

Supervisor Walters calls the meeting to order at 8:05 a.m.

TOWN BOARD MEMBERS

PRESENT:

Steven J. Walters	Supervisor
Joan A. Kesner	Councilwoman
Thomas Quatroche, Jr.	Councilman
Kevin Smardz	Councilman

OTHERS PRESENT: Catherine A. Rybczynski, Town Clerk; Mary Dosch, Sr. Account Clerk; Kenneth Farrell, Town Attorney; Brian Doyle, Deputy Town Attorney; Thomas Best, Highway Superintendent; Carmen Kesner, Police Chief; Tom Taylor, Senior Public Safety Dispatcher.

1.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

RESOLVED, the Town Board authorize the Finance Department to increase the Police Department Budget B3120.202 in the amount of \$30,000.00 thru the B599 Appropriated Fund Balance. These funds are unexpended STOP DWI GRANT monies from previous years.

This money will be used to purchase a Police vehicle for the Police Department STOP DWI Details.

2.

On a motion of Councilman Smardz, seconded by Councilman Quatroche, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

RESOLVED, that the Town Board approve the membership of the following into the Woodlawn Volunteer Fire Company, Inc.:

Connor Donahue
3354 Lakeshore Road
Blasdell, N.Y. 14219

Andrew Schaub
3751 Lakeshore Road
Blasdell, N.Y. 14129

3.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, a dispute arose between the Town of Hamburg and Thomas M. Beckwith and the Southtown Police Club regarding certain benefits, and

WHEREAS, a Supreme Court action was filed by Thomas Beckwith and the Southtown Police Club, Index Number 12009-012049, and

WHEREAS, the parties, without precedent, wish to settle the matter in furtherance of harmonious labor relations, and to avoid further costs of litigating the matter.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg enter into a settlement agreement with Thomas M. Beckwith and the Southtown Police Club, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the settlement agreement on behalf of the Town, and

BE IT FURTHER RESOLVED, that upon signing of the settlement agreement, a Stipulation of Discontinuance will be filed with Supreme Court.

4.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution was

ADOPTED Ayes 4 Walters, Kesner, Quatroche, Smardz
 Noes 0

WHEREAS, Erie Wind LLC intends to construct a wind energy system in Erie County, New York, consisting of up to six wind turbines rated to produce up to 15 megawatts of electric power (the "Wind Farm") which includes up to four turbines located on certain real property (the "Land") within the Town of Hamburg, County of Erie and Frontier Central School District (each a "Tax Jurisdiction" and collectively, the "Tax Jurisdiction") more particularly identified on Schedule A attached to the Agreement. The portion of the Wind Farm located within the Tax Jurisdictions is hereinafter referred to as the "Project", and

WHEREAS, the Town of Hamburg, County of Erie and Frontier Central School District contemplate that the project will be tax-exempt pursuant to New York State Real Property Tax Law (“RPTL”) Section 487 and that, as long as the Project enjoys tax exempt status, Erie Wind LLC intends to make certain RPTL 487 payments in lieu of taxes (“PILOT Payments”) to the Tax Jurisdictions, and

WHEREAS, the Town of Hamburg, County of Erie and Frontier Central School District now desire to set forth their agreement regarding the RPTL 487 real property tax exemption for the Project and the PILOT Payments with respect thereto,

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg enter into an agreement pursuant to RPTL 487, payment in lieu of taxes, with Erie Wind LLC, Frontier Central School District and the County of Erie,

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the agreement on behalf of the Town.

Councilwoman Kesner questions if they are moving ahead with the six wind turbines.

Supervisor Walters responds that they are moving forward, however, the new company did a more extensive wind study that said it is not feasible to have six, so they are expecting three or four.

Councilwoman Kesner questions the compromise with the School District.

Supervisor Walters responds that the compromise will be 51.5% to the Town and 48.5 % to the School after the County takes their share.

5.

On a motion of Councilman Quatroche, seconded by Councilwoman Kesner, the following resolution was

ADOPTED	Ayes	4	Walters, Kesner, Quatroche, Smardz
	Noes	0	

WHEREAS, the Town Board approves the Transfer of Appropriations for the Recreation Department within the 2009 Budget as follows:

From: Rec. Admin. Pers. Services	A7020.100	\$3,021.00
To: Beach – Pers. Services	A7180.100	\$2,420.00
Skate Park – Pers. Services	A7270.100	\$ 601.00

To fund shortage in account at year end.

6.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

RESOLVED, that the Town Board approve the Transfer of Appropriations for the B & G Department within the 2009 Budget as follows:

From: Playground & Rec. - Machinery & equip.	A7140.201	\$26,500.00
To: Capital Fund	A9950.975	\$26,500.00

To use towards the purchase of a highlift in 2010.

7.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Finance Department within the 2009 Budget as follows:

From: Contingency	B1990.419	\$21,000.00
To: Planning Consultant Fees	B8020.456	\$21,000.00

To fund for November – December services from Wendel Duchscherer.

8.

On a motion of Supervisor Walters, seconded by Councilman Smardz, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

RESOLVED, that the Town Board approve the Transfer of Appropriations for the B & G Department within the 2009 Budget as follows:

From: Personal Services	A7266.100	\$40,000.00
Repair & Maintenance	A7141.460	\$ 5,000.00
To: Personal Services	A7141.100	\$45,000.00

9.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED	Ayes 4	Walters, Kesner, Quatroche, Smardz
	Noes 0	

TOWN BOARD December 30, 2009
AUDIT OF CASH DISBURSEMENTS

	VOUCHER #'S	
OPERATING FUND:		
BATCH #128	\$1,302,982.00	38439-38438
BATCH #129	\$590,514.54	38439-38543
BATCH #130	\$111,793.75	38556
BATCH #131	\$47,811.27	38559-38657
BATCH #132	\$345,842.33	38663-38746
BATCH #133	\$13,488.00	38747
BATCH #134	\$390.69	38750-18751
TOTAL OPERATING FUND DISBURSEMENTS:		\$2,412,822.58
TRUST & AGENCY:		
BATCH #		
TOTAL TRUST & AGENCY DISBURSEMENTS:		\$0.00
CAPITAL FUND DISBURSEMENTS:		
BATCH #64	\$273,186.31	38544-38554
BATCH #65	\$3,496.48	3496.48
BATCH #66	\$149,327.81	38658-38662
BATCH #67	\$5,216.92	38748-38749
TOTAL CAPITAL FUND DISBURSEMENTS:		\$431,227.52
PAYROLL:		
PR #26	\$610,659.44	
TOTAL PAYROLL DISBURSEMENTS:		\$610,659.44
PETTY CASH		
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:		\$3,454,709.54

10.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED	Ayes	4	Walters, Kesner, Quatroche, Smardz
	Noes	0	

RESOLVED, that the Town Board move into Executive Session on a Personnel Matter at 8:13 a.m.

11.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED	Ayes	4	Walters, Kesner, Quatroche, Smardz
	Noes	0	

RESOLVED, that the Town Board adjourn Executive Session at 8:25 a.m.

Catherine A. Rybczynski, Town Clerk