

**TOWN OF WINDHAM  
TOWN BOARD MEETING  
371 State Route 296, Hensonville, NY  
Website: [www.townofwindhamny.com](http://www.townofwindhamny.com)**

**OCTOBER 27, 2022**

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

**Also Present:** Town Attorney Tal Rappleyea, Delaware Engineering John Brust, Logan Forbes  
WAJ Gov't Student, Priscilla Hurd, Chris Sudta, Betty Lohman & Mike Ryan Mountain Eagle

**Absent:** Ambulance Administrator Davia Montie, Highway Superintendent Gary Thorington &  
Police Chief Tor Tryland

The Supervisor called the public hearing meeting to order at 6:50 pm and opened with the Pledge of Allegiance.

Supervisor Hoyt read the following legal notice aloud: **Notice of Public Hearing Local Law #6 of 2022** to Override the Tax Levy Limit. NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board for the Town of Windham at the Town Hall, 371 State Route 296, Hensonville, NY on October 27, 2022, at 6:50 pm, regarding the adoption of a Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c. This law is being proposed to comply with subdivision 5 of the General Municipal Law §3-c which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board. At such time and place all persons interested in the subject matter thereof will be heard concerning the same. Copies of the proposed law shall be available at the time of the hearing and shall be available at times prior to and after the hearing at the Town Clerk's Office during normal business hours for the purpose of inspection or procurement by interested persons. The proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c establishes the Windham Town Board's intent to override the limit on the amount of real property taxes that may be levied by the Town of Windham. By Order of the Town Board Bonnie Poehmel Town Clerk Dated: October 13, 2022. A motion to recess the public hearing at 6:53 pm was made by Councilman Peters, 2<sup>nd</sup> by Councilman Goettsche, with all in favor. Town Attorney Tal Rappleyea noted as there is no one here in the public for comment, the public hearing can be opened again, and the Board can move right into the regular Town Board Meeting. A motion to resume the meeting @ 6:53 pm was made by Councilman Peters, 2<sup>nd</sup> by Councilman Walker, with all in favor. A motion to close the public hearing at 6:53 pm and move into the regular Town Board meeting was made by Councilman Peters, 2<sup>nd</sup> by Councilman Walker, with all in favor.

THE MINUTES OF THE TENTATIVE BUDGET WORKSHOP OCTOBER 12, 2022, TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2<sup>nd</sup> by Councilman Peters, with all in favor.

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**Local Law #6 of 2022 to Override the Tax Levy Limit**, Councilman Peters made a motion to adopt the law, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

1.DELAWARE ENGINEERING: John Brust was present. The new ambulance facility has the exterior walls up. There will be an asphalt pour next week weather permitting. The General Contractor Plank is good to work with; they have a great Superintendent on the job. The reports are all good. We have anticipated completion date of April 27, 2023. No significant change orders; just the norm for any job. Another contractor has approached John regarding sewer out of the district for two new homes being built. John needs to see the lay of the land and research how they would be able to hook into the town's system. Right now, this is just all talk for the future building of these two new homes.

2.TWO NEW APPLICATIONS FOR OUTSIDE SEWER DISTRICT: 25 Two Trees Lane, Windham, Tax Map #95.00-1-16.22 is not within the town sewer district. They are asking for permission to hook their residential home in the town system. The \$50.00 application processing fee has been paid. 35 Two Trees Lane, Windham, Tax Map #95.00-1-16.222 is not within the town sewer district. They are asking for permission to hook their residential home in the town system. The \$50.00 application processing fee has been paid. The town's sewer connection is on the other side of the road under County Route 12. The homeowners will need permission from Greene County Highway Dept. and the connection will be at their expense. Supervisor Hoyt would like to make a motion to **table this request** to have John Brust of Delaware Engineering look into, 2<sup>nd</sup> by Councilman Walker, with all in favor.

3.GREENE ROOM PLAYERS Linda Nicholls, President is seeking permission to use Centre Property for "Songbirds" Holiday Concert. Linda is requesting practice on December 6, 7, 8, 9 @ 4:00-8:00 pm; December 10 @ 3:00-10:00 pm and December 11 @ 12:00-5:00 pm. Concert December 10 @ 7:00 pm; snow date Concert December 11 @ 2:00 pm. A motion to approve was made by Councilman Peters, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

4.OMNY TAIKO seeking permission to use Centre Property on Tuesday, July 4<sup>th</sup>, 2023 @ 9:00 am-4:00 pm with Concert at 2:00 pm. They have used the property in the past for the same time period prior to COVID. They are pleased to announce they will be in playing again in 2023. A motion to approve was made by Councilman Van Valin, 2<sup>nd</sup> by Councilman Walker, with all in favor.

5.LEASE AGREEMENT WITH WINDHAM TRANSFER STATION: 105 County Route 21, Windham, Tax Map #78.00-5-2. Lease agreement January 1, 2023, to December 31, 2032 (ten-year term). A motion to approve and allow the Supervisor to sign was made by Councilman Peters, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

6.ANNUAL SOFTWARE SUPPORT CONTRACT: Sewer Billing Software 11/01/22-10/31/23 with Williamson Law Book Co. \$594.00. A motion to approve was made by Councilman Peters, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

7.TOWN BOARD RESOLUTION #46 OF 2022: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to adopt this resolution was made by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor. GENERAL FUND RESOLUTION #22 OF 2022: the following resolution was proposed to transfer funds to balance the General Fund accounts. A motion to adopt this resolution was made by Councilman Peters, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

8.REVIEW DRAFT LOCAL LAW #7 OF 2022 ADOPTING NYS FIRE & BUILDING CODE: This local law provides for the administration and enforcement of the New York State Uniform

Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Windham. Town Attorney Tal Rappleyea, “with all the new building and fire code laws, the New York State is making this a new mandatory law that must be in place by January 1, 2023.” The Supervisor would like to set a public hearing on our second meeting of the month when the Town Attorney is here should the public have any questions. A motion to set the date for the public hearing on Wednesday, November 23, 2022 @ 6:50 pm by Councilman Peters, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

9.Sgt. JAMES F. CARTY, D.S.C.-VFW POST 1545: Marc Farnilette-Quartermaster VFW Post 1545 request permission to hold a tag day on Saturday, November 12, 2022, at the intersection of State Route 23 and 296 from 9:00 am to 1:30 pm. A motion to approve was made by Councilman Walker, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

10.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present.

11.HIGHWAY REPORT: Highway Superintendent Gary Thorington was not present.

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

13.COMMITTEE REPORT: **Councilman Van Valin** still waiting for the structure to be built to hold up the new Windham Path sign. Larry Tompkins called an electrician as he had found a box at the entrance of the sidewalk and did not know if it was alive or dead at the Centre Property. It has been taken care of with a cover plate and a bench has been placed near it, as this way no one will trip on it. At the town hall there is one outside a/c unit base that has been tipping and the gutters need to be cleaned before winter; he will ask Highway Superintendent Gary Thorington to have his department take care of this. Councilman Van Valin is quite concerned about the Centre Property as it will need to be painted again on the east side. John Garzone Plumbing said he will drain the little league building for the town this year. **Councilman Walker** there will be a SWAC meeting at the WWTP November 17, 2022. Under our Subdivision Law (Local Law #2 of 2007 page 3), “SECTION 11. ENFORCEMENT: A) General...this section has been brought to Councilman Walker’s attention regarding the law and the Windham Planning Board. During the public hearing for the Greifeld subdivision the maps were not made available to the public. The planning board minutes do not reflect the correct information. **Chris Sudta** has attended the public hearing for the Greifeld subdivision as his property border’s subdivision. Chris Sudta still has a lot of unanswered questions for the planning board and would still like to see a copy of the map that was to be made available to the public but was not available at the public hearing. Chris Sudta has retained Council until this subdivision can be resolved properly. Chris Sudta and his wife Betty are not very pleased with the planning board and how they conduct themselves for a meeting. Supervisor Hoyt will have the Town Attorney look at the subdivision law. **Councilman Goettsche** has nothing to report on currently. **Councilman Peters** we all received an email dated 10/17/22 from Mr. Jordan and Mr. O’Grady members of the Planning Board. The email states about the sign law and our new Windham Path sign that we have replaced. Councilman Peters having written the sign law; in the law there is the exemption to the Town Board. Councilman Peters would like permission from the Town Board to write the planning board a letter back explaining the Town Board’s exemption to the law. The Town Board gives Councilman Peter permission. **Supervisor Hoyt** would like to set a **public hearing on November 10, 2022 @ 6:45 pm to approve the preliminary budget for 2023**, with the regular town board meeting to follow, 2<sup>nd</sup> by Councilman Goettsche, with all in favor. Supervisor Hoyt would like to **change the second town board meeting date as it falls on Thanksgiving to Wednesday, November 23, 2022 @ 7:00 pm**, 2<sup>nd</sup> by Councilman Van Valin, with all in favor. **Supervisor Hoyt** has spoken to Jeri Miltenberger of the Windham Foundation; would like the town to purchase the light bulbs for the snowflakes. The purchase of 54 LED rigid bulbs for \$3,049.00. Jeri has already received the bulbs. We will pay the company direct. A motion to pay for the light bulbs was made by Supervisor Hoyt, 2<sup>nd</sup> by Councilman Goettsche, with all in favor. The CD Lane Park building has been drained and closed for the season. The gate is still open for anyone coming into hike, fish, use the field or play basketball. The WAJ cross-country team has been using the Windham Path for training and races. The NY Rising Project on County Route 12 is complete they have a small punch list of items to complete.

GENERAL FUND WARRANT #20-G contained vouchers #841-881, totaling \$21,094.18 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

HIGHWAY FUND WARRANT #20 contained vouchers #187-191, totaling \$3,860.37 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

SEWER DISTRICT FUND WARRANT #20 contained vouchers #289-298, totaling \$4,346.61 was audited and approved on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor.

AMERICAN RESCUE PLAN ACT WARRANT #6 (Government Law 2021) contained voucher #9, totaling \$1,803.00 was audited and approved for payment on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor.

NY RISING WARRANT #42 (So. Street Stormwater) contained voucher #72, totaling \$15,385.00 was audited and approved for payment on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor.

GENERAL FUND PAYROLL WARRANT #21-P for **General** contained 6 claims, totaling \$6,730.00 was audited and approved for payment on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor. **Ambulance** payroll contained 16 claims, totaling \$17,794.66 was audited and approved for payment on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor. **Police** payroll contained 0 claims, totaling \$0.00 was audited and approved for payment on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor.

HIGHWAY PAYROLL WARRANT #21-P contained 5 claims, totaling \$9,612.06 was audited and approved for payment on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor.

SEWER DISTRICT FUND PAYROLL WARRANT #21-P contained 1 claim, totaling \$68.10 was audited and approved for payment on a motion by Councilman Goettsche, 2<sup>nd</sup> by Councilman Van Valin, with all in favor.

NYS HEALTH CARE WORKERS BONUS PAY WARRANT #1 (Ambulance workers bonus pay) contained 7 claims, totaling \$7,500.00 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

EXECUTIVE SESSION Supervisor Hoyt made a motion at 7:35 pm to recess from the Town Board Meeting to go into Executive Session to discuss a legal litigation, 2<sup>nd</sup> by Councilman Peters, with all in favor. Town Attorney Tal Rappleyea was allowed to stay. All others in the audience were asked to leave.

RECONVENE MEETING Councilman Peters made a motion at 7:53 pm to adjourn from Executive Session to reconvene to the Town Board Meeting, 2<sup>nd</sup> by Councilman Goettsche, with all in favor.

The meeting adjourned at 7:55 pm on a motion by Councilman Peters, 2<sup>nd</sup> by Councilman Walker, with all in favor.

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SUPERVISOR

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COUNCILMAN

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TOWN CLERK

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OFFICIAL