022 #463 (Heavy Duty In-Ground Lift) – Highway Department;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans hereby amends the 2023 budget; and,

BE IT FURTHER RESOLVED, that the Town Board of the Town of Evans hereby authorizes the Supervising Accountant to make the following budget amendments:

Increase:

DB.5100.220 $324,710.13

VOTE RESULT: ADOPTED BY ROLL CALL

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|---|---|
| Councilman Reitz | Aye |
| Councilman Macko | Aye |
| Councilman Schraft | Aye |
| Deputy Supervisor George | Aye |

***RESOLUTION 2023 #409 Appointment of Full Time Dispatcher***

Councilman Schraft moved and Councilman Reitz seconded;

WHEREAS on November 9, 2022 Kristan Klepp was hired "Provisionally" as a full Time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, The Town of Evans Police Department has canvassed the current Erie County Civil Service Public Safety Dispatcher list # 66-684; and

WHEREAS, Kristan Klepp is on the aforementioned list and meets all the requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Kristan Klepp, to the position of full-time Public Safety Dispatcher 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

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|---|---|
| Councilman Reitz | Aye |
| Councilman Macko | Aye |
| Councilman Schraft | Aye |
| Deputy Supervisor George | Aye |

***RESOLUTION 2023 #410 Appointment of Full Time Dispatcher***

Deputy Supervisor George moved and Councilman Reitz seconded,

WHEREAS, on December 21, 2022 Rose Hassan was hired "Provisionally" as a full Time Public Safety Dispatcher in the Evans Police Department; and

WHEREAS, The Town of Evans Police Department has canvassed the current Erie County Civil Service Public Safety Dispatcher list # 66-684; and

WHEREAS, Rose Hassan is on the aforementioned list and meets all the requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Rose Hassan, to the position of full time Public Safety Dispatcher 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.

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

***RESOLUTION 2023 #411 Salary Structure for Part Time /Seasonal Police Officers***

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS; Part Time Police Officers are utilized to supplement full-time police officers and aid in the smooth operation of the Police Department; and

WHEREAS; the current rate of pay set forth in the 2023 Reorganizational Town of Evans Board Meeting was $22.00 dollars per hour;

NOW, THEREFORE, BE IT RESOLVED; that the Town Board of the Town of Evans hereby sets the Part Time/Seasonal Police Officer hourly salaries based on years of experience as a certified Police Officer to the following hourly salary, and shall be effective immediately upon approval of the Town Board:

Academy: $20 dollars per hour
1 -5 Years Experience: $24 dollars per hour
6 -10 Years Experience: $26 dollars per hour
11-15 Years Experience: $28 dollars per hour
16 years + Experience: $30 dollars per hour

FURTHER, BE IT RESOLVED; that a copy of this resolution will be provided to the Chief of Police, Human Resources and Payroll Department.

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

***RESOLUTION 2023 #412 Appointment of Part Time Police Officer - Davis***

Councilman Reitz moved and Councilman Macko seconded,

WHEREAS; there is an opening for a Part Time Police Officer in the Town of Evans Police Department; and

WHEREAS; Patrick Davis is a certified Police Officer and worked for the Village of Angola Police Department, and the Village of North Collins and;

WHEREAS; Patrick Davis has successfully interviewed and passed all aspects of the Town of Evans Police Department Background check;

NOW, THEREFOR, BE IT RESOLVED, that the Town Board of the Town of Evans hereby appoints Patrick Davis, effective on 9/7/2023, to the position of Part-Time Police Officer with the Town of 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.

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

***RESOLUTION 2023 #413 Appointment of Part Time Clerk – Highway Department***

Councilman Schraft moved and Councilman Reitz seconded,

BE IT RESOLVED, effective September 11, 2023, the following individual is hereby appointed as Part-Time Clerk for the Town of Evans Highway Department, working up to 19.5 hours per week, at the hourly rate indicated below;

| NAME | SALARY |
|---|---|
| Tracy Naab | $16.20 per hour; and |

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

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

***RESOLUTION 2023 #414 Appointment of Stormwater Management Officer***

Deputy Supervisor George moved and Councilman Reitz seconded,

BE IT RESOLVED, effective immediately, the Evans Town Board hereby appoints Code Enforcement Officer John Flading as the Town of Evans' SMO (Stormwater Management Officer) with no additional compensation for appointed position.

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

***RESOLUTION 2023 #415 Appointment to Climate Smart Committee***

Councilman Reitz moved and Deputy Supervisor George seconded,

BE IT RESOLVED, effective immediately, Diane Brent is hereby appointed to the Town of Evans Climate Smart Committee.

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

***RESOLUTION 2023 #416 Advertise for Bids – Lake Erie Beach Park Pedistrian Bridge & Stone Revetment***

Councilman Macko moved and Councilman Reitz seconded,

WHEREAS, the Town Engineer at CPL is hereby authorized to prepare an invitation to bid for repairs and mitigation measures to the Lake Erie Beach Park Pedestrian Bridge and Shoreline Revetment; and

WHEREAS, the specifications for the invitation to bid shall be available at the Evans Town Clerk's Office, 8787 Erie Road, Angola, NY 14006, beginning Friday, September 8th, 2023 as well as the office of Clark Patterson Lee, 26 Mississippi Street, Buffalo, NY 14203;

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk shall advertise a notice of invitation to bid; and

BE IT FURTHER RESOLVED, that the bids are due to the Evans Town Clerk's Office, 8787 Erie Road, Angola, New York, by 2:00 p.m. (local time) on Friday, September 29th, 2023, at which time the bids will be publicly opened and read aloud.

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

***RESOLUTION 2023 #417 Award Bid for Lake Erie Beach Multi-Use Trail***

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, bids were solicited for the Lake Erie Beach Multi-Use Trail project that is proposed along Lake Shore Road from Point Breeze Drive to A.J. Schmidt Elementary School in the Town of Evans; and

WHEREAS, bids were received and opened on June 29, 2023 at 2:00 P.M., in accordance with the Notice to Bidders previously authorized; and

WHEREAS, the lowest responsible bid was submitted by S. St. George Enterprises, Inc. at PO Box 348, Fredonia, NY 14063; and

WHEREAS, the Town has reviewed and discussed the bid from S. St. George Enterprises and have confirmed the company's understanding of the requirements of this project; and

WHEREAS, the bid for the project submitted by S. St. George Enterprises was $848,148;

NOW, THEREFORE, BE IT RESOLVED, that the Evans Town Board authorizes the award of the contract for the Lake Erie Beach Multi-Use Trail project to S. St. George Enterprises, Inc. PO Box 348, Fredonia, NY 14063.

BE IT FURTHER RESOLVED, that the Deputy Supervisor 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

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| Councilman Reitz | Aye |
| Councilman Macko | Aye |
| Councilman Schraft | Aye |
| Deputy Supervisor George | Aye |

***RESOLUTION 2023 #418 Final Plat Approval Approval of The Bay at St. Vincents***

Deputy Supervisor George moved and Councilman Reitz seconded,

WHEREAS, on June 21, 2023, the Town Board reapproved the Preliminary Plat for the proposed The Bay at Saint Vincent Major Subdivision ("the Project"); and

WHEREAS, the Project involves the creation and development of 22 residential lots and supporting infrastructure on the 15.97 +/- acre parcel located at 8462 Lake Shore Rd (SBL# 220.00-1-22); and

WHEREAS, the Planning Board has previously reviewed the Preliminary Plat with respect to SEQRA, and issued a negative declaration; and

WHEREAS, the Final Plat has been submitted by the applicant for review by the Planning Director, Code Enforcement Officer, Town Engineer and Town Attorney for their review and comments; and

WHEREAS, the Eagle Associates of Niagara Frontier, Inc. ("the Applicant") has addressed all internal comments as well as those received by any involved agencies throughout the review process; and

WHEREAS, the Applicant has addressed the conditions for Final Plat approval and provided a signed Letter of Resolution from the NYS Department of Environmental Conservation and NYS Office of Parks, Recreation and Historic Preservation.
WHEREAS, the Planning Director, Code Enforcement Officer, Town Engineer and Town Attorney has confirmed the Final Plat does not vary in any significance from the Preliminary Plat that would otherwise disturb the previous SEQRA negative declaration; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby approves the Final Plat for The Bay at Saint Vincent Major Subdivision.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution is sent to the Planning Office.

VOTE RESULT: ADOPTED BY ROLL CALL

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|---|---|
| Councilman Reitz | Aye |
| Councilman Macko | Aye |
| Councilman Schraft | Aye |
| Deputy Supervisor George | Aye |

***RESOLUTION 2023 #419 Suspend the Rules of Order***

Deputy Supervisor George moved and Councilman Schraft seconded to Suspend the Rules of Order for the consideration of additional resolutions.

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

***RESOLUTION 2023 #420 Contract Extension School Resource Officer Agreement***

Councilman Reitz moved and Deputy Supervisor George seconded,

WHEREAS, the Town entered into an Agreement, dated January 1, 2021, with the Seneca Nation of Indians ("Nation"), with its principal office for the transaction of business at 12837 Route 438, Irving, New York 14081 and the Lake Shore Central School District, with its principal office for the transaction of business at 959 Beach Road, Angola, New York 14006 ("District"); and

WHEREAS, the Agreement was approved by the Evans Town Board dated December 28, 2020; and

WHEREAS, the Town would like to extend the current Agreement for a three (3) year period (2024, 2025 and 2026), per the extension agreement;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans authorizes the extension of the School Resource Officer agreement, hereby extending the term of the agreement until December 31, 2026; and

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; and

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute any all documents regarding the extension to the School Resource Officer agreement between the Town of Evans, Seneca Nation of Indians and Lake Shore Central School District, upon approval of the Town Attorney.

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

***RESOLUTION 2023 #421 Contract Extension School Resource Officer Agreement***

Councilman Reitz moved and Deputy Supervisor George seconded,

WHEREAS, the Town entered into an Agreement, dated January 1, 2021, with the Seneca Nation of Indians ("Nation"), with its principal office for the transaction of business at 12837 Route 438, Irving, New York 14081 and the Lake Shore Central School District, with its principal office for the transaction of business at 959 Beach Road, Angola, New York 14006 ("District"); and

WHEREAS, the Agreement was approved by the Evans Town Board dated December 28, 2020; and

WHEREAS, the Town would like to extend the current Agreement for a three (3) year period (2024, 2025 and 2026), per the extension agreement;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Evans authorizes the extension of the School Resource Officer agreement, hereby extending the term of the agreement until December 31, 2026; and

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; and

FURTHER, BE IT RESOLVED, that Deputy Supervisor Thomas George is hereby authorized to execute any all documents regarding the extension to the School Resource Officer agreement between the Town of Evans, Seneca Nation of Indians and Lake Shore Central School District, upon approval of the Town Attorney.

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

***RESOLUTION 2023 #422 Authorizing Law Section 284 Agreement to Spend Town Highway Funds***

Councilman Schraft moved and Councilman Macko seconded,
WHEREAS, the Town Board and the Superintendent of Highways are required by Highway Law Section 284 to enter into a written agreement stating the places and manner in which the Highway Fund appropriations for repairs and improvements are to be expended: and

WHEREAS, in conjunction with the estimate submitted by the Highway Superintendent, the Highway Superintendent has submitted a proposed Highway Law Section 284 agreement to spend Town Highway Funds; and

WHEREAS, the Highway Superintendent has prepared an agreement to spend Town Highway Funds for the fiscal year commencing January 1, 2023, for general repairs and primary work, and permanent improvements subject to limitations set by NYS Capital Highway Improvement Program (CHIPS) funding;

WHEREAS, the Highway Superintendent has requested to add additional general repairs and primary work to our Town roads.

NOW, BE IT RESOLVED, that the Town Board hereby approves said agreement to spend Town Highway Funds therefore, the Town Deputy Supervisor and Town Board Members are authorized and directed to execute said agreement as required by law in substantially the same form as annexed hereto.

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

***RESOLUTION 2023 #423 Audit of Bills***

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

| | AUDIT OF BILLS |
|---|---|
| DATE | 9/7/2023 |
| ABSTRACT NO. | 16 |
| VOUCHER NO. | 13064 - 13158 |
| CHECK NUMBERS | 86193 - 86265 |
| APPROVED AT | Board Meeting |
| DATE | 9/6/2023 |
| GENERAL | $204,155.42 |
| PART TOWN | $7,610.63 |
| HIGHWAY DB | $23,486.22 |
| WATER | $4,794.41 |
| CAPITAL PROJECTS | $82,126.25 |
| SPECIAL DISTRICTS | $117,438.32 |

DEBT SERVICE

TOTAL $439,611.25

VOTE RESULT: ADOPTED BY ROLL CALL

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|---|---|
| Councilman Reitz | Aye |
| Councilman Macko | Aye |
| Councilman Schraft | Aye |
| Deputy Supervisor George | Aye |

***RESOLUTION 2023 #424 Adjournment***

Deputy Supervisor George moved and Councilman Macko seconded to adjourn to Wednesday, September 20, 2023 at 6:00pm for a Work Session and the Regular Meeting to follow. This meeting was adjourned in Memory of Robert R. Catalino and Marge Frawley.

VOTE RESULT: ADOPTED BY ROLL CALL

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|---|---|
| Councilman Reitz | Aye |
| Councilman Macko | Aye |
| Councilman Schraft | Aye |
| Deputy Supervisor George | 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