

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

AUGUST 12, 2021

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

Also Present: Ambulance Administrator Davia Montie, Highway Superintendent Gary Thorington, Town Attorney Larry Gardner, Gail Nichol森, Bernard Brabazon, Police Chief Tor Tryland & Mike Ryan Mountain Eagle

Absent: Delaware Engineering John Brust

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

THE MINUTES OF THE JULY 22, 2021 TOWN BOARD MEETING were approved as typed on a motion by Councilman Peters, 2nd by Councilman Walker, with 4 in favor, Councilman Goettsche abstained as he was absent from meeting.

1.DELAWARE ENGINEERING: John Brust was not present. The Notice to Proceed along with contracts #1, #2 & #3 that have been signed for the WWTP System Upgrades project. Two payment checks, one from Evergreen Contracting and one from Delaware Engineering, have been given to Mr. & Mrs. Robert Lavery for the repair of their driveway at 243 State Route 296.

2.APPLICATION TO NAME PRIVATE ROAD FOR FUTURE DEVELOPMENT: Bernard Brabazon was present to explain the location of where the road is to be renamed. Mr. Brabazon currently owns Brabazon Drive off of Mill Street. He would like to rename Brabazon Drive to

“Spruce Hill Road”. In the future there will be a Spruce Hill Development. Supervisor Hoyt would like to mention to the Board that the town has another road similar in name it is “Spruce Drive” in Maplecrest. Supervisor Hoyt makes note of the roads having similar names for the purpose of emergency calls. A motion to approve Spruce Hill Road was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

3.REQUEST PERMISSION TO USE CENTRE PROPERTY FOR AUTUMN AFFAIR:

Windham Chamber of Commerce requests the use of the front lawn for October 9 & 10 @ 8:00 am to 6:00 pm each day. A motion to approve was made by Councilman Walker, 2nd by Councilman Van Valin, with all in favor. Yako Stavrolakes, Blackdome Music requests the use of inside on Saturday, October 9 for a concert at 7:00 pm. He also requests access to the main space and the library area from 4:00 pm to 9:00 pm. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

4.MUNICIPALITY BOARD VOTE OPT-OUT OR OPT-IN FOR MARIJUANA DISPENSER:

“What is in the Law Local Governments Overview: On March 31, 2021, Governor Andrew Cuomo signed the Marijuana Regulation & Taxation Act legalizing adult-use cannabis (also known as marijuana, or recreational marijuana) in New York State. The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law (collectively referred to as “OCM”). The OCM will issue licenses and develop regulations outlining how and when business can participate in the new industry. The OCM will also oversee the State’s existing Medical Marijuana Program and Cannabinoid Hemp Program, previously regulated by the Department of Health. The information below is a collection of key provisions from the MRTA which impact local governments and local officials. For additional information or to contact the Office of Cannabis Management, please visit our website at: www.cannabis.ny.gov or e-mail us at: info@ocm.ny.gov. Local Opt-out Cities, towns, and villages can opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses from locating within their jurisdictions; however, municipalities cannot opt-out of adult-use legalization. Possession and use of cannabis by adults 21 years of age or older is legal in New York State. To opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses, a municipality must pass a local law by December 31, 2021. This means that if a municipality has already passed a local law or resolution prohibiting adult-use cannabis licensees from operating in its jurisdiction, the municipality will have to pass a new local law conforming to the opt-out requirements outlined in the MRTA if the municipality still chooses to opt-out. If a municipality does not opt-out by December 31, 2021, the municipality will be unable to opt-out at a future date. However, at any time a municipality may opt back in, to allow adult-use retail dispensaries and/or on-site consumption licenses, by repealing the local law which established the prohibition. A municipality may choose to opt-out of both adult-use retail dispensaries and on-site consumption licenses or just one type of license (e.g., allow retail dispensaries but not on-site consumption licenses). Municipalities are prohibited from opting out of other adult-use license types from locating or operating within their jurisdiction. Additionally, municipalities are prohibited from opting out of medical cannabis or cannabinoid hemp license types. If a town passes a local law to opt-out, it only affects the area of the town outside of any village within the town. County governments are not permitted to opt-out of any adult-use license types. Any local law opting out of adult-use retail dispensaries or on-site consumption licenses will be subject to a permissive referendum as outlined in section 24 of the Municipal Home Rule Law. This allows voters within the municipality to petition whether or not to approve the local law.” The above article was taken from the website at: www.cannabis.ny.gov” Upon the Board’s discussion, Supervisor Hoyt as asked Bonnie Poehmel Town Clerk to please get in touch with the Association of Towns for a draft copy of what the municipal law would look like to proceed with. We will have to advertise for a public hearing. This discussion is to be continued at the next town board meeting.

5.MOUNTAINTOP SOCCER PROGRAM requesting use of Creamery Pond Field for the 2nd Annual Mini Kicker & Training Program. They would like to use the field starting Saturdays September 11th through October 30th, 2021 from 9:00 am to 1:00 pm. At a town board meeting on July 22, 2021, Mr. Joel Middleton, Athletic Director at WAJSC has asked for the use of the field for the same time period. The Board has approved the use for the students at WAJSC. Supervisor Hoyt has also suggested that the Mountaintop Soccer program could also use the field

at CD Lane Park, 281 County Route 56, Maplecrest; should there be a time conflict. A motion to approve request was made by Councilman Peters, 2nd by Councilman Walker, with all in favor.

6.AFFIDAVIT & APPLICATION FOR CERTIFICATE OF RESIDENCE: Jennifer Litts a Town of Windham resident plans on attending HVCC Community College. A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

7.TOWN CLERK'S REPORT FOR JULY: \$2,934.02. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with all in favor.

8.TOWN JUSTICE REPORTS for June-Justice Stevens \$618.00 & July-Justice McCarthy \$1,704.00. Was noted by the Board.

9.GREENE COUNTY RESOLUTION #168-21: Awarding Bid for Propane: Nolan Bottle Gas Company is lowest bidder for the year September 1, 2021 through August 31, 2022.

10.TOWN BOARD RESOLUTION #39 OF 2021: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Goettsche, with all in favor. TOWN BOARD RESOLUTION #40 OF 2021: due to the receipt of funds in the amount of \$85,496.83 from the State of New York regarding Federal Aid under the Coronavirus Response & Relief Supplement Appropriations Act and the American Rescue Plan Act. Authorizing the Supervisor to establish the following new checkbook and income account line item. A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. TOWN BOARD RESOLUTION #41 OF 2021: to authorize the Supervisor to use \$20,000.00 from Unappropriated General Fund Balance towards the purchase of the said new Pickup Truck. Thus hereby, authorizing the transfer from the General Fund to the Highway Fund the sum of \$20,000.00. Said balance of \$20,000.00 is to be a statutory installation bond per Town Board Resolution # 31 of 2021. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. TOWN BOARD RESOLUTION #42 OF 2021: to authorize the Supervisor to use \$55,399.40 from Unappropriated Fund Balance to balance accounts in the General Fund as per General Fund Resolution #12 of 2021. A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. GENERAL FUND #12 OF 2021: the following resolution was proposed to transfer funds to balance the General Fund accounts. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. HIGHWAY FUND RESOLUTION #3 OF 2021: the following resolution was proposed to transfer funds to balance the General Fund accounts. A motion to adopt this resolution was made by Councilman Van Valin, 2nd by Councilman Peters, with all in favor.

11.AMBULANCE REPORT: Ambulance Administrator Davia Montie was present. The following report was submitted for the Board's review: **"Vehicles:** 96-1 –Wes did an emergency repair on 961 after a hose broke coming up the mountain returning from a call. 96-2 – rear shocks replaced; service done. **Monthly calls:** Total for July - 41; Total for July 2020 – 32; Total calls 2021 - 266; Total calls 2020 through July 31st - 254. **Staffing:** Although we are not in crisis mode, staffing is getting a bit thin. As I mentioned last month it is getting increasingly difficult to fill open shifts. It is also a concern looking forward to the winter, as the mountain opens and we need additional crews on the weekends etc. Once again, I will ask the board to consider hiring full time staff to help offset this problem. Other agencies in the county have increased their hourly wages, at this time Greenville is starting their EMT's at \$18/hr. That is over \$1 more an hour than Windham pays and a shorter drive for most of our staff. **Misc.** The board meetings for Greene County EMS are on the third Tuesday of every month at 5pm. They are doing in person or zooming, Windham should have representation at the meetings. I spoke with an electrician regarding emergency lighting for the station during power outages, he told me the only reasonable solution would be a generator. He said he would try to stop by the station to have a look at things. Both Cyano-Kits that we carry will be expiring at the end of the month. I have a quote for the cost to replace them, which is \$1305.00 per kit. Cyanokits are used in an emergency to treat cyanide poisoning. This type of poisoning can occur if you are exposed to smoke from a house or industrial fire, if you swallow or breathe in cyanide, or if you get cyanide on your skin. **Calls for the Month of July 2021:** Calls in Windham: Advanced Life Support

(ALS)-9, Basic Life Support (BLS)-3, Call Cancelled (C/C)-4; Refused Medical Assistance (RMA)-3, Stand by Fire (S/B Fire)-1, Telehealth-1, Public Assist-1; Calls in Hunter: ALS-1, C/C-1; Calls in Jewett: ALS-4, BLS-3, S/B (FD)-1, RMA-1, C/C-1; Greene County EMS: S/B-2. Total calls for July: 41, Calls turned over to Mutual Aid-5. (Hunter-3) (Ashland-2). Vehicle Mileage Log for July 2021: 96-1: 45,940 and 96-2: 132,670.”

12.ASSESSOR’S REPORT: The following report was submitted for the Board’s review: “August has been unusually busy, with unique activities. (Large scale commercial projects, and large-scale commercial sales with three \$1million plus transactions) These type of inquiries remain high. Requests for property information remains frequent from out-of-town prospects. Somehow the questions this month emanate from highly motivated and educated buyers. School Tax Roll prep underway, as well as constant updating to reduce even further, delayed, or missing school tax bills due to gaps in updates by authorities. Complaints on missing or delayed school tax bills are still on the decrease. Doing a presentation August 23rd, here at Town Hall for Seniors on ways to reduce their tax bills, through Exemption & Veterans programs. Can present a 5-10 minutes program, anytime, before a Town Board meet as a side benefit to attending. Topics are Exemptions for Seniors, Veterans, Basic STAR, disability exemptions, and other NYS programs... Forwarding information requests to Planning Board as people realize this office has viable information, site photography, comparables, and numerous building type and features examples that assist homeowners and contractors alike in presenting building or planning needs. When needed, data is forwarded to Building & Code Officer. Working towards fall. Still shooting photos constantly. One recent benefit assisted a local business that had a fire. Their insurance people had site photos, with major details of the BEFORE building, same day of the fire. Definitely improved the taxpayer’s opportunity for insurance proceeds.”

13.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. Gary shared with the Board a letter he had received from Mayor Mark Evans & Trustees from the Village of Coxsackie thanking the town of Windham for sending your highway department to assist in helping with the cleanup from a weather disaster on July 7, 2021. Gary has meet with Chris Suda for a site visit of the highway vehicles. Chris Suda will be working with the highway department on helping to get the fleet ready for the winter season. Wes Benson who previously worked on the highway equipment has also mention he will try to be available in the future if a problem arrives. Mr. Mead Service Manager from Ben Funk for many years; has been assisting Highway Superintendent Gary Thorington with highway electrical equipment to diagnosis our vehicles ourselves. It will require a laptop computer (\$4,300.00 for the set up) to bring directly to the truck to plug in; there are programs and subscriptions (\$900.00 yearly) that are needed; along with a thumb drive (\$450.00) giving us owner’s manuals, etc. Gary wanted the Board to know that next year the highway dept will be due to buy a new loader. Gary has received a few new hire applications to fill the one full-time vacancy position. Today, Gary picked up the new skid steer from Clifton Park, NY for this year’s winter snow clean up on Main Street and to be used wherever as needed. Councilman Walker had a compliment for the road work done on Slater Road looks good!

14.POLICE REPORT: Police Chief Tor Tryland was present. “Cars 7F384 has been completed and 7F385 needs a new seat belt buckle, will be installed next week. Officer Parquez will have his last day of instructor training tomorrow. The Union did ratify the contract this afternoon. Official notification will come from the Union. Supervisor Hoyt asked for a motion to allow him to sign the union contract.” A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. “The Board was provided with a copy of the following activity report for the month of July: *Arrests-0; Traffic Tickets-4; Traffic Stops-50; Parking Tickets-1; Calls for Service-122; Property Checks-550; EMS Assist-11; Fire Assist-9; and EID, Alarms-17.* (Per the Chief, please do not place all the weight on these numbers as each month is subject to change.)”

15.COMMITTEE REPORT: **Councilman Goettsche** has nothing to report on at this time. **Councilman Peters** he thinks every department will be feeling this regarding wages and wage pressure we are going to have to rethink how we do wages in the next budget season. The 2% rule is not really being followed. Inflation is much higher than 2%. A lot of places are announcing \$15.00 per hour minimum wages. The formula that we have been following the last few years; will work again for the upcoming budget. Councilman Peters is researching on how

to make a full-time ambulance work. **Councilman Van Valin** the damaged window and crash bar has been ordered. He needs to find someone to pressure wash the front of the Centre Property building. Supervisor Hoyt, Plumber John Garzone was at the library as the air conditioner needed to be recharged with the recent heatwave. **Councilman Walker** has nothing to report on at this time. **Supervisor Hoyt**, the town has received a letter from Parks, Recreation & Historic Preservation that our application for the Centre Property Preservation Grant has been denied the CFA funding for this year. We may apply again for a grant in 2022. The NY Rising Project for the South Street Stormwater is moving forward. Construction on the lower part of South Street will be starting soon. Supervisor Hoyt and Bonnie Poehmel Town Clerk had a meeting late this afternoon with our insurance representative discussing new health insurance rates for 2021-2022. We went over various different health insurance plans. **Attorney Larry Gardner** the two properties that have building department issues; Old Road and Galway Road. The property owner on Galway Road has contacted the Building Inspector and Attorney Larry Gardner to get the issues corrected and to close out the open permit. The property owner on Old Road still has not responded. The Building Inspector has written another violation to be served to the owner on Old Road, that will then go to court.

GENERAL FUND WARRANT #15-G contained vouchers #546-601, totaling \$80,279.06 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

HIGHWAY FUND WARRANT #15 contained vouchers #175-192, totaling \$30,049.24 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 #15 contained vouchers #219-252, totaling \$64,823.43 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

STREETLIGHTING FUND WARRANT #8 contained vouchers #49-61, totaling \$1,599.16 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 #15 contained vouchers #46-47, totaling \$1,567.21 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 #16-P for **General** contained 12 claims, totaling \$13,582.51 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 \$16,097.76 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Police** payroll contained 10 claims, totaling \$8,412.34 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #16-P contained 4 claims, totaling \$7,287.36 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 #16-P contained 2 claims, totaling \$221.65 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

GENERAL FUND PAYROLL WARRANT #17-P for **General** contained 14 claims, totaling \$14,263.47 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 \$15,327.46 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Police** payroll contained 4 claims, totaling \$4,353.73

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was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #17-P contained 4 claims, totaling \$6,262.91 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 #17-P contained 3 claims, totaling \$864.00 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 7:58 p.m. on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK

