

**TOWN OF WINDHAM
TOWN BOARD MEETING
371 State Route 296, Hensonville, NY
Website: www.townofwindhamny.com**

APRIL 23, 2020

Present: Supervisor: Thomas F. Hoyt
Councilmen: Wayne Van Valin, Ian Peters, Stephen Walker & Kurt Goettsche
Town Clerk: Bonnie Poehmel

Also Present: Town Attorney Larry Gardner & Highway Superintendent Gary Thorington

Also Present and listening in without comment: Delaware Engineering John Brust, Michael McCarthy and Mike Ryan Mountain Eagle

Notice of the Zoom meeting with ID 942 6958 2165 and phone number +1 929 205 6099 US (New York) was listed on the town's website and Facebook page prior to the meeting for purposes of the General Public to attend.

Supervisor Hoyt called the Town Board Meeting to order via-<https://zoom.us> Meeting ID: 942 6958 2165 telephone conference call with the Windham Town Board Members, Town Attorney, Highway Superintendent and the Town Clerk at 7:02 pm and Councilman Walker opened with the Pledge of Allegiance.

Supervisor Hoyt asked the Windham Town Board members, Town Attorney, Highway Superintendent and the Town Clerk to state their names for record that they were present.

Supervisor Thomas Hoyt
Councilmen: Wayne Van Valin, Ian Peters, Stephen Walker & Kurt Goettsche
Town Attorney Larry Gardner
Highway Superintendent Gary Thorington
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The Supervisor gave a brief statement for the matter of the zoom telephone conference call meeting which allows the Windham Town Board by law to conduct this meeting:

As per Andrew M. Cuomo, Governor of the State of New York, has issued an

EXECUTIVE ORDER

CONTINUING TEMPORARY SUSPENSION AND MODIFICATION OF LAWS RELATING TO THE DISASTER EMERGENCY

“WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby continue Executive Order 202, dated March 7, 2020, and I hereby continue any suspension or modification of law made by Executive Order 202 for thirty days until April 11, 2020, except that such Executive Order is amended to read as follows:

FURTHER, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 11, 2020 the following:

Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 11, 2020:

Any guidance issued by the New York State Department of Health related to prevention and infection control of COVID-19. Any place of business or public accommodation, and any gathering or event for which attendance is anticipated to be fewer than five hundred people, shall operate at no greater than fifty percent occupancy, and no greater than fifty percent of seating capacity, for thirty days effective on Friday, March 13, 2020.

Written and signed by the Governor of the State in the City of Albany the twelfth day of March in the year two thousand twenty.”

Extension of Prior Executive Orders

By virtue of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, and 202.13 which closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), all such Executive Orders shall be continued, provided that the expiration dates of such Executive Orders shall be aligned, such that all in-person business restrictions and workplace restrictions will be in effect until 11:59 p.m. on April 29, 2020 unless extended by a future executive order. All other prior executive orders not otherwise superseded, are extended until May 7, 2020. **This means that EO 202.1 which suspended the in-person requirement of Open Meetings Law remains in effect until May 7, 2020.**

THE MINUTES OF THE APRIL 9, 2020 TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Goettsche, with all in favor.

1.DELAWARE ENGINEERING: John Brust was present on the phone for listening purposes only. In a letter John updated the Town Board on the current projects. ***Wastewater Treatment Plant*** Preparation of an Engineering Report that will provide an overall assessment of the WWTP is in progress. ***Town Hall Improvements*** This project is temporarily on hold. ***Centre Church*** This project is temporarily on hold. ***Ambulance Building*** Some relatively minor adjustments to the proposed site plan, building layout, and building profile are being incorporated into revised concept drawings. These will be distributed to Board members prior to the next Board meeting. The project will be placed before the voters in November. ***Comprehensive Plan*** Our staff has initiated the project and is communicating with the Comp Plan Committee. ***Mad Brook – CWC Project*** Design plans are being revised/completed. Tentative schedule is: Bid: May 2020; Construction: July – September 2020. Please let me know if you have any questions or comments about the items detailed in this report.

2.GENERAL FUND RESOLUTION #6 OF 2020: the following resolution was proposed to transfer funds to balance the General Fund Accts. A motion to approve was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor.

3.PARKING LOT AGREEMENT WITH WINDHAM VENTURES: for Board's review and give Supervisor permission to sign. Windham Ventures, 11 Vets Road, Windham, Tax Map #78.18-2-29.2. The Town of Windham "may enter upon said parcel use, the existing parking lot upon the said premises for the purpose of municipal parking for a period of six years from the date of June 20, 2019." Supervisor Hoyt has spoken to Town Attorney Larry Gardner, last year there was no agreement, therefore, the agreement has been written up for 6 years June 20, 2019-June 20, 2025. "It is agreed that the Town of Windham shall pay a fee to Windham Ventures in the sum of \$1,250.00 for each year that this agreement is in effect, payment shall be made upon the first day of each term...The Town of Windham will be responsible for plowing and/or removal of snow and maintenance of said parking area; and responsible for the collecting and removal of all trash and debris from the parking area during the terms of the Agreement." Should either party want to terminate this agreement they will need to give in writing a 60-day notice. A motion to approve this agreement and allow the Supervisor to sign was made by Councilman Walker, 2nd by Councilman Van Valin, with all in favor.

4.FLOWERS: Last year the Town of Windham spent \$5,005 in flowers itself; \$5,007 installation of the flowers at the signs and beds; \$1,980 on the cemetery wall for work & clean-up for the season and \$3,860 in watering all the flowers for a total of \$16,545.00. Over the past years Bob Kerns has done an excellent job. Supervisor Hoyt recommends to the Board this will need to go out for bid this year. He will draft up two bids one for prepping and planting of the flowers and the other bid for summer maintenance of the flowers. A motion to advertise two separate flower bids was approved by Councilman Peters, 2nd by Councilman Walker, with all in favor.

5.AMBULANCE REPORT: Ambulance Administrator Davia Montie has no report for this meeting. The Supervisor speaks to Davia on a regular basis and everything is going well. The Board has received a retirement letter from Jeffrey Loucks. He has retired effectively March 21, 2020. A motion to accept his retirement letter was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

6.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. He has sent his report to the Board for their review. "**Operations: Sweeping roadways:** All town roads have been swept 1 time and ½ have been done a second time. Greene County Highway is sweeping Main Street, residential areas and parking lots (under shared services). **High winds:** Crew cleared roadway obstructions and debris town wide. **Property Maintenance:** Crew fixed and leveled all cap stones on stone walls on Cemetery Hill." Gary spoke to let everyone know the Highway Dept is out there in the public eye, working hard and doing critical things to get ready for the re-opening of our state. Gary is very proud of his highway department for keeping things in tune. Councilman Goettsche people are appreciating the work done on the Windham Path, keeping up with the cleaning.

7.POLICE REPORT: Police Chief Tor Tryland was not present. He has sent his report to the Board for their review. "1. Windham Police Department is operating without any reports of staff currently being sick and or quarantined. 2. During these times the training of our two newest hires has been going as planned. By mid-May they will hopefully have their training hours approved by the zone 14 Law Enforcement Academy. The plan is to have them both work on their own after the approval. 3. Patrol cars are in operation without any major issues. 7F386, the 2014 SUV, has a check engine light on, but is probably an O2 sensor or something like that. We have not been able to get it to a garage to read the code yet. Will follow up and keep you posted as soon as information becomes available."

8.ASSESSOR REPORT: Town Assessor Richard Tollner was not present. He has sent his report to the Board for their review. 1. Tentative Roll has been submitted to Greene County. 2. Covid19 and Town Hall lack of access has not been a burden to myself or the taxpayers. Kudos to the Town Clerk Bonnie Poehmel & Account Clerk Bette Rhoades for fielding traffic. My home office set-up has worked wonderfully. 3. Preparation done to insure taxpayer access to Assessor, during inquiry and grievance process. We are proposing that all calls will be to 518.428.5000 my cell, all emails to our standard TOW windassess@gmail.com email. Any USPO requests can be sent to Richard Tollner at home, or picked up by him at Town Hall. I can take all emails and phone calls directly. This way I will not needlessly consume Bonnie & Bette's time, with Appointment Calls. I have chosen three days 4/27, 4/29 & 4/30 7am to 7pm for taxpayer

accessibility to inquire. This is more hours of availability than in the past, to help overburdened taxpayers at this time. 4. I, propose the Town Board vote, to have Board of Assessment Review have its annual meeting at Town Hall VIA email or phone call, without walk-ins at any time on the day of B.A.R. The Board of Assessment Review (B.A.R.) would be by appointment ONLY, and on the normally scheduled day Tuesday May 26th. I have worked diligently to address all inquiries already. I do not expect many at all. At this time, we have zero taxpayers interested in going to B.A.R. This way we are on the same schedule as has always been. I am prepared to have multiple computer screens to keep our B.A.R. members six feet apart and to have speaker phone available, all at no cost to TOW. 5. I, propose we have former TOW Assessor Robert Rhoades be our replacement / back up in the event any of our existing B.A.R. member being unable to be in Town Hall or perform their duties. Bob has agreed to be available if called upon. NYS Office of Real Property Services rules expect a minimum of three B.A.R. members. This afternoon, Monday 4/20, I have sent an email to Town Attorney Larry Gardner attending to the allowance of this by the legal rules. I am free to discuss any of these items at your availability. 518.428.5000. Supervisor Hoyt would like the Board to review item #4 for a vote. The Assessor is asking for permission on Tuesday, May 26, 2020 to allow the Board of Assessment Review (B.A.R.) for their annual meeting. A motion to approve was made by Councilman Walker, 2nd by Councilman Goettsche. The Assessor would also like to recommend a fourth B.A.R. member Robert Rhoades, former Assessor, should there be a vacancy for a current B.A.R. member who cannot attend that meeting on May 26, 2020. A motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

9.CODE ENFORCEMENT/BUILDING INSPECTOR REPORT: Dominick Caropreso was not present. He has sent his report to the Board for their review. Five building permits were issued for the month of April. Three of the building permits issued were for Emergency Roof Repair Leaks. A property on County Route 65, Hensonville has obtained a building permit to fix the falling off front porch and cleaning up the property from prior violation.

10.COMMITTEE REPORT: **Councilman Walker** has spoken again to Justice Maureen McCarthy concerning Court Clerk Jessica Braden needs to have better communications with the front office. When time allows, he will continue his talks about the reconfiguration of the court. Supervisor Hoyt has spoken to Justice Maureen McCarthy has well. Jessica Braden has filed for Unemployment Benefits with another job she was laid-off from and listed the Town of Windham has a former employer. As of this time Jessica will be furloughed from the Town of Windham Court. **Councilman Goettsche** the Town Clerk has received from six properties their fire alarm registration applications. A copy of each filed application has been sent to the Fire Commissioners and to the Windham Police Dept. The January meeting for the Chamber of Commerce, he met with someone from the WAJ Hensonville-Maplecrest Community Group, they have sent over some document ideas for the steering community. He has received good reports from people on line concerning the Windham Path, the path is beautifully being taken care of. Thanks to Gary and the Highway Dept. for that. He as also had people ask him about putting a trash can at the path parking lot and/or a place to put dog droppings. Supervisor Hoyt the problem with the trash receptacle who is going to maintain it? There is a lot of people using the path and before you know it, they will be dumping garbage from their cars, they will bring their household garbage and the animals will be in it. Anyone walking on the path with have to bring out their own garbage; you carry in, you carry out! Councilman Goettsche listened in on a telephone conversation with Assembly Chris Tague about the up-coming re-opening of the state. Supervisor Hoyt also listened in on that conversation and then called Chris Tague afterwards to discuss concerns about short term rentals every week in our community making the local residents very nervous with the COVID-19 pandemic and areas in the community that do not have proper broadband. **Councilman Van Valin** would like to thank whomever changed the kiosk sign at the Centre Property as they listed the Town of Windham's website for all updates on the COVID-19 pandemic. Councilman Walker has noticed the highway dept. has cleaned up the grounds on the east-side of the Library/Centre Property. Highway Superintendent Gary Thorington wanted to add to the clean-up of that area Greene County Highway (as shared services) has been very essential in street-sweeping Main Street as well as that area. Councilman Walker asked if the cross walks in town could all be repainted again. Supervisor Hoyt will speak to DOT Steve Shepard. Supervisor Hoyt also stated that Jean Jaeger has cancelled t-ball for this year. John Garzone is still interested in trying to have little league games. **Councilman Peters** he has been researching the ambulance building floor plans and has been working on water, he

has a report for the next meeting. **Supervisor Hoyt** has spoken with labor counsel Attorney Elayne Gold regarding a couple of employees that have not used all their accrual time as they have not been able to use it with the COVID-19 as it is affecting their year-end/year-start time; as this will all be starting in the next couple of weeks. Attorney Elayne Gold recommended that we allow the employees to carry their accrual time forward for a one-time and express to them they must use it up within the next six months. We legally can not take this away as they have earned it. He speaks with Librarian Candance Begley once or twice a week regarding the Library. Once the month of May gets closer, he is going to have Candance and her staff alternate in and out of the library, as it has been closed for a while; to dust the books off. Candance has been keeping the book drop box clean from the public dumping garbage in there as well. Supervisor Hoyt has received an email from Mid-Hudson Cablevision stating they will be in our area of Maplecrest with the cable this fall and would also like to say thank you to them for providing a hot spot a free Wi Fi zone at CD Lane Park at no expense to the Town of Windham. The hotspot is located at the entrance of the park is there to help those who are working from home and the school students. The Supervisor has also met with Darryl Legg Hunter Supervisor and Greene County Superintendent and the Deputy Superintendent prior to this event. The Hunter Transfer Station is going to be partially opened/closed during their construction season; and if need be the Windham Transfer Station will be open 7 days a week this summer during that construction for the overflow of construction debris and garbage. We have assurance from Greene County on this. At the Windham Transfer Station the concrete has been poured for the scales, they are to set the scale next week, it will be a bright yellow scale and they will install the red/green light as Councilman Van Valin had requested and they are going to repave between the scale and the scale house.

GENERAL FUND WARRANT #8-G contained vouchers #315-338, totaling \$17,937.28 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY FUND WARRANT #8 contained vouchers #70-76, totaling \$1,988.18 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

SEWER DISTRICT FUND WARRANT #8 contained vouchers #92-101, totaling \$6,577.26 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

GENERAL FUND PAYROLL WARRANT #9-P for **General** contained 5 claims, totaling \$6,705.90 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Ambulance** payroll contained 18 claims, totaling \$14,163.19 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Police** payroll contained 5 claims, totaling \$6,284.02 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #9-P contained 6 claims, totaling \$9,664.00 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

SEWER DISTRICT FUND PAYROLL WARRANT #9-P contained 1 claim, totaling \$76.13 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

EXECUTIVE SESSION Supervisor Hoyt made a motion at 7:33 pm to recess from the Town Board Meeting to go into Executive Session to discuss hiring an attorney for an upcoming claim, 2nd by Councilman Goettsche, with all in favor. Town Attorney Larry Gardner, Highway Superintendent Gary Thorington and the Town Clerk Bonnie Poehmel was allowed to stay. All

others in the audience were asked to remain on the line and they would be muted in the waiting room.

RECONVENE MEETING The audience remaining in the muted waiting room where brought back into the telephone conference. Councilman Peters made a motion at 7:49 pm to adjourn from Executive Session to reconvene to the Town Board Meeting, 2nd by Councilman Walker, with all in favor. Supervisor Hoyt would like a motion to retain Freeman Howard PC for an obstruction issue on Hickory Hill Road, Windham, New York. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. (See Town Board Resolution #16 of 2020).

The meeting adjourned at 7:50 pm on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK

