

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

MAY 24, 2018

Present: Supervisor: Robert J. Pelham
Councilmen: Wayne Van Valin, Donald Murray, Ian Peters & Stephen Walker
Town Clerk: Bonnie Poehmel

Also Present: Highway Superintendent Gary Thorington, Town Attorney Larry Gardner, Delaware Engineering John Brust, Police Chief Karl Gonzalez, Water Superintendent Kyle Schwarz, Mid-Hudson Cablevision Dave Fingar & Rachel Puckett, Anita Buyers & William MacGregor

Absent: Ambulance Administrator Davia Montie and Mike Ryan Mountain Eagle

The Supervisor called the meeting to order at 6:50 p.m. and opened with the Pledge of Allegiance.

Supervisor Pelham read the following legal notice aloud:

NOTICE OF PUBLIC HEARING

Please take notice that the Town of Windham will hold a Public Hearing on Thursday, May 24, 2018 at 6:50pm at the Windham Town Hall located at 371 State Route 296 Hensonville, NY 12439 regarding granting a cable television Franchise Agreement by and between Mid-Hudson Cablevision, Inc. and the Town of Windham. A copy of the Franchise Agreement is available for public inspection during normal business hours at the Town Clerk's office at the Town of Windham, located at 371 State Route 296, Hensonville, NY 12439. At such public hearing all persons will be given opportunity to be heard, written or oral statements will be taken at that time. Time limitations may be imposed for each oral statement if necessary. Individuals wishing to file comments regarding the application may do so with the New York State Public Service Commission within 10 days of the date of publication, at Three Empire State Plaza, Albany, NY 12223. Copies of comments should be sent to the Town of Windham, Attention Town Clerk, PO Box 96, Hensonville, NY 12439 and Mid-Hudson Cablevision, Attention Mrs. Joanne Miller, PO Box 399, Catskill, NY 12414. By Order of the Windham Town Board, Bonnie Poehmel, Town Clerk, Dated: May 10, 2018.

Councilman Peters summarized the following that the franchise contract will have no franchise fee, will expand cable to the rest of County Route 56 in Maplecrest that currently does not have coverage and the contract term has been extended from 10 years to 15 years. This contract has been agreed upon by both parties.

Councilman Peters opened the floor for public comment. William MacGregor had brought a letter to the Town Clerk earlier on May 24, 2018. Copies were made and given to the Board. William MacGregor was present for the meeting and read his letter aloud. William MacGregor participated in conversation with Mid-Hudson Cablevision Dave Fingar and Rachel Puckett. Anita Buyers was also present and she was very happy with her service. With no further discussion public comments were closed.

1. TOWN BOARD RESOLUITON #15 OF 2018: CATV-MID-HUDSON CABLEVISION, INC. NOW, THEREFORE BE IT RESOLVED: That the Town of Windham, Greene County, State of New York, grant a fifteen (15) year franchise to Mid-Hudson Cablevision, Inc, as of the effective date of the approval by the New York State Public Service Commission (NYSPSC), for service to the Town, and that the Supervisor is directed to execute a franchise agreement with Mid-Hudson Cablevision, Inc. in accordance with the terms of the proposed franchise agreement attached hereto. A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Murray, with all in favor.

A motion to close the Public Hearing at 7:15pm was made by Councilman Murray, 2nd by Councilman Peters, will all in favor.

THE MINUTES OF THE APRIL 26, 2018 TOWN BOARD MEETING were approved as typed on a motion by Councilman Peters, 2nd by Councilman Murray, with all in favor.

Regular Town Board Meeting Opened @ 7:15pm

1.DELAWARE ENGINEERING: John Brust was present. He has nothing to report on for this part of the meeting.

2.REQUEST PERMISSION TO TRANSFER 9 EDU's: At the Town Board Meeting of April 26, 2018 Martin Schmidt Project Engineer for Kaaterskill Associates spoke to the Board concerning the transfer of the 9 EDUs. A motion was never discussed allowing the EDUs to transfer. Martin Schmidt has now sent a letter asking if the Board might review this again and make a motion of approval on this unusual request for the Proposed Subdivision for 518 Properties LLC (Windham Car Wash). The proposed project parcel is currently allotted 9 EDUs. As this is an unusual request, one (1) EDU will remain with the Alpine Flooring Store and storage building and the remaining eight (8) will be transferred to the Windham Carwash. A motion to approve this transfer of EDUs was made by Councilman Murray, 2nd by Councilman Peters, with all in favor.

3.REQUEST USE OF CENTRE PROPERTY: **Windham Public Library** has announced their Summer Programs and are asking permission for the following dates: 4H Summer Program Archaeology Camp June 25-28 @ 10:30-11:45am each day; Enchanted Storytime with Cinderella Visit July 10 @ 10am-5pm; Science Program with Serena Gonzalez July 19 @ 12-3 pm; Painting Class with Patti Ferrara August 23 @ 6-8pm. **Free Magic Show** (Sean/Christine Doolan) June 12 @ (set up time 8-11am) with show at 9am for WAJ 2nd graders. A motion to approve all the dates as stated above was made by Councilman Peters, 2nd by Councilman Walker, with all in favor.

4.REQUEST PERMISSION TO USE WINDHAM PATH: Aaron Courain Team NYARA, "The Longest Day" 24-Hour Adventure Race. Aaron has sent an email requesting permission to ride the loop through the Windham Path, before they continue to Windham Mountain Resort. This is an Adventure Race with multiple discipline teams that involves orienteering, trekking, mountain biking and kayaking. The Racers are on the clock for 24-hours non-stop. This event is held annually in various parts and parks of NY State. The finish line is planned to be at Windham Mountain Resort on late Sunday morning, September 2, 2018. The course is designed so that the participants will mountain bike from the Elm Ridge trail system, to Windham Path, before they continue to Windham Mountain Resort. A motion to approve was made by Councilman Peters, 2nd by Councilman Murray, with all in favor.

5.TAPHOUSE & GRILLE, INC 5359 State Route 23 requests a 30-day hold waiver letter to be sent to the State Liquor Authority. A verbal call to the Board & Supervisor was made on May 17, 2018 by the Town Clerk. The Supervisor and Board approved the letter to be sent out. A motion to approve the letter was made by Councilman Murray, 2nd by Councilman Van Valin, with all in favor.

6.TOWN CLERK WOULD LIKE PERMISSION to change her term from a 2-year to a 4-year term. If granted will need a public hearing at the next Board Meeting for this to be approved 150 days prior to the biennial election. A motion was made for a public hearing at the next town board meeting on June 14, 2018, was made by Councilman Murray, 2nd by Councilman Peters, with all in favor.

7.NY RISING BID NOTICE for County Route 56 Culvert Replacements, County Route 56 (Big Hollow Road) Over Unnamed Batavia Kill Tributary, Town of Windham, Greene County. Sealed bids are due June 15, 2018 @ 2pm to the Town Clerk at the Windham Town Hall at which time all bids will be publicly opened and read aloud.

8.TOWN JUSTICE's MONTHLY REPORT FOR APRIL: Justice Stevens \$2,750.00 and Justice McCarthy \$2,149.00 were noted by the Board.

9.TOWN BOARD RESOLUTION #16 OF 2018: to authorize the Supervisor to close the Town of Windham Ambulance account. At this time a checking account is no longer needed, we hereby close this account and any remaining balance therein to be transferred to the Town of Windham General Fund. A motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor. GENERAL FUND RESOLUTION #11 OF 2018: the resolution was proposed to transfer funds to balance accounts. A motion to approve was made by Councilman Murray, 2nd by Councilman Van Valin, with all in favor.

10.GREENE COUNTY RESOLUTIONS #144-18: Awarding Fuel Oil Bids; #151-18: Awarding Bids to Purchase Materials-Highway Department; #152-18: Awarding Bid for Washed and Screened Crushed Stone; #159-18: Amortization Distribution of Mortgage Tax, Town of Windham \$59,982.79

11.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. The grass has been growing and has been too wet to mow at CD Lane Park. Yesterday Gary was at Delhi for a 6-hour class on Pavement Maintenance. June 4-6, 2018 is Highway School. He is looking at a paving date of June 20, 2018 to start on High Peak Road. Shared services were done with the Town of Jewett. The NY Rising Project bid for County Route 56 Culvert Replacement, June 5 @ 10am is a pre-bid meeting at the site, Gary will be present along with a representative from Greene County Highway. CDE Electric has been notified to fix the street light. The highway guys along with the bucket truck have put up the American Flags throughout the Town for the upcoming holiday. Potholes behind Todaro's at the corner of Mill Street and Library Road have been taken care of. Gary would like to ask permission for Board approval for a Letter of Intent or the Board Minute Notes to approve the purchase of a new backhoe with a trade-in of the old backhoe. This action will allow the ordering of the new machine to get started with the dealer. A motion to approve the purchase of the new backhoe with a trade-in of our current existing machine (based on the document price that was handed to the Board at the last meeting) was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. He would also like permission to purchase an extended warrantee with the new backhoe. The extended warrantee prices are from 2-5 years and the paper was provided to the Board for their review. Gary would like to ask permission to purchase a new bobcat replacement for the winter sidewalk snow removal. He would like to purchase the following attachments a new blower, bucket and broom. He will be keeping the forks and the calcium spreader. A motion to purchase the new bobcat with three attachments and we trade-in the existing bobcat machine; the new bobcat to be purchased per quote price was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor. Gary would like permission to speak with the Town Attorney Larry Gardner for legal help concerning Main Street snow removal of sidewalks and the maintenance of the public parking lots. The Board granted permission.

12.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present.

13.POLICE REPORT: Police Chief Karl Gonzalez was present. Officer Rogers has been sent for Taser training. Philmont PD is doing the training at no cost and Officer Rogers will be certified. Also, Durham PD is offering the N.I.K test kit training. Officer Rogers is participating in that training tonight as it is a 4-hour class. Year round all seasonal tires will not be bought at this time for the police cars. The Chief is leaving the snow tires on as they will need to be replaced next winter.

14.COMMITTEE REPORTS: **Chief Karl Gonzalez** did a water test today at CD Lane Park. The State wants notification before the park opens and at the end of the month for May another test. Then after that the water test will need to be done monthly. The Park is open for the Memorial Day weekend. John Wolf has been hired for maintenance at the park and he has been painting the bathrooms and the gate area. Greene County Soil & Water has put new topsoil at the booth entrance. Saturday May 26 Laura, Chief Gonzalez and the Community of Windham Foundation will be planting flowers at the entrance. The geese are still at the park. Jimmy Decker believes the problem is with the pipe and he will be coming in to fix that. **Councilman Walker** has nothing new to report. **Councilman Peters** is working on formalizing the criteria that we have for approving the organizations or people for using the Town properties: Centre Property, WWTP and Town Hall Meeting Room. We need to look at imposing fees. **Councilman Van Valin** has new ideas for the Centre Property maintenance that are going well.

He is looking into the maintenance of the front lawn; the front steps are historic and the Library entrance has an original tie ring from the horse & buggy era. He would like to ask Delaware Engineering Fred Grober for his help with the sidewalks and material. He hasn't called JJP yet for the sidewalks; as the walkways are becoming a trip hazard. The side walk in front of the Post Office is also a trip hazard. Anita Buyers is concerned about the food trucks being parked on the Centre Property front yard, in her opinion they should not be parked there. **Councilman Murray** spoke to the electrician to run the electric and propane line underground in the town hall driveway for the generator. **Attorney Larry Gardner** has been working on Local Law #1 of 2018 he has it ready to be signed and to be mailed out to the State. He wrote a letter to the Planning Board concerning the proposed subdivision EDUs and Denise Meehan had given Larry some materials concerning the transfer station. He has delivered that information to Bob Van Valkenburg at Greene County Highway and has received a response that Larry will be discussing with Denise. **Supervisor Pelham** a Demo Permit has been issued to the new owners of the burnt-out house across the street from the Town Hall.

COMMENTS FROM PUBLIC: Anita Buyers would like to know what's the status of the White Rose on County Route 40? The Supervisor has been told by the owner of the property he has gotten quotes for fixing the roof and it will be fixed. She also has a complaint again of the long white building directly across the street from her house at the old Sugar Maples if they could just board up the building. She feels it is a danger to people walking around. The Supervisor will have the Code Enforcement Officer look into it. William MacGregor would like to seek clarification of the Town Clerk asking permission to change her term from a 2 year to a 4 year. He is all for the Town Clerk having a 4-year term. He read from his town law manual book concerning what needs to be done for the Town Clerk to change her term from a 2 year to a 4 year. The Town Attorney will look into the law of this for the next meeting.

ACCOUNT BALANCES AND BUDGET COMPARISONS May 24, 2018 files were made available for the Board to review.

GENERAL FUND WARRANT #10-G contained vouchers #385-429, totaling \$23,339.94 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor.

HIGHWAY FUND WARRANT #10 contained vouchers #102-116, totaling \$7,497.69 was audited and approved for payment on a motion by Councilman Peters, 2nd by Councilman Murray, with all in favor.

SEWER DISTRICT FUND WARRANT #10 contained vouchers #126-141, totaling \$41,891.73 was audited and approved on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor.

CWC STORMWATER FLOOD HAZARD MITIGATION WARRANT #1 contained voucher #1-2, totaling \$3,055.00 was audited and approved for payment on a motion by Councilman Peters, 2nd by Councilman Murray, with all in favor.

SIDEWALK MAINTENANCE DISTRICT WARRANT #3 contained vouchers #3-4, totaling \$1,554.16 was audited and approved for payment on a motion by Councilman Peters, 2nd by Councilman Murray, with all in favor.

GENERAL FUND PAYROLL WARRANT #11-P for **General** contained 9 claims, totaling \$8,542.00 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor. **Ambulance** payroll contained 21 claims; totaling \$13,005.96 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor. **Police** payroll contained 3 claims; totaling \$3,209.28 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor.

HIGHWAY PAYROLL WARRANT #11-P contained 4 claims, totaling \$6,688.00 was audited and approved for payment on a motion by Councilman Peters, 2nd by Councilman Murray, with all in favor.

SEWER DISTRICT FUND PAYROLL WARRANT #11-P contained 3 claims, totaling \$715.25 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor.

The meeting adjourned at 8:05 p.m. on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK

