

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

JULY 23, 2020

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

Also Present: Highway Superintendent Gary Thorington, Town Attorney Larry Gardner, Kaaterskill Associates Darrin Elson, Charlie Torsiello, John Bunce, Nick Bove & Lori Torgersen

Absent: Police Chief Tor Tryland & Ambulance Administrator Davia Montie

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

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

1.DELAWARE ENGINEERING: The Town Board and Supervisor have received an “Amendment to Agreement Between the Catskill Watershed Corporation and the Town of Windham for Implementation of Flood Hazard Mitigation Implementation Recommendations”: The agreement is regarding the construction funding for the Mitchell Hollow Streambank Stabilization Project also known as the Madd Brook. By a CWC Board approved Resolution #3145 funding for \$23,000.00. By a CWC Board of Directors approved Resolution #3731 by a request from the Town of Windham for an additional \$22,572.00 for a total funding \$45,572.00. By a CWC Board of Directors Resolution #3827 additional funding to the Town of Windham in an amount not to exceed \$112,919.16 for construction and related professional services, inclusive of contingency, for the Mitchell Hollow Streambank Stabilization Project. This Agreement shall terminate on December 31, 2021 subject to an extension approved in writing by CWC. **A motion to approve this contract and allow the Supervisor to sign was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.** A Letter of Recommendation from Delaware Engineering Jesse Fraine was received to recommend to the Town of Windham the low bidder for the Mitchell Hollow Bank Stabilization Award. “On July 2, 2020 bids were opened at the Town of Windham for this project. Eight bids were received. The apparent low bid was from Delaware Bulldozing Corp for \$83,339.30. Delaware Engineering has reviewed the bids for accuracy and completeness. Based on the submitted information, Delaware Bulldozing Corp is qualified to complete the work necessary for this project.” **A motion to accept the bid from Delaware Bulldozing Corp for \$83,339.30 was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.**

2.APPLICATION FOR OUTSIDE SEWER DISTRICT: Kaaterskill Associates Darrin Elson was present as he is working on this project. Proposed vacant land sale on Panarama Lane, Tax Map #95.00-1-46.112, Windham, NY. The proposed new buyer is looking to build a new single-family residence and is seeking permission to hook into the Town of Windham Sewer District. This property is currently outside the sewer district. With much discussion the Board would like Darrin to have a few more answered questions concerning the ownership of the road. Tom Wilcox, Tuck Partners is the owner of the road and is he willing to give an easement to allow this proposed owner to dig the road up to connect to the Town Sewer? There are currently six (6) different land owners, two (2) different land owners have a single-family home that predates the sewer that may have leach-fields. The Supervisor would like to have permission from the road owner if utilities can be put on the road and an agreement on who is to maintain the sewer line should there be an issue in the future? The Board would like Darrin to speak with Delaware Engineering John Brust for any ideas he might have. The Supervisor will need to check on the Sewer Use Law for the length of the lateral, a man-hole for maintenance in the future, and so many feet would have a clean-out. Darrin has a scheduled site plan public hearing with the Planning Board on August 20, 2020, he would like to get permission before that public hearing. The Board has asked Darrin to return to the next town board meeting August 13, 2020.

3.APPLICATION FOR SEWER DISTRICT: vacant property on State Route 296, Tax Map # 96.00-1-46, Windham, NY, property owner Anthony Lulic is looking to build a new single-family residence and is seeking permission to hook into the Town of Windham Sewer District. This property is in the sewer district. Mr. Lulic has paid his application fee of \$50.00. He is looking to build a single-family residence home and has been approved by the Planning Board for a site plan application on July 2, 2020. A motion to approve the in-district sewer connection was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

4.SEEKING PERMISSION TO USE CD LANE PAVILION Nina Pfeffer, Tai Chi Teacher is requesting permission to use the pavilion at CD Lane Park for a 6-week weekly class, Tuesdays at 11:00 am. She would be starting August 18 through September 29, 2020. There will be no charge for this class. Also, in the past years, the park would be closed during the week and open just on weekends till Columbus Day weekend. As we get closer to the date of September the Board will have to decide if the park will remain open during the week. A motion to approve and letting Nina be aware there is no charge to participants on town property was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. Town Clerk Bonnie Poehmel will get in touch with Nina regarding the approval by the Board.

5.CATSKILL CENTER FOR CONSERVATION & DEVELOPMENT Streamside Acquisition Program #9403 Tap Jam Road, Tax Map #78.00-1-90, 2.25 +/- acres owned by Bernard Brabazon & Program #9492 NYS Route 23, Tax Map #79.00-3-23 & 24 for a total of 2.53+/- acres owned by M. Senet was sent to the Planning Board for their comments. The Planning Board has returned the review for "Normal Review Comments-Open to Public to greatest extent possible." The Supervisor has spoken to the person in charge of this program. The Supervisor has expressed the dislikes of the program and the solicitating of properties in our hamlets. Tap Jam is a wet land and the property on State Route 23 is right near the stream. These two properties will not affect the town for growth in the future. Due to the COVID-19 this person in charge of the program has not been able to do visiting meetings as soon as time will allow, they will visit the Town Board for a presentation to better understand.

6.REVISED POLICY DISCRIMINATION & HARASSMENT: two pages in the policy have changed. See the Police Report below regarding the changes. A motion to approve the two changes was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor. The Supervisor has spoken to NYMIR, they have an on-line service training. Each town employee will be taking this free-training on their computers at work or home with a login password. Upon completion a certificate will be available for printout to be submitted to the Bookkeeper. He has spoken to Candance Begley Librarian should any town employee not have access to a computer the Library will be available.

7.GREENE COUNTY RESOLUTION #196-20: Awarding Bid for #2D Diesel Fuel and GREENE COUNTY RESOLUTION#197-20: Awarding Bid for Gasoline.

8.TOWN BOARD RESOLUTION #21 OF 2020: to authorize the Supervisor to borrow the sum of \$90,000.00 in a Statutory Installment Bond from the Bank of Greene County. This will have an interest rate of 1.49% per annum to be paid over a term of 5 years, non-callable. The purpose of this is for the financing funds towards the cost for the new 2020 International HV507 Snow Plow Truck vehicle. The total cost of said vehicle is \$195,543.20. The vehicle is to be used by the Highway Department. A motion to approve this resolution was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. Town Attorney Larry Gardner will prepare the papers and pick up the check for payment is due on August 7, 2020. TOWN BOARD RESOLUTION #22 OF 2020: The Highway Department has purchased a new 2020 International HV507 Snow Plow Truck of which the total cost is \$195,543.20. The following arrangement is to be for the funding of said vehicle. Authorize the Supervisor to use \$55,543.20 from Unappropriated Highway Fund Balance; Also, to transfer from the General Fund to the Highway Fund the sum of \$50,000.00 from the Unappropriated General Fund Balance to be used towards said purchase. Thus, the balance of \$90,000.00 is to be a statutory installment bond as per town board resolution #21 of 2020. A motion to approve this resolution was made by Councilman Van Valin, 2nd by Councilman Peters, with all in favor. GENERAL FUND RESOLUTION#13 OF 2020: the following resolution was proposed to transfer funds to balance the General Fund

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Accounts. A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. Per the Supervisor the Ambulance Department will need to watch their budget spending between now and the end of the year. Ambulance Liaison Councilman Peters will speak to Davia.

9.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. No report was submitted.

10.CODE ENFORCEMENT REPORT: Report for July 2020 was submitted by Dominick Caropreso for the Board's review. A Stop Work Order was issued to an individual who started a project without a building permit. A proper building permit has been filed now. There is a new issue now with this same project they have an electrician that is not licensed to work in Greene County. Dominick will be following up on this. Dominick has been in contact with the property owner on County Route 40 regarding the lawn which has been mowed up to date, and the owner has intentions to paint the house, get the tarp off the roof and repair the roof. The Supervisor has spoken to the Catskill Mountain Foundation about Sugar Maples. They are working in the perimeters of removing the asbestos.

11.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. The highway dept assisted the water dept as there was a water problem at Hotel Vienna. The area has been hayed and seeded. Paperwork for the new 2020 International HV507 Snow Plow Truck, he is still waiting to receive. He has noticed in the past four years, he has a weakness in his office, getting the office work done. He has had a clerk in his office and has found this to be extremely beneficial. He would like to discuss in the next budget season, that he needs part-time help in his office. Dig Safe NY has changed their programming in how responses will be delivered, an on-line training class was offered, the new changes will go in effect tomorrow. The Supervisor asked how much more paving needs to be done? Gary the paving is done. The allotted CHIPS money has been spent. Forms for reimbursement have been started today. NYS has promised 80% of reimbursement, September 15, 2020 is the deadline.

12.LIBRARY REPORT: Update for the Board's review has been submitted from Candance Begley Windham Librarian. "Library opened up for curbside service only 7-6-20, M-F 10am - 5pm. Each week we have more and more pick-ups. Over 100 to date approximately. In conjunction with the majority of Greene County libraries we will remain doing curbside for the immediate future. Beginning this week, we will expand services to fax and copying via curbside. Have begun offering summer "activity bags" for children ages 3-12, available curbside and until supplies last. Also introducing children's online stories/activities and summer reading challenges on social media. All proper cleaning and social distancing is in place and being documented and practiced daily. Not all staff has returned to their regular hours. This will remain in effect for the foreseeable future."

13.POLICE REPORT: Police Chief Tor Tryland was not present. He has submitted a report for the Board's review: "Planning August Schedule, several special events planned for the month. The car shown at the Chicken Run, as well as the Greek Fest has been plotted in. Requested by our bookkeeper to look into changes in the discrimination and harassment policy. Two changes identified. The first is concerning the scope of our policy as it also pertains to contractors and vendors doing business with the town. The second change pertains to statute of limitation. Division of Human Rights has changed the statute of limitation for incidents from **one** to **three** years, starting August 12th 2020. This pertains to incidents happening on or after August 12th 2020. An amended policy has been printed and is also available electronically. A decision has to be made as to how this policy will be given to the employees. It can be printed up and signed for, distributed through e-mail, or given during training, etc. etc."

14.COMMITTEE REPORTS: **Councilman Goettsche** still working on the STR stuff, he was on goggle maps the other day and noticed the Centre Property stuff is not located correctly. He will correct that. **Councilman Peters** just getting updated on all the Greene EMS stuff, their budget was approved this week. He has already started next year's ambulance budget discussion with Ambulance Administrator Davia Montie. He wants to give a big commendation to Officer Rion. He is still in training but he is super professional as we had something that we had interaction with him and he was spoken very highly of. He did a wonderful job! **Councilman Van Valin** is

working on a possible bid for the work on the gate. He has nothing ready yet. Highway Dept did a great job on Siam Road and the residence are happy there too. All his committees are doing good and has nothing to report on. **Councilman Walker** received a note from the Justices' they are starting to move forward again and the court is looking to open next month for business. He has nothing else to report on. **Attorney Larry Gardner** he is working on an agreement for across the street with Dick Jordan, will be preparing the loan papers for the new snow plow truck, the proposed parking lot agreement for the two businesses off the side of the Masonic Temple parking lot. **Supervisor Hoyt** has FYI- there is a private party that is doing a small - fireworks show along Hickory Hill Road in the next week or two. They are giving the town a courtesy call. They are using the same explosive company that the Town and Windham Mountain uses for our events. The Board has been given a draft copy of SOP's for the Ambulance, please make sure you review. Any comments give to Councilman Peters to be passed to the Ambulance Administrator Davia Montie. Another big issue for the Board to decide if we are going to do a **referendum on the election ballot this year for the proposed new ambulance/senior center building**. We need to have this by August 3, 2020 for the Board of Elections, it was 60 days now it is 90 days. Delaware Engineering John Brust was told we need a dollar amount by the end of July, 2020. The Supervisor will get the number from John Brust and Town Attorney Larry Gardner will give us the language that is needed for the Board of Elections to move this forward. **Councilman Peters would like to move this forward, he would like to make a motion that we move forward with that number from John Brust, 2nd by Councilman Van Valin, with all in favor.** (see Town Board Resolution # 23 of 2020) The Supervisor has been informed by the Windham Foundation there has been considerable donation made through their foundation for upgrades and enhancements at CD Lane Park. They are going to upgrade the beach, the picnic area, the volley ball court, the playground for the children, a boat launch, among a list of others. A public dollar amount will not be given at this time. The Windham Foundation wants to do a press release. They will handle all the funds, fund raising and books for the project. Our share in the project is the beach sand, next spring we will drain the lake down six (6) feet and will remove the cattails and silt in the bottom of the lake. The contractor has shown up today to do the first step on the basketball court, that should be resealed and restriped by the end of next week. The Windham Foundation is going to remove the hoops and reinstall new hoops with adjustable rims for all ages to play. The park has been busy and is picked up daily. Hopefully the visitors who are using our facility continue to respect the park and keep it clean; not like the problems our other area towns are having with no respect and a lot of garbage left by the visitors. The Town of Windham has a 100-year agreement with the Batavia Kill to manage the facility as we see fit. The Supervisor also has a local art teacher to do a sketch for the landscaping/plants around the entrance building/sign of the park.

The Supervisor we may have a small issue with a lateral at the entrance of Ski Windham where David Schlowsky is building. Per our knowledge we have a 4-inch lateral across the road for that property that was once a single-family home with an apartment. He is building a three-unit building. The Supervisor has spoken to Dave in a telephone conversation to discuss his water service is inadequate for this project. Dave will have to upgrade at his expense. He will need an approval from the Windham Town Board and he will need a road permit from Greene County Highway to do his work and if the sewer had to be upgraded for his new project it would be at his expense. It will have to be approved by our engineer and he will need approve from Greene County Highway to open their highway. This is in the process and hopefully this will get resolved before we get snow.

We are also having an issue on County Route 12 with some debris in the lines. Jimmy Decker has been there trying to flush the line and we cannot get the camera through. There is enough obstruction that the camera will not go through, but we do have still have the flow coming through from Hensonville from the pump station by the Pharmacy.

GENERAL FUND WARRANT #14-G contained vouchers #522-560, totaling \$24,390.99 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

HIGHWAY FUND WARRANT #13 contained vouchers #132-137, totaling \$64,709.65 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

SEWER DISTRICT FUND WARRANT #14 contained vouchers #178-190, totaling \$5,412.37 was audited and approved on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

GENERAL FUND PAYROLL WARRANT #15-P for **General** contained 8 claims, totaling \$9,364.55 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Ambulance** payroll contained 18 claims, totaling \$15,430.45 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Police** payroll contained 5 claims, totaling \$5,821.72 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #15-P contained 4 claims, totaling \$6,847.95 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 #15-P contained 3 claims, totaling \$236.55 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 7:53 pm on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
