# **TOWN OF WINDHAM**

# **TOWN BOARD MEETING NOVEMBER 20, 2018**

**371 State Route 296, Hensonville, NY**

**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, Police Chief Tor Tryland, George Tortorelis, Windham Hose Co Fire Chief Gary Cook, Cathy Aplin and WAJ Student Samantha Aplin

**Absent:** Town Attorney Larry Gardner, Delaware Engineering John Brust, Ambulance Administrator Davia Montie & Water Superintendent Kyle Schwarz

The Supervisor called the meeting to order at 7:00 p.m. and opened with the Pledge of Allegiance.

**7:00 PM- PUBLIC HEARING:** The Supervisor read the following: Notice is hereby given that the Town Board of the Town of Windham shall conduct a public hearing on Tuesday, November 20, 2018 at 7:00 p.m. at the Windham Town Hall, 371 State Rt. 296, Hensonville, NY. The purpose of said hearing shall be to consider CWC Flood Buy Out Program for Paul T & Nadia Morales, 88 County Route 65, Hensonville, NY, Tax Map #96.14-1-12, 0.30 acres. All persons wishing to speak upon this matter shall be heard at this time. By Order of the Town Board. The Supervisor opened the floor for questions or comments. No one was present at this time for any comments. A motion to suspend the hearing @ 7:02 pm to the end of the meeting was made by Councilman Murray, 2nd by Councilman Peters, with all in favor.

The Supervisor would like to entertain a motion to open the **REGULAR TOWN BOARD MEETING** @ 7:02 pm a motion to approve was made by Councilman Murray, 2nd by Councilman Peters, with all in favor.

THE MINUTES OF THE NOVEMBER 8, 2018 PRELIMINARY BUDGET HEARING & TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Van Valin, with all in favor.

1.DELAWARE ENGINEERING: John Brust was not present.

2.COLUMBIA-GREENE HUMANE SOCIETY/SPCA 2019 Contract for the Board’s review & needs Supervisor’s signature. Fee structures have not changed from 2018. This contract is for January 1, 2019 through December 31, 2019 between the Town of Windham and The Columbia-Greene Humane Society. A motion was made to approve the contract, fee structure and allow the Supervisor to sign was made by Councilman Walker, 2nd by Councilman Murray, with all in favor.

3.WILLIAMSON LAW BOOK Town Clerk Plus Dogs Software & Support Contract for December 1, 2018 to November 30, 2019 needs approval & Supervisor’s signature. Fee has increased since 2018 and is now $344.00. A motion to approve the contract fee and allow the Supervisor to sign contract was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

4.REQUEST PERMISSION FOR OUTDOOR FIREWORKS DISPLAY Ski Windham Operating Corporation would like to host three winter 15-minute shows on the following evenings 12/31/18, 1/19/19 & 2/16/19. Young Explosives Corporation is the fireworks company. A motion to approve was made by Councilman Murray, 2nd by Councilman Van Valin, with 3 in favor, Supervisor Pelham and Councilman Peters abstain as they are employed by Ski Windham.

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5.CATSKILL CENTER FOR CONSERVATION & DEVELOPMENT STREAMSIDE ACQUISITION PACEL #9313: Town Board was awaiting comment from the Planning Board. Their meeting on November 15, 2018 was cancelled due to winter storm and the deadline to have a comment on this is due by December 5, 2018. Information was given back to the Town Board for their final review and comment. The Board would like the standard comment be made “to be opened as a Public Access Area for recreational uses.” and move the letter was made by Councilman Walker, 2nd by Councilman Murray, with all in favor.

6.TOWN BOARD RESOLUTION #40 OF 2018: to authorize the Supervisor to borrow from the Town of Windham General Fund Account the sum of $5,000.00. This borrowing is to cover expenses in the Capital Water Consolidation Project account in relation to the work performed on said water project. Then funds will be returned to the Town of Windham General Fund upon receipt of funds from the New York State Environmental Facilities Corporation regarding project funding. A motion to approve was made by Councilman Peters, 2nd by Councilman Murray, with all in favor. TOWN BOARD RESOLUTION#41 OF 2018: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Murray, with all in favor. GENERAL FUND RESOUTION #24 OF 2018: the following resolution was proposed to transfer funds to balance the General Fund accounts. A motion to approve was made by Councilman Murray, 2nd by Councilman Peters, with all in favor.

7.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. This morning there was a hazard material accident on State Route 23 East Windham; cars had to be detoured to Old Road. The highway crew was involved in the help and the roads were treated as there was some overnight snow conditions. There was help from multiple agencies and very well organized. Cornell Local Roads has a grant (not sure of the dollar amount) they are giving away free 50 work zone safety equipment: a set of cones, state approved work zone signs, safety vests/hard hats, etc. which Gary has applied for. The NY Rising Generators one at the Town Hall, the Highway Garage and the Bus Garage; Gary highly recommends to the Board to have a routine maintenance agreement-service contract in place. WWTP uses Turn Key for their generators and they are very happy. Kingsley that worked with CDE Electric to put these generators on line seems to be very replicable. The Board suggested that Gary get fee quotes for their review. The generators get cycled weekly, the highway goes on Monday’s at 8am; town hall goes on Monday’s at 8:30am this way the office girls hear this when they come into work; he is not sure what time the bus garage goes on. Gary would like permission to deem auction surplus equipment on the old police car and the brush guard from the ambulance. A motion to approve was made by Councilman Peters, 2nd by Councilman Murray, with all in favor. The next few weeks the highway dept. will be putting up Christmas decorations and the snowflakes throughout town.

8.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. Due to a three-car accident on State Route 23 early this morning and the ambulance remained there all day for the hazmat clean-up, Davia was not able to attend the meeting but sent her report for the Board’s review. “Ambulances 96-1 & 96-2 are all set with snow tires. She spoke with Supervisor Pelham yesterday about some possible hydraulic issues with 96-1. The Ambulance Crew is using 96-1 today, so far so good.”  The Board suggested that Davia create a case file for ambulance 96-1 concerning possible hydraulic issues and to check on to the warrantee. “The Town of Ashland Diane Cross and Supervisor Rich Tompkins have asked Davia if the Town of Windham Ambulance would be able to provide a BLS crew to cover for them Saturday, December 15th, noon to 6am Sunday morning. The Town of Ashland is having their Christmas party and would like everyone in their department to be able to attend.” A motion was made to put a second ambulance crew on to cover for the Town of Ashland was made by Councilman Murray, 2nd by Councilman Peters, with all in favor.

9.POLICE REPORT: Police Chief Tor Tryland was present. The police have a little more training to do as they are now down to the individual training. Lights are all out of the old car and the lettering just needs to come off. There was an auto accident early this morning with various agencies. Windham Police Dept. being the first there would like to thank the Greene County Sherriff’s as they had a lot of staffing on to assist, State Police, Windham Fire Co and hazmat. Our highway and the county highway were all there to help. Due to an oil tanker truck

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being involved all agencies had to stay all day. George Tortorelis would like to compliment the Windham Police Dept., Windham Highway Dept., DEC and the volunteer firemen of the Windham Hose Fire Co. as they were there the longest time and unpaid for their services.

10.COMMITTEE REPORTS: **Councilman Walker** has reached out to Justice McCarthy but has not heard back from her and it may have resolved itself; at this time, he has nothing to report on. **Councilman Peters** the last meeting it was discussed to update the fee policy that was passed by the Board about a month ago for Town Board Resolution #33 of 2018. Councilman Peters would like to make a motion that the following changes are made to supersede Town Board Resolution #33 of 2018, dated October 11, 2018. He read the following aloud “the Windham Town Board hereby enacts the following policy; and the Town of Windham seeks to utilize its public property to the fullest extent and to the greatest possible benefit for the residents and visitors of the Town of Windham. The Town Government owns and maintains numerous properties which is makes available to residents, groups, non-profits, and events on a case-by-case basis; and the Town Government spends an increasing amount of time, resources, and money cleaning and maintaining the properties owned by the Town. Effective for all applications received after this policy is adopted, anyone who uses town property and subsequently charges an admission fee, site fee, or any other fee will be subject to a Town Use Fee levied by the town to help defray the expenses paid by the town for upkeep of the property; and the following fee structure shall be applied: **admission under $2 or less there will be no charge by the Town;** **admission greater than $2 there will be a $150 charge by the Town.** In the event any other costs are incurred by the town as a direct result of an activity, those costs shall be subject to direct reimbursement in addition to the Town Use Fee. All fees collected as part of this policy shall be put in an account for the specific property they are collected for and said funds shall be used for the upkeep of that property. The town board reserves the right to waive the Town Use Fee if it deems the use is in the overwhelming public interest.” A motion to approve the above changes as read Town Board Resolution #43 of 2018 was made by Councilman Murray, 2nd by Councilman Walker, with all in favor. The Board of Fire Commissioners’ have asked if we can put a page on our website listing their contact information. Councilman Murray stated that he has received several complaints that the website is not up-to-date with all the board notes. He would like the Town Clerk to update the webpage with the board notes, if Councilman Peters could show the Town Clerk how this is done. **Councilman Van Valin** the Centre Property work has come to a stop right now due to the weather and the stone that is required in the specifications was cut 2 ft. x 4 ft. pattern with a minimum of 2-4 inches thick. They could not find a quarry that had enough of the pattern and was ready. Cornerstone called Councilman Van Valin requesting to use 1.5 inches thick. After speaking with Fred Grober, the contract specs call for 2 inches. The order will be delayed. The project has been taped off for safety issues and it is being monitored. Councilman Peters has received positive comments from the Community on this project. **Councilman Murray** would like to make a motion to shut off the telephone at the Little League Field as it is not accessible for an emergency and everyone has a cell phone. Councilman Van Valin will speak to Bruce McNab to make sure this is a good idea. Don last weekend at gone to Zoning School in Schoharie, NY. Zoning is a long drawn out and complex policy. To do it right it takes about 1.5-2 years to complete with at least 11 public hearings. The first thing to do is appoint a Zoning-Appeals Board and they sit through the process of writing all the zoning regulations. You don’t need a zoning board if you have a planning board. By town law you can reduce the number of people on the planning board and the number of service years i.e. seven members, seven years can reduce by order of the Town Board to five members, five years. According to the Association of Towns-Sarah, we legally already have zoning once the ARB District is established that is zoning.

12.WINDHAM MOUNTAIN OWNERS ASSOC. would like to request a street light. “The Windham Mountain Owners (WMO) Assoc. which includes homeowners on CD Lane Rd and Club Rd would like to formally request a street light to be installed on NYSEG pole 31A located on the southeast corner of South St. and CD Lane Rd.” Thank you. Kevin Kennedy, Director of Real Estate/Home Services. It would be a NYSEG pole light in the Town’s street lighting district.

COMMENTS FROM THE PUBLIC: Windham Hose Co. Fire Chief Gary Cook would like to thank the Windham Police & Greene County Sheriff’s law enforcement and publicly thank and commend Highway Superintendent Gary Thorington for his expedites actions this morning.

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There were State Officials on the scene and gave high praise for how the whole thing was handled and Highway Superintendent Gary Thorington in the way he constructed the containment banks. The DC Commissioner himself said it was an excellent job. Fire Chief Cook wanted to thank all who were involved and the resources they were able to provide in the accident today on State Route 23. The Board thanked the Windham Hose Co for their service today. Fire Chief Cook stated they were on the scene for 11.5 hours today.

Councilman Murray would like to make a motion to re-open the recessed public hearing at 7:35 pm, 2nd by Councilman Peters, with all in favor. No comment was made from the public. Councilman Murray made a motion to close the public hearing at 7:35 pm, 2nd by Councilman Peters, with all in favor.

11.TOWN BOARD RESOLUTION #42 OF 2018: The Town of Windham enrolled in the Flood Buy out Program as specified in the Memorandum of Agreement between the City of New York and Greene County dated October 15, 2013. Whereas, which the Town is interested in acquiring title to, namely the property owned by Paul T. & Nadia Morales, 88 County Route 65, Hensonville, NY (SBL #96.14-1-12). Now, therefore be it as stated in the MOA under Section 2e, the Town must enter into the agreement to be responsible for the long-term management of the property as a condition to the City entering into a contract to take title of such property. A motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

ACCOUNT BALANCES AND BUDGET COMPARISIONS November 20, 2018 files were made available for the Board to review.

GENERAL FUND WARRANT #22-G contained vouchers #840-885, totaling $178,036.34 was audited and approved for payment on a motion by Councilman Peters, 2nd by Councilman Murray, with all in favor.

HIGHWAY FUND WARRANT #22 contained vouchers #216-228, totaling $94,495.43 was audited and approved for payment on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor.

SEWER DISTRICT FUND WARRANT #22 contained vouchers #303-310, totaling $1,249.03 was audited and approved on a motion by Councilman Peters, 2nd by Councilman Murray, with all in favor.

The meeting adjourned at 7:37 p.m. on a motion by Councilman Murray, 2nd by Councilman Peters, with all in favor.

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SUPERVISOR COUNCILMAN COUNCILMAN

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COUNCILMAN COUNCILMAN TOWN CLERK

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