

Councilwoman Hawk-Shuler - AYE
Councilman McIntyre - AYE

Motion Approved.

Supervisor Price reviewed the 2015 A-General Fund-Townwide Budget and B-General Fund-Outside Village Budget. Supervisor Price encouraged the Board members to review the report and to come to the next meeting with questions.

COMMITTEE REPORTS:

ASSESSOR: Report submitted.

DOG CONTROL: None.

HIGHWAY: Councilman McIntyre reported that the Town received two bids for the pieces of equipment that were put out to bid on Auctions International. \$15,100 on the Mack Truck, and \$10,000 on the crusher. Councilman McIntyre mentioned that those are both valid bids.

Motion By: Councilman McIntyre Sec. By: Councilman Bates

To accept the bid for the Mack Truck of \$15,100, subject to the approval and consent of the Highway Superintendent.

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Motion By: Councilwoman Hawk-Shuler Sec. By: Councilman Bates

To accept the bid for the crusher of \$10,000, subject to the approval and consent of the Highway Superintendent.

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

HISTORY:

- Preparing a program for the Window on the Arts Festival.

NATURAL GAS:

Supervisor Price read the survey as prepared by Thoma Development Consultants.

Discussion regarding the survey.

Motion By: Councilwoman Hawk-Shuler Sec. By: Councilman McIntyre

To approve the survey form regarding natural gas and oil.

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

TOWN CLERK/TAX COLLECTOR/REGISTRAR: Report submitted.

TOWN HALL:

WASTEWATER TREATMENT PLANT:

Newsletter that was sent with the September, 2014 billing, was distributed.

Motion By: Councilman McIntyre Sec. By: Councilman Bates

To authorize the Supervisor to execute the modified New York Rural Water Association Hold Harmless Indemnification Agreement.

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE
Councilman McIntyre - AYE

Motion Approved.

YOUTH & RECREATION: Report submitted.

ZONING, PLANNING & CODE ENFORCEMENT:

- 7-16-14 ZBA Meeting minutes submitted.
- 8-27-14 Planning Board minutes submitted.
- Code Enforcement Report submitted.

UNFINISHED BUSINESS:

- At the request of guests attending the Town Board Meetings, the Town is starting to look at microphones for the back room.

NEW BUSINESS:

**Town of Windsor, County of Broome, State of New York
Resolution Authorizing the Supervisor to Execute the Attached
Memorandum of Understanding
Resolution # 30-2014**

PRESENT: Supervisor Carolyn W. Price
Councilperson vacant
Councilperson Timothy Bates
Councilperson Lesa Hawk-Shuler
Councilperson William McIntyre

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the **10th day of September, 2014**, the following resolution was

OFFERED BY: Councilperson McIntyre

SECONDED BY: Councilperson Bates

WHEREAS, the Town of Windsor has a lease with First Niagara bank, N.A.,

WHEREAS, First Niagara Bank, N.A. erroneously made lease payments to the Village of Windsor, instead of the Town of Windsor,

WHEREAS, the Town has been asked to enter into Memorandum of Understanding to resolve the erroneous lease payments, which is attached,

NOW THEREFORE, BE IT RESOLVED, that Windsor Town Board, after due deliberation, finds it in the best interest of the Town to proceed with the attached memorandum of Understanding, and

RESOLVED, this resolution shall take effect immediately.

Vote of the Board:

AYE - Supervisor Carolyn W. Price
Councilperson vacant

AYE - Councilperson Timothy Bates

AYE - Councilperson Lesa Hawk-Shuler

AYE - Councilperson William McIntyre

Motion Approved.

Resolution Adopted: September 10, 2014

**Memorandum of Understanding
Resolving Lease Payments
By and Between
the Village of Windsor, the Town of Windsor and First Niagara Bank, N.A.
its Successors and/or Assigns**

WHEREAS, First Niagara Bank, N.A. ("Lessee") entered into a Lease dated October 1, 1973, as amended by an Amendment to Lease, dated November 9, 1994, as extended by a Lease Modification & Extension Agreement, dated September 19, 2007, as assigned by an Assignment and Assumption Agreement, dated May 11, 2012, (collectively the "Lease") with the Village of Windsor and the Town of Windsor (collectively, "Lessor");

WHEREAS, the Lessee duly exercised its right to renew the Lease an additional five (5) years commencing on October 1, 2013 and ending on September 30, 2018 ("Expiration Date");

WHEREAS, commencing on June 1, 2012, Lessee made Lease payments to the Village of Windsor;

WHEREAS, the Village, Town and Lessee agree that Lessee paid monthly rent payments to the Village of

\$416.67 from June 1, 2012 to September 1, 2013 and made two additional payments of \$250 on October 1, 2013 and November 1, 2013, in the aggregate amount \$7,166.72;

WHEREAS, the Village, Town and Lessee agree that Lessee had, and continues to have, an obligation to pay annual rent in the amounts set forth below, through the Expiration Date;

WHEREAS, the Lessee mailed two additional checks to the Village in the amount of \$250 on November 22, 2013 and January 22, 2014 (Check nos. 70182011 and 70183625) which were not cashed but are still in the Village's possession; and

WHEREAS, the Town, Village and Lessee agree that minus Check nos. 70182011 and 70183625 which were not negotiated by the Village and which will be returned to Lessee uncashed, the Lessee made \$7,166.72 in Lease payments to the Village.

IT IS HEREBY AGREED, by and between the parties undersigned hereto as follows:

1. The Village of Windsor shall return the two uncashed rent checks made payable to the Village of Windsor- Check Nos. 70182011 and 70183625 in the amount of \$250 each to Lessee upon Lessee's execution of this Memorandum of Understanding.
2. As of the date hereof, Lessee is current on all rent payments owed under the Lease through September 30, 2014, and is due a future rent credit in the amount of \$1,166.72 to be applied to the rent due on January 1, 2015.
3. The Lessee shall make all future Lease payments to the "Town of Windsor, NY" and mail said rent payments to 124 Main Street, Windsor, NY 13865, according to the following schedule:
 January 1, 2015: \$1,833.28 for Lease year September 30, 2015 – October 31, 2016;
 January 1, 2016: \$3,000.00 for Lease year September 30, 2016 – October 31, 2017; and
 January 1, 2017: \$3,000.00 for Lease year September 30, 2017 – October 31, 2018.
4. The Village shall pay said \$7,166.72 to the Town of Windsor which shall be paid in one lump sum upon Lessee's execution of this Memorandum of Understanding, in full satisfaction of payments owed by the Village to the Town.
5. The Town of Windsor by this document releases First Niagara Bank, N.A. and the Village of Windsor for any liability, claim, interest, penalty, cost, late fees, attorney's fees, costs and/or disbursements and/or cause(s) of action arising from the payments made by Lessee to the Village of Windsor.
6. The Village of Windsor by this document releases First Niagara Bank, N.A. and the Town of Windsor for any liability, claim, interest, penalty, cost, late fees, attorneys' fees costs and/or disbursements and/or cause(s) of action arising from the payments made by Lessee to the Village of Windsor.
7. Upon the full execution of this Memorandum of Understanding and Lessor's full compliance with the terms set forth herein, First Niagara Bank, N.A., by this document releases the Village of Windsor and the Town of Windsor for any liability, claim, interest, penalty, cost, late fees, attorney's fees costs and/or disbursements and/or cause(s) of action arising from the payments made by Lessee to the Village of Windsor.

TOWN OF WINDSOR

VILLAGE OF WINDSOR

By: _____
Carolyn Price, Town Supervisor

By: _____
Ronald Harting, Mayor

FIRST NIAGARA BANK, N.A.

By: _____
Craig W. Berry,
First Vice President
and Director of Facilities

Town of Windsor, County of Broome, State of New York
RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM BROOME COUNTY
Resolution #31-2014

PRESENT: Supervisor Carolyn W. Price
Councilman Timothy Bates
Councilman Lesa Hawk-Shuler
Councilman William McIntyre
Vacant Council Seat

At a Regular Meeting of the Town of Windsor Town Board, held at the Town Hall on the **10th day of September, 2014**, the following resolution was

OFFERED BY: Councilperson Hawk-Shuler
SECONDED BY: Councilperson Bates

WHEREAS, Broome County has offered to the Town of Windsor that property more specifically described in Exhibit A, attached hereto, in exchange for one dollar (\$1) and recording fees; and

WHEREAS, said property is located next to the Town of Windsor’s sewage treatment facility; and

WHEREAS, the Town of Windsor finds and declares that said property’s purchase is required for a public purpose, to wit, future needs of said facility and/or other public purposes;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Windsor hereby finds and declares the above-described property as necessary for a public purpose and authorizes the Supervisor of the Town of Windsor to execute a real property purchase agreement with Broome County to purchase said property.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Vote of the Board:

AYE -Supervisor Carolyn W. Price
AYE -Councilman Timothy Bates
AYE -Councilman Lesa Hawk-Shuler
AYE -Councilman William McIntyre
Vacant Council Seat

Motion Approved.

Resolution Adopted: September 10, 2014

UPCOMING MEETINGS:

- Special Meeting Regarding the continuing development of the 2015 Budget: Wednesday, September 24, 2014, at 7:00pm, at the Windsor Town Hall.
- Regular Meeting: Wednesday, October 1, 2014, at 7:00pm, at the West Windsor Fire Hall.
- Special Meeting Regarding Public Hearing on an Unsafe Structure: Monday, October 6, 2014, at 7:05pm, at the Windsor Town Hall.

PUBLIC COMMENTS:

* Marcella Crawford, Bennett Rd, wondered how the Town is paying for the survey. Supervisor Price mentioned that it would be coming out of Contingency, the A Fund. Ms. Crawford said that the taxes for the A Fund are collected by the Town and Village. If the Village people do not have a right to respond to the survey, is it correct to charge them for the survey?

ADJOURNMENT:

At 8:03pm:

Motion By: Councilman McIntyre

Sec. By: Councilwoman Hawk-Shuler

To adjourn the meeting.

Vote of the Board:

Supervisor Price - AYE

Open Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Respectfully Submitted,
Barbara Rajner Miller, Windsor Town Clerk