

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

MAY 28, 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: Mike Ryan Mountain Eagle

Notice of the Zoom meeting with ID 862 3829 0966 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: 862 3829 0966 telephone conference call with the Windham Town Board Members, Town Attorney, Highway Superintendent and the Town Clerk at 7:06 pm and Councilman Goettsche 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
Town Clerk Bonnie Poehmel

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 Governor just issued a new executive order (202.28) which appears to extend virtual meetings until June 6, 2020. The authority to hold virtual meetings was set forth in EO 202.1 and is therefore extended to June 6th.

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order up to and including Executive **Order 202.14**, for thirty days until **June 6, 2020**.

THE MINUTES OF THE MAY 14, 2020 TOWN BOARD MEETING were approved as typed on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

1. DELAWARE ENGINEERING: John Brust was not present. In a letter John has updated the Board with the current projects for their review: “**Water Project** During the past two weeks the following work activities have been performed: Hubbell Construction has been working diligently on installing ductile iron water main by open cut excavation; To date, main distribution lines have been installed from Thompson House, where it is tied into the existing water system, to Scarey Lane; Pressure testing is underway for those completed section of the main line. The installed main lines have been successfully tested from Thompson House to Hamilton Motel; There is on-going testing from Hamilton Motel to the Hickory Hill Market; Upon successful pressure test today chlorination of the main lines will begin; The remaining portion of this week will be consumed by making connections along Rt. 23 by the cemetery and towards Mitchell Hollow Rd; and, Next week Hubbell is scheduled to install water main from Old Road to East Winds. We have received NYSDOH approval to install this section of water main within proximity of existing sewer main. We are awaiting concurrence from NYSDOT. **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** the Board has been provided with revised site plan, building layout, and profile for the proposed building. **Comprehensive Plan** Our staff is communicating with the Comp Plan Committee. **Madd Brook – CWC Project** Design plans and Bid Documents are completed. CWC reviewed a gave approval to bid. Tentative schedule is: Bid: June 2020; Construction: July – September 2020”. Please let me know if you have any questions or comments about the items detailed in this report. The Supervisor has spoken to John and to CWC. Next Tuesday at 9:00 am at the water site the Supervisor and Alan Tavenner Delaware Engineering will be meeting with DOT to discuss the water main as there is a little bit of discrepancy as to where we should run the water main. The Town has DOH approval. The Supervisor has invited the Councilmen to join the meeting. John has also presented the Board for their review an advertisement to bid for the Madd Brook -CWC Project: “Notice is hereby given that sealed bids will be received until **2:00 PM, July 2nd, 2020, at the Town of Windham, Town Clerk’s Office, 371 State Route 296, P.O. Box 96, Hensonville, New York 12439** at which time bids will be publicly opened and read aloud for the Mitchell Hollow Bank Stabilization Project. Work is generally described as follows: **Mitchell Hollow Bank Stabilization:** Work includes furnishing and installing large rock rip rap along approximately 100 linear feet of stream bank, installing topsoil, grading, and installing shrubs. Contract Documents, including Advertisement For Bids, Information For Bidders, Labor and Employment, Additional Instructions, Bid Documents, Agreement, General Conditions, General Requirements, Specifications, Contract Drawings and any Addenda, may be examined at no expense on line at the following website: www.debiddocuments.com, or at the office of Delaware Engineering, D.P.C., 28 Madison Ave Extension Albany NY, 12203. Digital copies of the Contract Documents may be obtained online as a download for a non-refundable fee of Forty-Nine Dollars (\$49.00) from the website: www.debiddocuments.com. Complete hardcopy sets of bidding documents may be obtained from REV, 330 Route 17A, Suite #2, Goshen, NY 10924, Tel: 1-877-272-0216, upon depositing the sum of One Hundred Dollars (\$100.00) for each combined set of documents. Checks or money orders shall be made payable to Delaware Engineering, D.P.C. Cash deposits will not be accepted. Any Bidder requiring documents to be shipped shall make arrangements with REV and pay for all packaging and shipping costs. Any Bidder who submitted completed Bid Forms to the Town of Windham, upon returning such set-in good condition within thirty days following the award of the contract or rejection of the bids, will be refunded his full payment. Deposits will not be refunded to any non-bidder (including material suppliers, subcontractors, or those that provide quotes to Bidders). Questions should be sent to Jesse Fraine via email at jfraine@delawareengineering.com or Fax at (518) 452-1335. Please note that www.debiddocuments.com is the designated location and means for distributing and obtaining all bid package information. All Bidders are urged to register to ensure receipt of all necessary information including bid addenda. All bid addenda will be transmitted to registered plan holders via email and will be available at

www.debiddocuments.com. Plan holders who have paid for hard copies of the bid documents will need to make the determination if hard copies of the addenda are required for their use, and coordinate directly with REV for hard copies of addenda to be issued. There will be no charge for registered plan holders to obtain hard copies of the bid addenda. Each bid must be accompanied by security in an amount not less than five percent (5%) of the amount of the bid in the form and subject to the conditions provided in the Information for Bidders. No Bidder may withdraw his bid within forty-five (45) days after the actual date of opening thereof. **A pre-bid conference will be held on June 15, 2020 @ 2:00 PM at the Project Site, 5331 State Route 23, Windham, New York 12496.** Bidding contractors are strongly encouraged to have an authorized representative of their firm present at this meeting. Section 3 and M/WBE firms are strongly encouraged to apply. The right is reserved to waive any informalities in the Bid and to reject any or all Bids.” The Supervisor has reviewed the plans and has spoken to Jesse Fraine Delaware Engineering everything is good to go. The Supervisor would like a motion to advertise this bid notice. Motion to approve the bid for advertisement was made by Councilman Walker, 2nd by Councilman Van Valin, with all in favor. Supervisor Hoyt the pre-bid conference is not mandatory but any contractors who are visiting the site will be told should they do any damage to Brabazon’s driveway or to the work that has already been done along the Madd Brook in that area, they will be responsible in fixing at their expense.

2.APPLYING FOR NEW LIQUOR LICENSE APPLICATION: Ski Windham Operating Corp. is applying for a new liquor license for the pool area at Winwood Inn, 5220 State Route 23, Windham. They are applying for a liquor, wine, beer & cider for their seasonal establishment. A motion to approve was made by Councilman Walker, 2nd by Councilman Goettsche, with 4 in favor, one abstains by Councilman Peters as he is employed by Ski Windham Operating Corp.

3.WINDHAM VILLAGE CEMETERY is requesting the annual cemetery maintenance care for 2020. In the past the town paid \$5,000 per year. This year they are requesting a fee increase from \$5,000 to \$6,000. A copy of their income/expense sheet for 2019 has been provided to the Board for their review. A motion to approve the request for \$6,000 was made by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor.

4.MOUNTAIN TOP SOCCER is requesting permission to use the Creamery Soccer Field. Usually this is a summer youth program, but due to the COVID-19 virus the summer season was cancelled. They would like to change the dates this year starting September 9-October 24, 2020. They would like to have practices on Wednesday & Thursday nights from 6:00 pm-8:00 pm and games on Saturdays starting at 9:00 am to 1:00 pm. Supervisor Hoyt would like a note be made to them that in the fall on Wednesday & Thursday nights it gets darker earlier around 6:15 pm, so they may have to adjust their practice times. A motion to approve was made by Councilman Walker, 2nd by Councilman Van Valin, with all in favor.

5.REQUEST PERMISSION FOR OUTDOOR FIREWORKS DISPLAY: Town of Windham 4th of July Celebration, 2020. A motion to approve and allow the Supervisor to sign was made by Councilman Walker, 2nd by Councilman Goettsche, with all in favor. The Supervisor stated “the only thing we have to be aware of is, that we as a region are with the Capital District; we want to make sure we get to the right phase for that weekend with outside activities. With the outside activities we will be more than cautious and responsible, as there may be that one underlining element that we may not be able to pursue if things get worse instead of better. We are being optimistic”.

6.REQUEST PERMISSION to use Centre Property’s Front Lawn for Farmer’s Market. This was tabled at the last Town Board Meeting on May 14, 2020. The Supervisor has spoken to Christine Peters and has expressed that the turf is not ready for foot traffic at this time. He has also spoken with Bob Kerns. Bob has suggested we have no foot traffic till at least the fourth of July. Bob will monitor the turf for us. Bob also said he would put out more grass seed where it is needed and fertilize it, this will help make the growth better. The Supervisor also spoke to Christine about the Masonic Temple. Per their Grand Lodge their lawn is non-essential at this time. He did hear they will be setting up the farmer’s market out front of the Windham Local. Councilman Walker noted that Bob Kerns has been planting flowers through-out town today. Councilman Goettsche would like to go with the recommendations of Bob Kerns.

7.GENERAL FUND RESOLUTION #8 OF 2020: the following resolution was proposed to transfer funds to balance accounts in the General Fund. A motion to approve was made by

Councilman Walker, 2nd by Councilman Goettsche, with all in favor. The Safety Inspection Books from the State have all been updated with new guidelines for the Building Inspector. The Supervisor has authorized the purchase of these new books.

8.GREENE COUNTY RESOLUTION #151-20: Awarding Bids to Purchase Materials-Highway Department; GREENE COUNTY RESOLUTION #152-20: Awarding Bid for Washed and Screened Crushed Stone; GREENE COUNTY RESOLUTION #155-20: Authorizing Chargeback of Assessment Roll Related Services & Materials; GREENE COUNTY RESOLUTION #156-20: Authorized Distribution of Mortgage Tax, Windham \$70,314.58. This is for the Board review.

9.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present and she has nothing to report on for this meeting.

10.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. Gary has sent his report to the Board for their review. **“Operations:** Normal routine highway work / maintenance for the last two weeks. 5/19/20 paved Blodgett Road. Weekend of 16th – 17th storm wind damage, cleared 2 trees blocking roadways. **Community Service:** The Highway department hung American Flags Town wide.” Gary has one more thing to add to his report. DEP has requested a Letter of Support from Greene County Highway for the final phase of the County Route 12 Storm Water Collection System NY Rising Project a lot of the work will be done within their right-of-way. Supervisor Hoyt stated we are having extreme difficulties working with NY Rising right now. The Supervisor has left several messages for Bill Blankenship and his Boss on her personal cell phone and work phone, concerning payment for the NY Rising Projects as they owe the Town of Windham a large sum of money. No one has returned any phone calls. The town has funded the money for the generators, they have not paid in full for the inspector/designer for County Route 56 culvert project, and he has spoken to the engineer for the South Street Stormwater project, the engineer cannot go any further. The engineer also has about 20 easements that need to be filed.

11.POLICE REPORT: Police Chief Tor Tryland was not present. The Chief has sent his report to the Board for their review. **“New Hire Update,** Both our new employees are now working alone and they had their meeting with Zone 14 Police Academy and all was approved. **Vehicles.** Normal services performed, informed by Wes’ Mobile Repair that we soon would need tires for 7F385. This vehicle has just over 30,000 miles. Tires were ordered by assistance from the Highway Dep., thank you Gary. They have not been installed yet, and we will probably hold off a little before we do the install.” Supervisor Hoyt speaks to the Chief on a regular basis and everything is going very well.

12.ASSESSOR REPORT: Town Assessor Richard Tollner was not present. Richard has sent his report to the Board for their review. “The assessor’s office continues to operate remotely without loss of quality or any delays in service. This is occurring during our peak activity for the year. The Tentative roll was submitted on time. All requests for information or reviews have been completed. This year the Board of Assessment Review convened as scheduled, on same timeframe as in prior years. This year due to Covid19 restrictions taxpayers had the opportunity to communicate via mail, email, call in, or ZOOM, (video conferencing.) Video conferencing and telephone connections were set up in the Board Room at no expense, thanks to the assessor’s office. The assessor’s office continues to photograph Town of Windham properties for the purpose of updating our photo records. To date over 2000 new photos have been added to the town assessor’s records. This service was provided at no additional cost to the Town of Windham, and continues until completed. Special thanks go out to town hall employees who assist the assessor’s office while the assessor works remotely, without them, the job would be much harder. Thank you, Account Billing Bette Rhoades and Town Clerk Bonnie Poehmel.” Richard is very excited to come back to work in the building. Supervisor Hoyt “whoever chose Richard, chose a good candidate for our town assessor”. The Supervisor has received comments from the public they enjoy working with Richard as they did with Bob Rhoades.

13.CODE ENFORCEMENT/BUILDING INSPECTOR REPORT: Code Enforcement Officer Dominick Caropreso was not present. Dominick has sent his report to the Board for their review.

Supervisor Hoyt something that is not in his report; there has been a lot of activity out on State Route 23 where the old Cagney's Bar was. Dominick has spoken to the owner of the property as to when the remaining part of the structure will be gone. Hopefully that will be taken care of soon. Any questions feel free to get in touch with Dominick. Dominick also has spoken to the owner of the old Neilson Lodge on County Route 40 regarding the blue tarp on the roof when that will be removed and fixed. The Supervisor is hoping the restriction is lifted and will re-open the landfill where the asbestos is taken as this is holding up the old Sugar Maples building from being demolished. Hopefully this project will be moving forward soon.

14.COMMITTEE REPORT: **Councilman Walker** the SWAC meeting has been cancelled. Members were sent packets to their home with information on various projects to review and then vote on them. September 15, 2020 is the deadline for submitting the next round of grants from 2020 to 2025. **Councilman Goettsche** has been updating the website and Facebook with new announcements. He has nothing to report on at this time. **Councilman Van Valin** due to a recent heavy wind storm the west side of the Library roof lost some shingles, he had a local roofing company repair that area. He was out near Blodgett Road during the recapping, hats off for the paving job. Everything looks great and a nice surface. Hubbell is doing a great job on the regrading & restoration and doing a better job than the others have done in the past. The Greene County Transfer Station the red/green light system is working out well. Are they going to blacktop and address the drainage? The Supervisor has spoken Scott Templeton concerning the matter, they got hit with bad weather and the contractor had to move on to another scheduled job. They will have the contractor come back and finish the project. Councilman Van Valin suggests that they need to have a travel pattern there; at times it gets clustered now that we have more people in the area it is busier and at times it is frustrating to move around. Councilman Walker we need to have our crosswalks repainted again. Supervisor Hoyt has spoken to Steve Shepard about that. It is on their schedule to do that. **Councilman Peters** has been working on a letter to the water users this will be discussed at the Water Meeting following this meeting. He has spoken to the Ambulance Administrator Davia Montie about the new floor plan layout for the proposed new ambulance building. They have also spoke about offering benefits to the part time ambulance staff that have worked for the Town of Windham full time 20 years/24-hour shifts. The ambulance dept currently receives zero benefits. She would like to see those people recognized for their years of service here. Supervisor would like to have a sit down to discuss to make sure we do not lose the dedication of this staff to another agency. Councilman Peters would like to roll this in to the next year's budget to be effective January 1, 2021. **Supervisor Hoyt** has spoken to Candice Begley Librarian. The Library Association has a plan when and how they will come back to work. They are all working together with other Libraries in the area. Candice and the staff have been in doing maintenance on the books & cleaning and the carpets have been cleaned. They are anxious to come back. The Supervisor would like to be able to have the Library open the first week in June. Once the Governor's Executive Orders start releasing phases; we are not allowed to pay people unless they are physically working. Candice and the staff will have to be in the building to continue to receive their pay checks. The Supervisor received before the meeting an email that a group would like to have a dog show at CD Lane Park, he has emailed everyone a copy of that. He is also looking at the date of June 8, 2020 to open the town hall doors to the general public. At that time the Assessor will be back in his office too. All safety precautions will be taken. He would like also to have the planning board back for their meeting on June 18, 2020. No projects have been held up. June 18th will be going into Phase Two. Per the Governor we can meet with 10 people and follow the proper procedure. Soil and Water has done some work at the Park for us. They have graded the beach area, removed a lot of sod from the beach and the sand will need to be replaced. The Supervisor would like to get two different quotes from two different vendors on the purchase of new beach sand. There is money set aside in the budget for a park manager that we do not have this year. As part of the Supervisor's duties to the town he is in charge of the park. That money will be used to purchase the new beach sand. The park has had a lot of use especially now during the COVID-19. He is also hoping to bring back the park's part time employee on June 8, 2020. With the park being so busy the public is leaving their trash behind. We are not at the point yet to open the park and spread the picnic tables out. The water has been turned on and chlorinated; no samples have been gathered yet. The Supervisor would like the Board's permission to purchase beach sand. The Board gives their unanimously permission. **Attorney Larry Gardner** the Board has been given a proposed parking lot agreement for behind Todaro's with Dianne G. Bunce, as Trustee of the Norman J. Bunce Revocable Trust, tax map #78.19-1-9 for their review. There has

not been an agreement since 2016. A drafted proposed agreement which commences in 2016 and runs for a total of 10 years. Payment, "it is agreed that Windham shall pay a fee to Bunce in the sum of the annual amount of the total of the general tax bill and the school bill in each calendar year on October 1st of each year." Either party "may terminate this agreement upon a sixty-day notice given prior to the commencement of any annual period." A motion to approve the Bunce agreement was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor. For the next board meeting Larry will have two separate agreements for Jimmy Miltenberger on the parking lot & path. Larry will speak to the party handling our litigation matter before the next meeting to see where they are as the courts are closed.

GENERAL FUND WARRANT #10-G contained vouchers #374-419, totaling \$24,868.41 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY FUND WARRANT #10 contained vouchers #86-95, totaling \$6,900.51 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 #10 contained vouchers #119-138, totaling \$43,263.60 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

CWC FLOOD HAZARD MITIGATION WARRANT #6 (Project #17-140 Madd Brook Design) contained vouchers #8-10, totaling \$12,210.00 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

GENERAL FUND PAYROLL WARRANT #11-P for **General** contained claims, totaling \$9,003.35 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Ambulance** payroll contained 19 claims, totaling \$14,271.45 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Police** payroll contained 6 claims, totaling \$7,312.55 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #11-P contained 4 claims, totaling \$7,055.63 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

SEWER DISTRICT FUND PAYROLL WARRANT #11-P contained 3 claims, totaling \$278.85 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

The meeting adjourned at 7:46 p.m. on a motion by Councilman Walker, 2nd by Councilman Goettsche, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
