

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

**FEBRUARY 23, 2023**

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

**Absent:** Councilman Goettsche

**Also Present:** Highway Superintendent Gary Thorington, Town Attorney Tal Rappleyea, Delaware Engineering John Brust, Police Chief Tor Tryland, Delaware Engineering Helen Budrock, Marianna Leman, Michael Troccoli, Robert Blakeslee, John O'Grady, Richard Tollner, Edward Carey, Nick Bove, Drew Shuster, Chris Brower, Matt Rodrigue & Mike Ryan Mountain Eagle

**Absent:** Ambulance Administrator Davia Montie

The Supervisor called the public hearing to order at 6:45 pm and opened with the Pledge of Allegiance.

**PUBLIC HEARING LOCAL LAW #4 OF 2023 @ 6:45 PM:** Supervisor Hoyt read aloud the following: "NOTICE IS HEREBY GIVEN, that a public hearing shall be held before the Town Board of the Town of Windham at 371 State Route 296, Hensonville, NY on February 23, 2023 at 6:45 pm as the Town of Windham desires to work with Good Energy, L.P. to take any and all steps necessary and required by the New York State Law and policies, programs and orders of State administrative agencies to evaluate, negotiate and contract for the implementation of the Community Choice Aggregation Program and Community Solar Program if the Town of Windham determines the same to be in the best interests of the Town of Windham. All persons wishing to speak upon this matter shall be heard at this time. Bonnie Poehmel Town Clerk, Dated: February 9, 2023." Supervisor Hoyt went around the room for public comment. With no one having a comment at this time. The meeting was held open for 5 minutes and then closed at 6:50 pm by Councilman Walker, 2<sup>nd</sup> by Councilman Van Valin, with 4 in favor, one absent.

**PUBLIC HEARING LOCAL LAW #2 OF 2023 @ 6:50 PM:** Supervisor Hoyt read aloud the following: "NOTICE IS HEREBY GIVEN, that a public hearing shall be held before the Town Board of the Town of Windham at 371 State Route 296, Hensonville, NY on February 23, 2023 at 6:50 pm to amend Local Law #4 of 2006 for the Town of Windham Site Plan Review Law. The proposed amendments to this Local Law relate to Applicability of Review Requirements; Definitions; Required Fees; Public Hearing; Abandonment; Expiration of approval and Article VI. All persons wishing to speak upon this matter shall be heard at this time. A copy of the Local Law #2 of 2023 is available for review at the Town Clerk's Office during business hours 9:00 am to 4:00 pm. Bonnie Poehmel Town Clerk, Dated: February 9, 2023." Supervisor Hoyt went around the room for public comment. With no one having a comment at this time. The meeting was held open for 5 minutes and then closed at 6:55 pm by Councilman Peters, 2<sup>nd</sup> by Councilman Walker, with 4 in favor, one absent.

**PUBLIC HEARING LOCAL LAW #3 OF 2023 @ 6:55 PM:** Supervisor Hoyt read aloud the following: "NOTICE IS HEREBY GIVEN, that a public hearing shall be held before the Town Board of the Town of Windham at 371 State Route 296, Hensonville, NY on February 23, 2023 at 6:55 pm to amend Local Law #5 of 2003 for the Town of Windham Setback Law. The proposed amendment to Article III-General Provisions. All persons wishing to speak upon this matter shall be heard at this time. A copy of the Local Law #3 of 2023 is available for review at the Town Clerk's Office during business hours 9:00 am to 4:00 pm. Bonnie Poehmel Town Clerk, Dated: February 9, 2023." Supervisor Hoyt went around the room for public comment. With no one having a comment at this time. Councilman Peters would like to make a suggestion Article 3, Section 3A: 2 acres of less-small lots; change the 10 feet to 20 feet boundary line. Attorney Rappleyea, should the Board agree upon this suggested change; you will have to do another public hearing. The meeting was held open for 5 minutes and then closed at 7:00 pm by Councilman Peters, 2<sup>nd</sup> by Councilman Van Valin, with 4 in favor, one absent.

THE MINUTES OF THE FEBRUARY 9, 2023, TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2<sup>nd</sup> by Councilman Van Valin, with 3 in favor, Councilman Peters has to abstain as he was absent from this meeting.

1.DELAWARE ENGINEERING: John Brust was present. John Brust is currently working with two developers on infrastructure discussions; one on Two Trees Lane and the other on Red Rock Road. The ambulance building is expected to be substantially complete on June 8, 2023; with a ribbon cutting in July 2023. There are no issues and no problems, work continues to flow.

2.LOCAL LAW #2 and LOCAL LAW #3 SEQRA Forms: Supervisor Hoyt would like permission from the Board to execute **Local Law #2 of 2023 SEQRA** has this will also need to go to Greene County Planning Board for the 239 Review prior to being approved as a local law. A motion to approve was made by Councilman Peters, 2<sup>nd</sup> by Councilman Walker, with 4 in favor, one absent. Supervisor Hoyt would like permission from the Board to execute **Local Law #3 of 2023 SEQRA** has this will also need to go to Greene County Planning Board for the 239 Review prior to being approved as a local law. A motion to approve was made by Councilman Peters, 2<sup>nd</sup> by Councilman Van Valin, with 4 in favor, one absent. Supervisor Hoyt asked Delaware Engineering Helen Budrock to please take care of this.

3.TOWN BOARD RESOLUTION #18 OF 2023: Establishing A Town Zoning Commission. “...WHEREAS, the authority of a Town Board to adopt local zoning regulations for the purpose of promoting the health, safety, morals, or the general welfare of the community, is set forth in New York State Town Law §261; WHEREAS, the Comprehensive Plan adopted by the Town Board on February 24, 2022 recommends the creation of the town’s first Zoning Ordinance; WHEREAS, New York State Town Law §266 requires that the Town Board appoint a Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; NOW THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Windham appoints the following individuals to serve on the Zoning Commission:

Lisa Jaeger
Carol Shaw
Bob Rhoades
John O'Grady
Marianna Leman
Richard Tollner
Matt Rodrigue
Patricia Charbonneau
Michael Troccoli
Dave McQueen
Leonard Shapiro

A motion to adopt this resolution was made by Supervisor Hoyt, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

4.TOWN CLERK’S MONTHLY REPORT: January 2023-**\$2,455.00**. A motion to approve was made by Councilman Walker, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

5.GREENE COUNTY CATSKILL WATERSHED CORP Board of Directors Election Ballot “In accordance with Article VII of the By-Laws of the Catskill Watershed Corporation (“CWC”), enclosed is a ballot for the election of (1) Greene County CWC Board of Directors seats. The selected nominees will serve a four-year term. The Greene County Nominee is Innes Kasanof, Supervisor, Town of Halcott. Motion to approve the nominee and allow the Supervisor to execute was made by Supervisor Hoyt, 2<sup>nd</sup> by Councilman Van Valin, with 4 in favor, one absent.

6.NEW APPLICATION FOR TOWN SEWER SERVICE: Frank Carucci, 67 Maplewood Ave, Windham, Tax Map #78.19-2-55. The residential property is within the town sewer district. The

\$50.00 processing fee has been paid. The property owner has submitted a site plan application #02-2023 to the planning board for their review. A motion to approve the new customer in the sewer district was made by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

7.TOWN BOARD RESOLUTION #20 OF 2023: Supporting the December 2022 Revised FAD. ...”WHEREAS, in the Spring of 2022 the New York State Department of Health (DOH) released for comment a draft Revised Filtration Avoidance Determination (FAD) as part of the mid-term review of the 2017 FAD; and WHEREAS, the West of Hudson Communities (including, but not limited to, the Coalition of Watershed Towns, Delaware, Greene, and Schoharie Counties, the Towns of Windham, Ashland, Lexington, Prattsville, Jewett, Olive, Shandaken, Conesville, Gilboa, Roxbury, Middletown, Andes, Bovina, Stamford, Kortright, Tompkins, Harpersfield, Walton, Delhi,) submitted comments/Board resolutions to DOH (the “West of Hudson Communities Comments”) which focused upon (1) the need to end the core land acquisition program as recognize in the 2020 findings of the National Academies of Sciences, Engineering and Medicine (NASEM) of its study of the watershed protection program; (2) the need to revise the Streamside Acquisition Program (SAP) to require local governments consent for participation in the program; (3) support for a community based streamside protection program in which the land owners are compensated for stewardship; (4) a requirement that the Conservation Easement granted by the City to NYSDEC for all fee acquisitions be modified to incorporate the requirements and the objectives of the 1997 Memorandum of Agreement (“MOA”) ; and (5) assure greater compliance by New York City with its MOA obligations as exemplified by the 2022 dispute regarding the acceptance of septage waste at City-owned wastewater treatment plants and a sustainable contract administration process and; NOW THEREFORE, LET IT BE RESOLVED that the Town Board of Windham hereby thanks the Department of Health for carefully considering the comments of the West of Hudson Communities and incorporating those comments in the Revised FAD and accepts the Revised FAD as a reasonable compromise to assure the continued protection of New York City’s water supply while recognizing the needs of the watershed communities; and LET IT BE FURTHER RESOLVED, that the Town of Windham is committed to continuing to work with the other watershed stakeholders to develop a revised LAP and SAP that is consistent with the MOA, the NASEM findings, the Revised FAD and the evolving needs of the watershed communities.” A motion to adopt this resolution was made by Supervisor Hoyt, 2<sup>nd</sup> by Councilman Walker, with 4 in favor, one absent. GENERAL FUND RESOLUTION #5 OF 2023: 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 Van Valin, with all in favor.

8.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. Ambulance Liaison Councilman Peters, the month of February has been very busy. All shifts have been filled. After this holiday week, the 2<sup>nd</sup> crew shift will be cut back. Half day shifts are still open. Councilman Peters has been approached by a few WAJ High School students; as they have an interest in being EMTs.

9.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. Vehicle maintenance is the top of the highway departments list. They are looking to take down the snowflakes next week. Highway Superintendent Gary Thorington would like permission to purchase two (2) front tires for the water truck #18. A motion to approve was made by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

10.POLICE REPORT: Police Chief Tor Tryland was present. The Chief would like “permission to purchase four (4) tires for car 7F385 (2018 Ford). A motion to approve the purchase was made by Councilman Van Valin, 2<sup>nd</sup> by Councilman Walker, with 4 in favor, one absent. The Chief is also requesting permission to replace the lights on 7F385; two in the grille and one on each front fender approximately \$500.00. A motion to approve the purchase was made by Councilman Walker, 2<sup>nd</sup> by Councilman Van Valin, with 4 in favor, one absent. The Chief would like to bring up again as discussed last year but not to make a decision tonight; CAD in patrol cars. The Chief stated “there are still parking concerns as we have a lot of people in town for the holiday this week.”

11.COMMITTEE REPORT: **Councilman Walker** will be attending the CWT meeting in March. There will be much discussion on the resolution with FAD & SAP (see town board resolution #20 of 2023.) **Councilman Van Valin** all is quiet is time of year and have no issues. He asked in general if we are still working on researching a grant for the Centre Property; as there is still work to be done there. **Councilman Peters** has spoken to Andrew Zampariolo to change our current telephone service from Spectrotel to Lingo+Bullseye. This would be a \$3,500-\$3,900.00 savings annually for the town. **Supervisor Hoyt** would like a **motion to adopt Local Law #4 of 2023**. A motion to approve was made by Councilman Peters, 2<sup>nd</sup> by Councilman Walker, with 4 in favor, one absent. There will be an inspection with the City for the septic contracts and; they want to deal with the town's not CWC on the whole treatment of septics. This is an ongoing discussion. The Watershed towns have a study committee to partner up with Delaware County. This will be a discussion with the pros and cons of having a watershed in communities (this is part of the FAD resolution, see town board resolution #20 of 2023). In the de-icing program, Highway Superintendent Gary Thorington needs a material to add to the salt. The Greene County Highway Superintendent will bill us directly as we will be purchasing this material from Greene County by the gallon(s) load. This will all be under a state-contract price.

12.WINDHAM PATH MAINTENANCE: Nike Bove and Drew Shuster were present to speak to the Board. Nick Bove handed out to the Town Board a "Ten-point maintenance list needed for the Windham Path. The Windham Path is now 10 years old." Nick Bove has concerns for the Windham Path for the safety of the pedestrians and cyclists using the path. Supervisor Hoyt accepted the maintenance list. The Highway Superintendent will review the list and the issues will be addressed for the safety of all who use the path.

GENERAL FUND WARRANT #4-G contained vouchers #136-166, totaling \$14,892.53 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

HIGHWAY FUND WARRANT #4 contained vouchers #23-35, totaling \$15,971.85 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

SEWER DISTRICT FUND WARRANT #4 contained vouchers #55-61, totaling \$8,215.94 was audited and approved on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

AMBULANCE FUND WARRANT #3 contained vouchers #24-31, totaling \$1,853.88 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

CAPITAL AMBULANCE BUILDING WARRANT #9 contained vouchers #22-24, totaling \$132,487.00 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

GENERAL FUND PAYROLL WARRANT #4-P for **General** contained 5 claims, totaling \$6,496.16 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent. **Ambulance** payroll contained 14 claims, totaling \$17,041.20 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent. **Police** payroll contained 11 claims, totaling \$10,828.97 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

HIGHWAY PAYROLL WARRANT #4-P contained 5 claims, totaling \$9,319.68 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

**TOWN BOARD MEETING (CON'T)**

**FEBRUARY 23, 2023**

SEWER DISTRICT FUND PAYROLL WARRANT #4-P contained 1 claim, totaling \$69.45 was audited and approved for payment on a motion by Councilman Van Valin, 2<sup>nd</sup> by Councilman Peters, with 4 in favor, one absent.

The meeting adjourned at 7:48 pm on a motion by Councilman Peters, 2<sup>nd</sup> by Councilman Walker, with 4 in favor, one absent.

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SUPERVISOR

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COUNCILMAN

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TOWN CLERK

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OFFICIAL