

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

**JANUARY 28, 2021**

**Present:** Pres/Treas: Thomas F. Hoyt  
Commissioners: Wayne Van Valin & Stephen Walker  
Secretary: Bonnie Poehmel

**Present by Zoom:** Councilmen: Ian Peters & Kurt Goettsche

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

**Also Present by Zoom:** Delaware Engineering John Brust, Greene County Legislature Jim Thorington & Mike Ryan Mountain Eagle

**Absent:** Water Superintendent Kyle Schwarz

The President called the meeting to order at 8:05 pm.

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

Time: Jan 28, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83264181699?pwd=UHZnZlhDSlh6SjkwWmZsdTJVQ1dEdz09>

Meeting ID: 832 6418 1699

Passcode: 476124

+1 929 205 6099 US (New York)

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

Supervisor will Open Public Meeting – Via Telephone Conference Call with Commissioners & anyone in the Public listening. Commissioner’, please state your name for the record that you are present.

**No. 202.87**

**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; 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 January 29, 2021.

IN ADDITION, 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 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, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive, contained in Executive Orders 202 up to and including 202.21, and 202.27, 202.28, 202.29, 202.30, 202.31, 202.38, 202.39, 202.40, 202.41, 202.42, 202.43, 202.48, 202.49, 202.50, 202.51, 202.52, 202.55, 202.55.1, 202.56, 202.60, 202.61, 202.62, 202.63, 202.67, 202.68, 202.72, as continued and contained in Executive Order 202.79 for another thirty days through January 29, 2021 and hereby temporarily suspend or modify the following from the date of this Executive Order through January 29, 2021:

G I V E N under my hand and the Privy Seal of the State in the City of Albany this 30th day of December in the year two thousand twenty.

BY THE GOVERNOR  
Secretary to the Governor

THE MINUTES OF THE DECEMBER 30, 2020 WATER DISTRICT MEETING were approved as typed on a motion by Commissioner Van Valin, 2<sup>nd</sup> by Commissioner Walker, with all in favor.

1.DELAWARE ENGINEERING: John Brust was present by Zoom. “*Water Project* During a conference call this week with Supervisor Hoyt, NYSEFC, and NYSDOH we were notified that NYSEFC is not inclined to re-finance the USDA portion of the recently concluded water improvement project. We have notified NYSEFC of a possible alternative financing schedule which would allow them more time to consider the refinancing of the USDA debt and we are awaiting their response. For the Boards edification, the USDA debt has a 1.6% interest rate. We are asking NYSEFC to convert this debt to a 0% interest schedule. The difference between these two interest rates on the \$2 million loan is initially \$35,000 per year. Over the course of the loan, it averages out to \$20,000 per year.” A public hearing will need to be set as we need to increase the bond authorization to cover the costs to date. Municipal Solution’s suggests that the new bond resolution be to borrow \$2,000,000.00 million dollars but we don’t expect to spend that much; as we need to get the EFC closing done. There is a (10) ten-day legal notice to be advertised prior to the public hearing. A motion to set a public hearing for the next meeting on February 25, 2021 at 6:50 pm was made by Commissioner Peters, 2<sup>nd</sup> by Commissioner Goettsche, with all in favor.

2.WATER SUPERINTENDENT REPORT: Water Superintendent Kyle Schwarz was not present. Supervisor Hoyt a resident on County Route 65A had a water complaint of having dirty water. Our water guys were here within the hour of the complaint and there are no issues at the plant. The next day after the complaint the water hydrant was flushed. The water is getting better and is still under investigation as to why only one house was having the issue. Over this past weekend we exercised the Interconnection that was put in place a few years ago. There were a lot of people at Windham Mountain that were affected. The leak was found. The Town of Windham’s water supply helped feed the Mountain’s water supply. There were 250 plus people with a very minor interruption in water service.

3.REVISED UTILITY EASEMENT Thompson House: “This Indenture made and entered into..., by and between Thompson House, Inc., with its principal place of business being located 14 State Route 296, Windham, NY (tax map #78.00-4-13), party of the first part, and the Town of Windham, a municipal corporation with its primary place of business being located at 371 State Route 296, PO Box 96, Hensonville, NY, 12439 party of the second part... To have and to hold the easement and right of way herein granted unto the party of the second part, and its successors and assigns forever. The following changes have been made “In past practice, what the Town has down with the ability to put a water line on the other people’s property; when the Thompson House is looking to hook up the other buildings into the water system, with the curb

stop already there. The Town will assist with the installation of labor and materials to meet that connection...The easement is a Water District Only Easement and not a public easement to walk down to the stream or be on the premise of the property.” A motion to approve the revised easement was approved by Pres./Treas. Hoyt, 2<sup>nd</sup> by Commissioner Walker, abstained by Commissioners Peters and Goettsche as they are related to the business owners, with three in favor.

4.AMENDMENT FOR CONTRACT CLOSURE PHASE 3: Amendments #1, 2, 3, 4 and 4 to February 2019 Professional Services Agreement. Agreement between the Town of Windham and Delaware Engineering DPC for Project Name: Windham-Hensonville Water. A motion to approve was made by Commissioner Peters, 2<sup>nd</sup> by Commissioner Goettsche, with all in favor.

5.CHANGE ORDER #1 CDE ELECTRIC PHASE 2: Project Hensonville Water Westwinds Generator, this is to close out their contract. There is an unused allowance of \$3,000.00 that this change order addresses. A motion to approve was made by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Peters, with all in favor.

6.AMENDMENT FOR CONTRACT Typo on Original 2017 Agreement: Amendments #3 to May 2017 Professional Services Agreement. Agreement between the Town of Windham and Delaware Engineering DPC for Project Name: Windham-Hensonville Water. There is a typo on the original agreement signed in 2017 this is to correct the typo. A motion to approve was made by Commissioner Walker, 2<sup>nd</sup> by Commissioner Peters, with all in favor.

7.WATER DISTRICT RESOLUTION #1 OF 2021: to decrease the Metered Billing for January-June in the amount of \$345.68 due to the following adjustments. Reason: Duplicate Bill #393 and W531. Account #W531 Total Due: 0.00 A motion to approve was made by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Peters, with all in favor.

8.WATER DISTRICT RESOLUTION #2 OF 2021: the following resolution was proposed to transfer funds to balance the Water District Accounts for the year 2020. A motion to approve was made by Commissioner Van Valin, 2<sup>nd</sup> by Commissioner Peters, with all in favor.

WATER DISTRICT WARRANT #1 contained vouchers #1-24, totaling \$8,791.17 was audited and approved for payment on a motion by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Van Valin, with all in favor.

EFC-PHASE 2 WATER PROJECT WARRANT #43 contained vouchers #106-108, totaling \$14,730.18 was audited and approved for payment on a motion by Commissioner Van Valin, 2<sup>nd</sup> by Commissioner Goettsche, with all in favor.

WATER DISTRICT PAYROLL WARRANT #1-P (printed 12/31/2020) contained 2 claims, totaling \$1,034.08 was audited and approved for payment on a motion by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Van Valin, with all in favor.

WATER DISTRICT PAYROLL WARRANT #2-P (printed 01/15/2021) contained 2 claims, totaling \$379.55 was audited and approved for payment on a motion by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Van Valin, with all in favor.

WATER DISTRICT PAYROLL WARRANT #3-P (printed 01/29/2021) contained 2 claims, totaling \$564.15 was audited and approved for payment on a motion by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Van Valin, with all in favor.

The meeting adjourned at 8:18 p.m. on a motion by Commissioner Peters, 2<sup>nd</sup> by Commissioner Walker, with all in favor.

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PRES /TREAS

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COMMISSIONER

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COMMISSIONER

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COMMISSIONER

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SECRETARY

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OFFICIAL