

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

MARCH 11, 2021

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

Present by Zoom: Councilman: Kurt Goettsche

Also Present: Highway Superintendent Gary Thorington, Delaware Engineering John Brust & Michael Scarey

Also Present by Zoom: Paul & Caroline Mutter, Catherine Woolheater, Tor Tryland, Eric Goettsche & Mike Ryan Mountain Eagle

The Supervisor called the Public Hearing to order at 6:00 p.m. and opened with the Pledge of Allegiance.

Notice of Zoom Meeting. The public may listen to the meeting using the following information:

<https://us02web.zoom.us/j/86011928319?pwd=bWwvUi8weXBSOTJpTFBNZFg3R1hiZz09>

Dial by your location
+1 929 205 6099 US (New York)

Meeting ID: 860 1192 8319
Passcode: 104648

Like those attending the meeting in person, anyone attending virtually will be recorded in the minutes.

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; and

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

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 find that a disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue for thirty days the declaration of the State Disaster Emergency effective March 7, 2020, as set forth in Executive Order 202. This Executive order shall remain in effect through March 28, 2021;

IN ADDITION, by virtue of 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, do hereby continue the suspensions and modifications of law and any directives, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days through March 28, 2021.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of February the year two thousand twenty-one.

BY THE GOVERNOR
Secretary to the Governor

Supervisor will Open Public Hearing – Via Telephone Conference Call with Board Members & anyone in the Public listening. Board Members please state your name for the record that you are present.

Supervisor Hoyt **read aloud the following**: “Notice is hereby given that the Windham Town Board shall conduct a public hearing set for Thursday, March 11, 2021 @ 6:00 pm at the Windham Town Hall, 371 St. Rt. 296, Hensonville, NY on behalf of the Town of Windham Police Policy Committee. The purpose of said hearing shall be to consider the proposed Town of Windham Police Reform and Reinvention Collaborative Plan. All persons wishing to speak upon this matter shall be heard at this time in person. Anyone on Zoom will be listening only with no commenting. By the Order of the Windham Town Board. Bonnie Poehmel, Town Clerk, Dated: February 25, 2021.”

Supervisor Hoyt asked if there was anyone present that would like to speak on behalf of the proposed plan for the police policy. No one spoke or had comment. The zoom public were muted for no comment as per legal notice.

Councilman Goettsche and the Members of the Town of Windham Police Policy Committee have put together a short presentation video that Councilman Goettsche has narrated for all to listen and watch. **Councilman Goettsche**: “Town of Windham and Windham Police Department Collaboration Plan. On June 12, 2020, Governor Andrew Cuomo issued Executive Order No. 203: New York State Police Reform and Reinvention Collaborative, which directs local governments with Police agencies to review and revise policies and create a plan to address race-based issues and foster trust in the community in order to receive state funding in 2021. Further guidance will be provided by the Division of Budget, in consultation with the Department of Criminal Justice Services. In summary, the order states that: Local governments with police agencies must perform a comprehensive review of police force deployments, strategies, policies,

procedures and practices. The plan must be offered for public comment and adopted by local law or resolution by April 1, 2021, in order for a local government to received state funding for 2021. Members of the Town of Windham Police Committee are Councilman Goettsche he represents the Town Board and the Committee Chairperson; Tor Tryland, Chief of Police for the Windham Police Department; Marilyn Carreras local lawyer; Ryan Dempsey local pastor; and William MacGregor former Town of Windham Councilman.”

The Town Board commended the video was very well done. Supervisor Hoyt asked the Board members if they had any comments to add to the proposed plan for the police policy. Councilman Peters would like to thank the committee for their hard work and time. He thinks it all looks good. Councilman Van Valin “it truly represents who we are and how our police force has always run, with some minor adjustments. Councilman Van Valin receives a lot of positive feedback from people.” Supervisor Hoyt “the committee really did their job with the local procedures and they made some recommendations, and we will take them into advisement.” Supervisor Hoyt commends everyone. Delaware Engineering John Brust “their report was not done in a reactive way but in a proactive way.”

Supervisor Hoyt would like to entertain a motion to close the public hearing. The public hearing was adjourned at 6:12 p.m. on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

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TOWN CLERK

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Website: www.townofwindhamny.com**

MARCH 11, 2021

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

Present by Zoom: Councilman: Kurt Goettsche

Absent: Ambulance Administrator Davia Montie & Police Chief Tor Tryland

Also Present: Town Attorney Larry Gardner, Highway Superintendent Gary Thorington, Delaware Engineering John Brust, Michael Scarey & William MacGregor

Also Present by Zoom: Paul Mutter & Mike Ryan Mountain Eagle

The Supervisor called the Town Board meeting to order at 7:00 p.m.

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No. 202.96

E X E C U T I V E O R D E R

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BY THE GOVERNOR
Secretary to the Governor

Supervisor will open the Town Board public meeting – Via Telephone Conference Call with Board Members & anyone in the Public listening. Board Members please state your name for the record that you are present.

THE MINUTES OF THE FEBRUARY 25, 2021 TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

1.DELAWARE ENGINEERING: John Brust was present. WWTP with the designs we are waiting for board review with DEP, DEC and WWTP to review the pump station. We could be ready within the next three weeks. We are working with Josh Vital on the copper pilot study he is doing. All water related papers have all been submitted to EFC and Mary Chappel has submitted everything from Municipal Solutions. We are looking for a closing date with EFC. John Brust would like to meet with Supervisor Hoyt and Councilman Van Valin next Thursday to discuss the proposed new ambulance building floor plan. All other things on the list are all in

progress. Supervisor Hoyt spoke to Josh Vital today, materials are in and will be installed this week. The first quarter hydrant flushing system will be done from Hickory Hill Markets area to Schaefer Drive, County Route 40 and all side streets in between.

2.NYC FUNDED FLOOD BUYOUT PROGRAM LAP #9573: 88 County Route 65. *Extended Closing Date:* Requesting “Time Extension Morales to Town of Windham, LAP #9573. Contract for sale date November 19, 2019; seller, Town and City agree that the term of the Contract shall be extended through June 30, 2021.” A motion to approve new date and allow the Supervisor to sign was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. *Draft Conservation Easement:* “WHEREAS, under the framework of the Watershed Memorandum of Agreement, dated January 21, 1997, after extensive negotiations and outreach, a number of Watershed stakeholders including the New York City Department of Environmental Protection (“DEP”) entered into the “Second Supplemental Agreement Among West of Hudson Watershed Stakeholders Concerning the New York City-Funded Flood Buyout Program” (the “2016 Side Agreement”), which relies on a further modification of the 2010 Water Supply Permit to allow DEP to implement the Program in participating communities; and WHEREAS, the 2016 Side Agreement set forth the conditions upon which local communities may use City funding to acquire title to properties to restrict development in flood-prone areas, as defined below, and to protect and preserve the quality of the New York City Drinking Water Supply; and WHEREAS, the State of New York has, through Article 49 of the New York State Environmental Conservation Law, provided for the creation and use of conservation easements to limit or restrict development, management or use of real property for the purpose of preserving or maintaining its natural condition and environmental significance; and WHEREAS, the Program allows municipalities to acquire title to qualified properties, and to use such properties for limited purposes consistent with a flood mitigation plan and a re-use plan for the property (the “Re-Use Plan”), provided the municipality grants a conservation easement to the State of New York; and” A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. *Draft Land Use Plan:* “Tax Lot: 96.14-1-12, 88 County Route 65, Hensonville, NY 12439, Paul T & Nadia Morales, 0.3 acres tax map; 0.31 acres surveyed.” A motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

3.WINTER MAINTENANCE ON SIDEWALKS IN WINDHAM: Town of Windham Local Law # 1 of 2006. Sidewalk District is looking to the west on State Route 23 on the right side of the road starting with St. Theresa’s Catholic Church parking lot down State Route 23 on the right side to Melinda Sokoll. Looking to the west on State Route 23 on the left side of the road starting with John & Maureen McCarthy down State Route 23 on the left side to Margot Sheridan. Supervisor Hoyt has received numerous phone calls and emails on extending the snow cleaning of the sidewalk district east on State Route 23 from Ken & Marie Smith’s to St. Theresa’s Catholic Church parking lot as there has been more foot traffic this past year 2020-2021. Next year there will be more property owners who will be getting a sidewalk bill. In other years the State Highway snowplow drivers would be able to keep the sidewalk clean in this area with no extra cost to the sidewalk owners in the district. This year with the extra amount of snow that was received the State Highway snowplow drivers were not able to do this. Supervisor Hoyt would like the Windham Cemetery made exempt from the cost of their sidewalk as the Town of Windham already pays for their annual lawn mowing expense. A motion to extend the winter maintenance was approved by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor. Supervisor Hoyt would like Highway Superintendent Gary Thorington to speak with Bob Young at the Village of Catskill as he has a bobcat machine, that would work for our sidewalks and report back to the Board with his findings.

4.DRAFT PUBLIC EMPLOYER HEALTH EMERGENCY PLAN: Supervisor Hoyt, a copy of this plan has been given to the Police Union and to the Highway Union. The Police Union has not sent a response back and the Highway Union did send back a response. The Highway Union send back their response; and comments have been added to the plan. The Supervisor would like to adopt the plan, a motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor. The plan is due by April 1, 2021 and to be available to all our employees. Supervisor Hoyt has asked Town Clerk Bonnie Poehmel to make sure all department heads receive a copy of this to be provided to the employees of that department.

5.APPLICATION FOR ADDITIONAL SEWER EDU'S: Windham Ventures, 11 Vets Road, Windham, Tax Map #78.18-2-29.2 is within the Town Sewer District. Windham Ventures has paid the application fee of \$50.00 for one additional EDU. A motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

6.TOWN CLERK'S MONTHLY REPORT FOR FEBRUARY: \$1,743.50. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with all in favor.

7.TOWN BOARD RESOLUTION #11A OF 2021: to decrease the Sewer District Billing for 2021 in the amount of \$129.60 due to a duplicate in bill (Bill #S467 and #S915). A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with all in favor.
GENERAL FUND RESOLUTION #5 OF 2021: the following resolution was proposed to transfer funds to balance the General Fund Accounts. A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with all in favor.

8.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. The following report has been provided for the Board's review: "**Vehicles:** 96-1 – RC Lacy's repaired oil leak (thank you Highway Superintendent Gary Thorington for picking it up and bringing it home), it is due for regular service will schedule with Wes' Mobile Repair. **Monthly calls:** There were a total of 44 calls for the month of February, last year there were 50 for the month of February, 2020. **Calls for the Month of February 2021:** *Calls in Windham: Advanced Life Support (ALS)-13, Basic Life Support (BLS)-3, Call Cancelled (C/C)-7; Refused Medical Assistance (RMA)-3, Stand By Fire (S/B Fire)-1; Calls in Hunter: ALS-2; Calls in Jewett: ALS-1, BLS-5, C/C-1; Greene County EMS: S/B-1; Calls in Cairo: C/C-1; TOT Mutual Aid: Ashland-4, Hunter 2. Total calls for February: 44, Calls turned over to Mutual Aid-6. Vehicle Mileage Log for February 2021: 96-1: 43,799 and 96-2: 127,374. Miscellaneous:* Received the MOU from UCM Telemedicine Services, I will submit a copy for the board to review. I have scheduled online training with Steve Anderson for the employees on two separate dates, Thursday, March 25th and Tuesday, March 30th. I am currently working with MultiMed regarding billing/coding for this type of service, I will keep the board updated as we move forward. There are also forms and disposition codes that need to be integrated into our ESO program. The goal is to go live with UCM by the end of April. The Town of Windham Ambulance is now participating in the "Leave Behind Naloxone Program for Overdose Treatment". Leave behind Narcan gives EMS the opportunity to connect with the community and educate patients as well as their friends and family. Providers are not only leaving a single dose of Naloxone, but also information to treatment and recovery services. EMS is the front line and very often the only connection persons suffering from opioid abuse have to this information. There will be a kit available in each of our ambulances." Ambulance Liaison Councilman Peters has received an updated MOU from UCM Telemedicine Services, (Steve Anderson gave the Board a presentation on how this works). Councilman Peters would like to move this forward with Ambulance Administrator Davia Montie. He has not received any critical feedback about it. He would like to keep moving this forward. This service will have no financial cost to the Town. Supervisor Hoyt the ambulance books have been closed out per the bookkeeper and we will get a final number. With that number we can have a discussion with the Town of Jewett moving the contract forward.

9.ASSESSOR'S REPORT: Town Assessor Richard Tollner. The following report has been provided for the Board's review. "*Schooling / Continuing Education* requirements are completed for the 2021 year. *Town photo inventory* exceeds 5600 photos. Cataloging (labelling) to be done on another 100 photos in February 2021, including a good volume that would be good for promoting Windham. *New instant texting or emailing* of Address Change Confirmations now gets receipted when needed at the Town of Windham Property Tax Collectors office. (Kathy Murray). We are now helping each other out with the exchange of email addresses to contact taxpayers when/as needed. *Our Realtor interaction* continues. Out of town buyer prospects continue to receive "volumes of data". This month the Assessor's office has provided data on two \$1,000,000 plus transactions/contracts. Stay tuned. *Plans continue* for work on next year's 2022 Re-Assessment. Please let property owners know, they are free to discuss their property by appointment, anytime. *Before OR After RE-Assessment.* A letter will go out later this year to all property owners with details. *Virus protection* update may be needed, in office. Having issues, I haven't been able to solve... yet. *February* was busy. Supplied over 20 Deeds, 8 new /Senior STAR applications with IVP. We found (by asking dozens) 2 new Veteran Exemptions including

one town employee.) *NYS Office of Real Property Services* informs the Assessors in the region of an “update” is forthcoming. NYSORPTS provides our RPS Assessment software.”

10.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. Before the meeting started the Supervisor Hoyt asked for the one sealed bid for “One 2021 or Newer Pickup Truck” to be opened and reviewed. Highway Superintendent Gary Thorington read aloud the bid price: gross bid amount \$40,000.00 even. Supervisor Hoyt will have Gary review the bid over while the Board continues with the meeting. Highway Superintendent Gary Thorington received last minute today a Federal Mandate (Drug & Alcohol Clearinghouse) for CDL Drivers. The mandate has been issued by the United States Department of Transportation the Federal Motor Carry Association. This is for any CDL Drivers that are tested by the federal mandate that is already in place. “There is a consent form that each employee is to sign, should the employee for whatever reason choose not to sign, that employee will be immediately taken off of any safety sensitive duties.” The Town will need to be in compliance with the federal mandate and will be effective immediately. Supervisor Hoyt would like a motion for the highway employees to enter into this Clearinghouse CDL Drivers check. A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. Supervisor Hoyt would like Highway Superintendent Gary Thorington to proceed immediately. The signed form will be given to the Bookkeeper here at the Town Hall to be secured into the employees personal file. Highway Superintendent Gary Thorington explained to the Board the specifications that were filled out for the one sealed bid that was received on time for the new 2021 or newer pickup truck. Highway Superintendent Gary Thorington recommends to the Board to accept the bid. Supervisor Hoyt would like a motion to approve the purchase of this vehicle. A motion to approve the purchase was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

11.POLICE REPORT: Police Chief Tor Tryland was not present.

12.COMMITTEE REPORTS: **Councilman Goettsche** has nothing new to report on at this time. **Councilman Peters** has reviewed the Ambulance MOU. He continues to work on a contract with the Highway Union. **Councilman Van Valin** weather is getting nicer. He has taken pictures of some projects that need to be done. He would like John Brust Delaware Engineering to look at the leak at the highway building at the top of the stairs in the highway bay. The leak is only there when there is a snow load, it does not leak with rain. The town hall building lost some siding from a recent high wind storm. Possible sign issues. **Councilman Walker** has nothing new to report on at this time. **Town Attorney Larry Gardner** is working on the Morales time extension LAP #9573. He also has an escrow account agreement for the Morales’ to pay any outstanding taxes they will owe at the closing. They would like the town to sign the agreement. A motion to approve and allow the Supervisor to sign the documents on the Morales property was made by Councilman Van Valin, 2nd by Councilman Peters, with all in favor. Town Attorney Larry Gardner has researched information on a foil request to discuss with the Town Clerk after this meeting. Supervisor Hoyt, our town intent for that property is to leave it vacant with snow storage and not to be a building lot. **Supervisor Hoyt** would like to change the vacation time on the Full Time Benefit Schedule for the Town of Windham Employees. The full-time employee working for the first year is missing, is this a typo? Supervisor Hoyt would like to add on that a full-time employee after a (6) six-month probation period could receive 1 week= 40 hours of vacation time. A motion to approve to start accruing at 6 months of service from your hiring date (6 months to 5 years = 1 week = 40 hours vacation time) was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

COMMENTS FROM THE PUBLIC: William MacGregor, read in the Mountain Eagle/Windham Weekly “Frozen pipe at the Elm Ridge Pool House”. Supervisor Hoyt clarified it was the pool house, something broke inside. We had a 5,000-6,000 gallons leak in a matter of hours and it could not supply the homes. The system was shut down until it was found. There was no damage done, just a lot of water was lost. There is 5,000 gallons of water storage at the pump house. William MacGregor, Centre Church Building as too the contents of books inside the building. Mr. MacGregor is looking for the NYS Constitution Law. The Library had this reference book, normally this is not a book for the general public to take out but, Mr. MacGregor has used this book before and he would like to look at it again. He was told by the Library Staff they no longer have this book they had gotten rid of it as it was hardly used. Is the Library going

to get rid of the Dr. Suess Books and other things too? Supervisor Hoyt is not aware of this. He can speak to the Librarian.

GENERAL FUND WARRANT #5-G contained vouchers #189-227, totaling \$18,409.77 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY FUND WARRANT #5 contained vouchers #83-91, totaling \$3,132.74 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 #5 contained vouchers #83-94, totaling \$8,759.74 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

STREETLIGHTING FUND WARRANT #3 contained vouchers #18-24, totaling \$2,491.85 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

CD LANE PARK ENHANCEMENT WARRANT #7 contained voucher #20, totaling \$700.00 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 #6-P for **General** contained 6 claims, totaling \$5,770.12 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 \$15,039.77 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Police** payroll contained 6 claims, totaling \$6,421.55 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #6-P contained 6 claims, totaling \$11,757.62 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 #6-P contained 2 claims, totaling \$415.10 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

Supervisor Hoyt, would like the Board to know that Mid-Hudson Cable has started to install some lines in the Maplecrest area.

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

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TOWN CLERK
