

**TOWN OF WINDHAM
TOWN BOARD MEETING
371 State Route 296, Hensonville, NY**

JUNE 9, 2016

Present: Supervisor: Robert J. Pelham
Councilmen: Wayne Van Valin, Karl Gonzalez, Donald Murray & One Vacancy
Town Clerk: Bonnie Poehmel

Also Present: Highway Superintendent Gary Thorington, Town Attorney Larry Gardner, Police Chief Tor Tryland, Cedarwood Environmental Josh Vital, Carol Staub, Glenda Montano, Ian Peters, Greg Thorp, Michael Scarey, John Albert, Randy Tuttle, Cody Rogers & Mike Ryan
Windham Journal.

Absent: Delaware Engineering John Brust & Ambulance Director Jeanie Scotti

The Supervisor called the meeting to order at 7:02 p.m. and Councilman Murray opened with the Pledge of Allegiance.

Councilman Gonzalez asked everyone to take a moment of silence for Shirley Breigle who past this morning and our prayers go with the family. She was the business teacher at Windham-Ashland-Jewett Central School.

THE MINUTES OF THE MAY 26, 2016 TOWN BOARD MEETING were approved as typed on a motion by Councilman Murray, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

1.DELAWARE ENGINEERING: John Brust was not present. For the Board's review the following change orders will need the Supervisor's signature. **Change Order #6 for Contract #1 Schoenecker Construction.** A motion to have the Supervisor sign was made by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy. **Change Order #4 for Contract #2 Hinkley Electric.** A motion to have the Supervisor sign was made by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy. **Change Order #4 for Contract #3 Evergreen Mountain Construction.** A motion to have the Supervisor sign was made by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy. **Town Board Resolution #34 of 2016**-the above three Water Construction Contracts No. 1, 2 & 3 are now substantially complete and these three contracts have included changes of and additions to the work shown in the original contract plans. A motion to accept was made by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy, **copy attached.**

2.CEDARWOOD ENVIRONMENTAL: Josh Vital was present. There was another water test done today. Next week Mike from Northeast Control will be here for another backwash test. They will be doing this test next Wednesday at 1:00 am in the morning, so that it is not an inconvenience to the town residences. We plan on doing our first arsenic test next week. Councilman Gonzalez asked about the sulfur levels? The filters have been put on and the chlorine demand is a lot less. The green sand is now removing the sulfur and the water is better to taste.

3.REQUEST USE OF CENTRE PROPERTY: **Mrs. Corrigan**, WAJ Teacher would like permission to have a year-end celebration **Magic Show for K-2 grades** (roughly 100 people) on June 20, 2016 @ 8-11am. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy. The **Windham Public Library – Summer Reading Program Family Concert** requests July 11, 2016 @ 2pm. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy. **Windham Public Library-Georgia O'Keefe Workshop with Alice Tunison** requests for July 25, 2016 @ 1-3pm. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy. **Windham Public Library-Pre-School Workshop with Ms. Carol** requests July 29, 2016 @ 11am. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy. **Windham Public Library-Author Visit/Activity "Sammy & The Bully"** requests August 10, 2016 @ 2pm. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy. **Windham Chamber Music-Bob Manno** requests August 18, 2016 @ 1-10pm for music rehearsal. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy. **Magic Show with Sean Doolan** requests September 4, 2016 @ 5:30-9:30pm for set up and show at 7-8:30pm. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

4.AFFIDAVIT FOR CERTIFICATE OF RESIDENCE: Kennedy Lennon of Windham has applied for proof of residence as she plans to enroll in Schenectady County Community College in the fall. A motion to accept was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

5.TOWN CLERK'S MONTHLY REPORT FOR MAY: \$2,310.14 revenue was received. A motion to accept was made by Councilman Murray, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

6.AGREEMENT TO USE PARKING LOT AT LITTLE LEAGUE FIELD: The following agreement is between The Town of Windham owning parcel 95.00-1-21 located on South Street; and "Meatballs" owning an adjacent parcel of land 95.00-1-20. Whereas, spectators and others using the Little League Field have and continue to park upon said premises of "Meatballs" in connection with their attending athletic events conducted upon said premises of the Little League Field. This contract is for a period of five year and three months commencing with the execution of this agreement. Supervisor Pelham is asking for the Town Board's permission to execute this contract. A motion grant the Supervisor to sign the contract was made by Councilman Murray, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

7.TOWN BOARD RESOLUTIONS: General Fund Resolution #16 of 2016 to transfer funds to balance the General Fund Acct. A motion to accept was made by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy, **copy attached. Town Board Resolution #35 of 2016** to authorize the Supervisor to borrow from the Town of Windham General Fund Account the sum of \$276,238.37 to be deposited into the Town of Windham Capital Water Consolidation Project account. A motion to accept was made by Councilman Murray, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy, **copy attached.**

8.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. About two weeks ago we had heavy rain and thunderstorms that left shoulder wash on three of our town roads, we are working on getting those fixed up. We made one pass around all town roads for the shoulder mowing of grass. Brush hogging got done at the WWTP and Creamery Pond. The Little League Field had old plywood lying around that was a hazard and that has been picked up. Infield brick dust was delivered for the baselines. The Centre Property had an issue with the big maple trees settling. They were given ground dirt, seed and mulch. At CD Lane Park, Councilman Gonzalez requested that sand be replaced and moved around in the playground area. One last thing, Gary would like to recommend to the Town Board instead of sending the oldest Chevy truck to a surplus auction that the truck be kept, make some minor repairs for Water Dept. Water Superintendent Kyle Schwarz to use; as he is new to the position and to let the town residence know who he is when reading their water meters and etc. Supervisor Pelham asked about the labeling on the side of the truck. Gary noted that all trucks are labeled "Town of Windham" so that they can be used for any department as needed. A motion to keep the oldest Chevy was made by Councilman Murray, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

9.POLICE REPORT: Police Chief Tor Tryland was present. A **Letter of Resignation** has been received by **Rick Paolino Shield 1500, effective June 20, 2016.** A motion to accept the resignation was made by Councilman Gonzalez, 2nd by Councilman Van Valin, with 4 in favor, one vacancy. A canvass was done for a full time hire. **Calvin Sirago** was the only applicant and he is interested. Chief Tryland recommends to the Board that he **be hired full time starting July 1, 2016.** A motion to hire Calvin Sirago as a full time police officer was made by Councilman Gonzalez, 2nd by Councilman Murray, with 4 in favor, one vacancy. **Sponsor New Police Recruit Cody Rogers** (a copy of his resume has been given to the Board for their review). Cody is from Cairo, NY and has graduated from Columbia Greene Community College with an Associates Degree in Criminal Justice. He is going to the Police Academy at Columbia Greene Community College this fall and would like to have Windham Police Dept. sponsor him. **A motion was made to sponsor Cody Rogers at the Police Academy** by Councilman Gonzalez, 2nd by Councilman Murray, with 4 in favor, one vacancy. Supervisor Pelham noted that Cody will have to come see our bookkeeper to fill out paperwork.

10.AMBULANCE REPORT: Ambulance Director Jeanie Scotti was not present. Councilman Murray spoke to Jeanie all went well last weekend with the extra ambulance crew at Hunter Mtn. Festivals and they are there again this coming weekend. He wants her to make a list of things to go over concerning the ambulances. Supervisor Pelham noted about her employees as one guy had 35 hours overtime and another guy had 7 hours overtime, Councilman Murray was not aware of this.

11.COMMITTEE REPORTS: **Councilman Murray** has nothing to report on. Supervisor Pelham noted we have an agreement with the **Windham Village Cemetery Association for 2016**. This is an annual agreement prepared by Town Attorney Larry Gardner. The Town of Windham shall pay the Windham Village Cemetery Association the sum of \$5,000.00 to aide it in properly maintaining said cemetery. **A motion to authorize the Supervisor to sign and accept this agreement** was made by Councilman Van Valin, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy. **Councilman Van Valin** received a phone call from Christine Cepale concerning the limbs of the maple tree at the Centre Property where touching her electric line. Highway Superintendent Gary Thorington did hear about this, but was not formally told. He did go and check it out. As the limbs are touching the wire lines, a bucket truck would be needed to remove the limbs. Councilman Van Valin and Gary Thorington will look into this together. Painting on the outside of the Centre Property building should start within the next two weeks, the rainy weather has set the painter back. And the inside painting of the Centre Property, the painter looks forward to the rain for the inside work. **Councilman Gonzalez** had the highway dept. bring up some sand. He and Kristopher Gonzalez raked the sand at the playground area. Some of the pine bushes at the entrance of the gate had to be trimmed as they were blocking visibility and trimmed more pine bushes by the lower flag. Once summer gets here and school is finished he is going to have Kris due some staining to the front posts at the entrance of the park. Will also get some new signs made for closing and etc. **Supervisor Pelham** noted that the **Highway Superintendent's salary will start at \$48,000.00 per year**. A motion to accept the salary for Highway Superintendent was made by Councilman Gonzalez, 2nd by Councilman Murray, with 4 in favor, one vacancy. And Water Superintendent for Kyle, the Supervisor wants to revisit his pay and come up with something that is fair; that will be discussed at the next meeting. **Larry Gardner** will be writing up an inter-municipal agreement between the Town of Windham and the Town of Lexington relating to building department code. We should just be limited to building permits, certificate of occupancy and certificate of compliance and we should not get involved in enforcements in either town. This should be done on a yearly basis, if it can be approved tonight to have the Supervisor execute, Larry will draw the paperwork up on Friday. i.e. Reason for this is the Code Enforcer of Lexington has a private personal building project he is currently working and he can-not approve his own work and this would be the same here if our Code Enforcer of Windham had a project. No money will be changing hands, will only be trading services. A motion to accept was made by Councilman Murray, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

ACCOUNT BALANCES AND BUDGET COMPARISONS JUNE 9, 2016 files were made available for the Board to review.

GENERAL FUND WARRANT #11-G contained vouchers #422-446, totaling \$21,581.10 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Murray, with 4 in favor, one vacancy.

HIGHWAY FUND WARRANT #11 contained vouchers #96-106, totaling \$84,987.09 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy.

SEWER DISTRICT FUND WARRANT #11 contained vouchers #134-143, totaling \$35,157.40 was audited and approved on a motion by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy.

STREETLIGHTING FUND WARRANT #6 contained vouchers #43-50, totaling \$2,883.04 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Murray, with 4 in favor, one vacancy.

WATER PROJECT FUND WARRANT #6 (Consolidation & Improvement) contained vouchers #30-36, totaling \$276,238.37 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy.

GENERAL FUND PAYROLL WARRANT #11-P for **General** contained 11 claims, totaling \$7,833.80 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy. **Ambulance** payroll contained 22 claims; totaling \$15,460.03 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy. **Police** payroll contained 8 claims; totaling \$6,678.52 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy.

HIGHWAY PAYROLL WARRANT #11-P contained 4 claims, totaling \$5,457.15 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Murray, with 4 in favor, one vacancy.

SEWER DISTRICT FUND PAYROLL WARRANT #11-P contained 2 claims, totaling \$432.45 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Van Valin, with 4 in favor, one vacancy.

COMMENTS FROM THE PUBLIC: Supervisor Pelham addressed **Carol Staub**. He has spoken to Paul Lenz who is in charge of the land use. Land use is to change to Bow hunting only. Carol is just concerned that the land use gets done before the next hunting season. Supervisor Pelham will make a follow up call to Paul Lenz. **John Albert** there was a Fire Commissioners' Meeting last night and it has come to their attention about the 4th of July Parade. The candy that is being given out from the various float vendors to the children and adults on the side of the parade route especially where the crowd is the heaviest in the area from Decker's Funeral Home to Church Street (the business district). The Fire Departments have stopped throwing candy, but the public is getting closer and closer to the trucks looking for the candy. Their concern is the safety of the children and the public for fear of injury. What kind of barriers, fencing, coning or even putting it on as a radio announcement to keeping everyone safe. The fire trucks are larger and they have to focus on what's in front of them. Kids are so fast today; a child can be out in front of you before you realize it. No one needs a lawsuit. **Randy Tuttle** spoke as the Ashland Fire Chief and not as a Fire Commissioner. He has had people in his department suggesting that they will not attend the parades for the concern of not only the children chasing the candy but the adults get pushing and shoving too. Ashland Fire Dept. pays for a marching band to walk with them and in this area the marchers are pushed into a funnel like due to the spectators taking over the road, rather than staying back where they should be and it is not safe for anyone. There is no good answer for all this and it is a little late as most float vendors have probably bought their candy for this year's upcoming parade. **Chief Tryland** stated that last year there were problems with traffic control as well and then there is the parking of cars on Main Street is also a problem. Where would you put the cars? Cars had to be detoured by the Chicken Run to South Street around coming out on Route 296 back to Route 23. And when the parade goes through starting by the Windham Pharmacy Route 296 to Route 23 east, cars now have to wait for the entrance of Route 23 and 296 to clear from the parade and traffic has to wait no matter what. **Randy Tuttle** spoke as a Commissioner, one concern that came up last night is that the Windham Fire Department hosts the parade and if someone should get hurt who does the responsibility fall back onto. **Councilman Gonzalez** spoke if someone gets hurt they are suing everyone. There is no clear answer to this problem. **John Albert** remembers way back when someone would go first before the parade started with a PA system and a police car making an announcement for everyone's safety to please stay back behind the white line. Is this a possibility to do something like this before the parade starts? **Greg Thorp**, President of Windham Fire Dept. spoke that the Windham Fire Dept. hosts the parade every year for the past 75 years. He would have liked to have been formally invited to this discussion but he had heard from a third party this might be a discussion tonight. He has never been in favor of throwing candy and Windham Fire Dept. has stopped throwing candy for a couple of years now. No one float vendor has to pre-register for the parade. When they do come the firemen go around and then register the floats, with their name and information so we have it on record and if they happen to win a trophy. He is not sure what the answer is to the throwing of the candy problem. But when it comes to liability we would all be sued and we don't need that problem. Who will be the "Candy Police"?

TOWN BOARD MEETING (CON'T)

JUNE 9, 2016

The meeting adjourned at 7:40 p.m. on a motion by Councilman Murray, 2nd by Councilman Gonzalez, with 4 in favor, one vacancy.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
