

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

MARCH 25, 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: Town Attorney Larry Gardner, Delaware Engineering John Brust & Ambulance
Administrator Davia Montie

Also Present: Highway Superintendent Gary Thorington, Police Chief Tor Tryland & Gail
Nicholsen

Also Present by Zoom: Mike Ryan Mountain Eagle

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

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

Time: Mar 25, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87118934576?pwd=dnF4S1NGVmpQUE5odU50WVAvM0dKUT09>

Meeting ID: 871 1893 4576

Passcode: 834329

Dial by your location

+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 Board Members &
anyone in the Public listening. Board Members please state your name for the record that you are
present.

No. 202.96

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

**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

THE MINUTES OF THE MARCH 11, 2021 PUBLIC HEARING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

THE MINUTES OF THE MARCH 11, 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 not present. The following report has been provided for the Board's review: "Our list of current project items includes the following: **Water Project** Discussions with NYSEFC regarding long-term financing of the water debt continue. Supervisor Hoyt has directly communicated with EFC and to the best of our knowledge all appropriate information has been submitted to the agency. **Wastewater Treatment Plant** D.E. staff continue to prepare design plans and specifications for enhancements at the WWTP as well as the Old Road pump station in late spring/early summer. The use of Orthophosphate to reduce copper concentrations within the wastewater effluent is ongoing. It is being injected in two places within the water system. Josh Vital has also forwarded pilot study data which examined the removal of copper at the wastewater treatment plant. **I & I Study - Wastewater Collection System** Two flow meters were installed within the wastewater collection system during the last week of December 2020. They were installed up and down-stream of the connection with the Windham Mountain ski center collection system. We have gathered preliminary information from these meters and we will present findings to the Board at the next board meeting. These meters will stay in their current location for a few months and then be moved to other locations within the system. **Ambulance/Community Center Building** Design work is progressing. D.E. staff met with Supervisor Hoyt last week and revised the internal layout of the building. These changes create a more efficient use of the space by ambulance as well as other members of the Community. The revised layout will be brought to the next Board meeting for discussion. **Comprehensive Plan** Helen Budrock and the Comprehensive Plan committee met on Thursday, March 18th and further discussed the eight goals and objectives (see attached) of the Draft Comprehensive Plan report. At this point, Helen Budrock's target is to have an initial draft of the Comprehensive Plan completed by the end of April. **Panarama Lane and Trailside Development Projects** Discussions continue with the respective engineering firms working on these two projects."

2.NYC FUNDED FLOOD Buyout Program: Prophet Elias a/k/a Neapolis Restaurant, 5330 State Route 23, Tax Map #78.19-2-31 was in this program in 2017 where they pulled out of the program and; they are now interested again in the buyout program. CWC is requesting that the Town does a resolution to take ownership of the property or not allow the property to be purchased by DEP. Supervisor Hoyt will vote NO; not to allow DEP to purchase property on Main Street Windham. "This is a Board's decision. A few years ago, the situation was different and then the Board thought maybe it might be a good option to allow for that property to be removed off of Main Street. Supervisor Hoyt the real estate market is very good in Windham right now and the owner would have a good opportunity to sell the property if they wish not to own it anymore." The building has living-space apartments on the second floor and a working business on the ground floor located right on Main Street. Councilman Peters votes against selling to DEP. DEP also has a lot of restrictions should they purchase the property and the Town

take over the maintenance of it. Councilman Walker doesn't want to see another empty lot has there is already one on Main Street. Councilman Van Valin this building has history here on Main Street and he would not like to see it sold to DEP. The Board would like to see the property owners try to sell as the real estate market is very good right now. Councilman Goettsche agrees with the Board to have the owners list the property on the real estate public market. The Town Board unanimously voted NO. Not allowing DEP at this time to purchase this piece of property within the hamlet of Windham. A motion to adopt this resolution was made by Supervisor Hoyt, 2nd by Councilman Peters, with all in favor. (see Town Board Resolution #17 of 2021)

3.EMPLOYMENT FOR NYS CERTIFIED LIFE GUARDS for CD Lane Park: The Town of Windham is now accepting applications for NYS Certified Lifeguards for the summer season at C.D. Lane Park in Maplecrest, NY. Lifeguard applicants must be at least 18 years of age, have waterfront lifeguard training, standard first aid and be certified in CPR for the professional rescuer. Positions to open May-June 2021. Salary \$14.00-\$15.00 per hour based on experience. Send resume to: Windham Town Clerk, P.O. Box 96, Hensonville, NY 12439. For more information contact the Supervisor Tom Hoyt at (518) 821-3462 during regular business hours for a list of requirements and job description. If applicant needs to be certified, please contact (518) 291-6335. By Order of the Windham Town Board. A motion to approve notice and advertise for a few weeks in the Mountain Eagle/Windham Weekly was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

4.REQUEST TO USE CD LANE PARK PAVILION: "Nina Pfeffer, instructor for Tai Chi classes. Starting late April or May every Tuesday at 10:30 or 11:00 am. Can provide a Certificate of Liability Insurance". Supervisor Hoyt, Nina was here last fall and she would like to offer the class again. Supervisor Hoyt due to our permit, we cannot open the restrooms until May. The start of the park season does not officially open until Memorial Day weekend. If Nina were to go there in April the pavilion may still be full of park equipment that has not been placed outdoors yet not giving her room for her class. Other than that, she may use the facility respectfully. A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Goettsche, with all in favor. Councilman Peters would like to have a Certificate of Liability Insurance on file prior to the class.

5.INVITATION FOR FLOWER BID: Notice is hereby given that **sealed bids for the installing and supplying of annual flowers** at town signs, garden beds and spring clean-up of garden beds will be received by the Town of Windham at the office of the Town Clerk, 371 State Route 296, PO Box 96, Hensonville, New York 12439 until 12:00 noon local time on Thursday, April 22, 2021 and will be opened and read aloud at the Town Board meeting at 7:00 pm on April 22, 2021. Copies of bid specs may be obtained by contacting the Town Clerk at 518-734-4170. The Town Board reserves the right to reject any and all bids. By Order of the Windham Town Board. A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor. Notice is hereby given that **sealed bids for watering and maintenance for annual flowers** at town signs and garden beds will be received by the Town of Windham at the office of the Town Clerk, 371 State Route 296, PO Box 96, Hensonville, New York 12439 until 12:00 noon local time on Thursday, April 22, 2021 and will be opened and read aloud at the Town Board meeting at 7:00 pm on April 22, 2021. Copies of bid specs may be obtained by contacting the Town Clerk at 518-734-4170. The Town Board reserves the right to reject any and all bids. By Order of the Windham Town Board. A motion to approve both notices and advertise for a few weeks in the Mountain Eagle/Windham Weekly was made by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor.

6.NEW APPOINTMENT OF LIBRARY TRUSTEES: Carol Spear was elected the President at the Library Trustees meeting on January 7, 2021. And at the Library Trustees meeting on March 4, 2021 Danielle Larsen was appointed as a new Library Trustee. Her 5-year term will expire on December 31, 2025. The Board approved the recommendation from the Library Trustees.

7.TOWN BOARD RESOLUTION #12 OF 2021: Extend the Sidewalk District Billing from 5276 State Route 23 to 5188 State Route 23 (St. Theresa's Church Parking Lot). With the exception of 5250 State Route 23 (Windham Cemetery) as the Town of Windham pays the expense of their ongoing maintenance. A motion to adopt this resolution was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

8.TOWN BOARD RESOLUTION #13 OF 2021: Whereas, this plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivisions 2 section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable. Whereas, these laws were amended by the passing of legislation S8617B/A10832 signed by the Governor of New York State on September 7, 2020, requires public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease. Whereas, On March 11, 2020 the World Health Organization declared a pandemic for the novel corona-virus which causes the COVID-19 severe acute respiratory syndrome. Now, Therefore Be It Resolved, this plan was developed exclusively for and is applicable to the Town of Windham and; effectively April 1, 2021 to be available for all department employees. A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

9.TOWN BOARD RESOLUITON #14 OF 2021: Whereas, 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. Whereas, 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. Whereas, The Town of Windham convened a committee local stakeholders to review and revise Windham Police Department's force deployments, strategies, policies, procedures and practices and; Whereas, the public was requested to comment and provide feedback on the Windham Police Department and; Whereas, the committee preformed these duties and drafted a plan and; Whereas, the plan has been offered for public comment on March 11, 2021 and; Now, Therefore Be It Resolved, the purpose of said resolution is to be adopted by April 1, 2021, for the Town of Windham Police Reform and Reinvention Collaborative Plan. Further guidance will be provided by the Division of Budget, in consultation with the Department of Criminal Justice Services. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Walker, with all in favor.

10.TOWN BOARD RESOLUTION #15 OF 2021: to decrease the Sewer District Billing for 2021 in the amount of \$129.60 due to a duplicate bill (Bill #S345 and #S916). A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. TOWN BOARD RESOLUTION #16 OF 2021: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor. GENERAL FUND RESOLUTION #6 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 Goettsche, with all in favor.

11.COURT JUSTICE REPORT FEBRUARY 2021: Justice McCarthy \$3,135.00 was noted by the Board.

12.GREENE COUNTY RESOLUTION #87-21: Authorizing Chargeback of Assessment Roll Related Services and Materials (2021 Postage-Tax Bills) Windham \$241.13 GREENE COUNTY RESOLUTION #88-21: Authorizing Chargeback of Assessment Roll Related Services and Materials (2021 Tax Bills) \$693.29

13.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. Ambulance Liaison Councilman Peters things are moving along, we are moving forward on the Virtual Telemedicine ER. Supervisor Hoyt, the bookkeeper will have the certified adjustments to the budget. We can now generate that number to the Town of Jewett moving forward on their billing.

14.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. For general awareness there's been numerous illegal dumping on our town roads through-out the Town of Windham as they are dumping furniture. The Highway Dept has been out picking up the furniture and then taking it to the Greene County Transfer Station as there is a small fee that will be passed to the taxpayers. Thank you for the Police help as well as they try to find out who is doing this. A notice was received today from NYS DOT regarding funding. We did get

confirmed we are going to receive 95% of the 20% refund in the amount of \$15,441.83. This amount will be used towards the paving of our town roads. He has also been looking at skid steers for next year's sidewalk snow removal. He is looking for something with 4 wheels not tracks.

15.POLICE REPORT: Police Chief Tor Tryland was present. Car 7F384 has experienced major issues: loss of power, overheating, etc. This car is a 2011 with an estimate of 132,000 miles. It has been brought to Wes' Mobile Repair. Wes will find out what it needs and will give us an estimate to fix. Chief Tryland would like permission from the Board to research and purchase ammunition, estimating at about \$2,000.00. Last year State Bid was at \$1,500.00 and this year it is expected to go up to \$2,000.00. Ammunition is hard to get right now and it may take months before a delivery can be made. A motion to approve \$2,000.00 for the purchase of ammunition was approved by Councilman Van Valin, 2nd by Councilman Peters, with all in favor.

16.COMMITTEE REPORTS: **Councilman Walker** has spoken to the Court Clerk regarding the use of the time clock. Working times must be punched in and out and not hand written on the card. **Councilman Van Valin** the police barn had an issue with the breaker lights. Hammel Electric has been in and the problem has been fixed. Councilman Van Valin would like to do a project on the window sills at the Centre Property. They will need to be pressure washed and painted. The Windham Path sign on State Route 23 has been taken down and has been secured. As we all know we have had several wind storms this past winter. Councilman Van Valin has been speaking with the Delaware Engineering on the stone work, lighting and sign to secure from the weather. **Supervisor Hoyt**, Mid-Hudson Cablevision has been on site on a regular basis in Maplecrest. Mid-Hudson Cable is doing a survey on High Peak Road. Back to the Windham Path, WARF has been paying the electric bill for the sign and flag on the path entrance on State Route 23. The bill should go to the Town as this is our responsibility, the property is owned by the Town. **CD Lane Park Enhancement Committee** will be looking for three bid quotes on three light poles to cross the stream. They would like to place the three light poles at the opening, put in a secure surface with a walking handle and cable it fast. They have meet with a Landscaper as they would like to have perianal flowers around the ticket booth up entering the park. The basketball court had silk on it that the Windham Highway Dept took care of in removing. Supervisor Hoyt would like to thank the Highway Dept for that and would like to thank the Hensonville Hose Co; Bill Poehmel & Fire Chief Tyrell Sherman they had a drill up there and they hosed the court off. There is water in the lower parking lot, the stream has jumped the channel. The Eagles start nesting in February, no work in that area can be done until July/August as to not to disturb the Eagle's nest. We have also applied for the Stream Repair Grant at the Windham Path, we applied for the construction element. The land owner has given us an easement to go across his property for that. Supervisor Hoyt, has received a phone call from a taxpayer on State Route 23, they have concerns regarding there is a proposal for a rehab center. Jonathan Gross/Mountain Top Cares Coalition is opening a new office and counseling on the east end of State Route 23. Supervisor Hoyt spoke to Jonathan Gross and he was told it was just going to be an office and some counseling. Jonathan Gross has not yet submitted a Site Plan application that is needed to go before the planning board and there will be a change of use on this building.

GENERAL FUND WARRANT #6-G contained vouchers #228-269, totaling \$32,654.51 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

HIGHWAY FUND WARRANT #6 contained vouchers #92-108, totaling \$10,601.89 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 #6 contained vouchers #94-114, totaling \$55,092.52 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

GENERAL FUND PAYROLL WARRANT #7-P for **General** contained 9 claims, totaling \$6,210.70 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 \$15,169.96 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Police** payroll contained 2 claims, totaling \$3,567.60 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

HIGHWAY PAYROLL WARRANT #7-P contained 6 claims, totaling \$10,287.90 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 #7-P contained 2 claims, totaling \$620.10 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

Councilman Goettsche would like to thank everyone for going through the police reform and he would like to “personally thank Marilyn Carreras, Ryan Dempsey, William MacGregor and Chief Tor Tryland for serving on the Town of Windham Police Policy Review Committee. They voluntarily dedicated countless hours to reviewing, analyzing and revising the Windham Police Department. Their time, expertise, and experience were shown in the Plan.” **Supervisor Hoyt** would like to thank Councilman Goettsche for his time working with the committee. Councilman Goettsche would like to put out a press release thanking them publicly.

The meeting adjourned at 7:40 p.m. on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
