

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

April 9, 2020

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

Also Present: Town Attorney Larry Gardner

Also Present and listening in without comment: Delaware Engineering John Brust, Highway Superintendent Gary Thorington, Michael McCarthy and Mike Ryan Mountain Eagle

Notice of the Zoom meeting with ID 192 072 523 and phone number +1 929 205 6099 US (New York) was listed on the town's website and Facebook page prior to the meeting for purposes of the General Public to attend.

Supervisor Hoyt called the Town Board Meeting to order via-<https://zoom.us> Meeting ID: 192 072 523 telephone conference call with the Windham Town Board Members, Town Attorney and the Town Clerk at 7:03 pm and opened with the Pledge of Allegiance.

Supervisor Hoyt asked the Windham Town Board members, Town Attorney and the Town Clerk to state their names for record that they were present.

Supervisor Thomas Hoyt
Councilmen Wayne Van Valin, Ian Peters, Stephen Walker & Kurt Goettsche
Town Attorney Larry Gardner
Town Clerk Bonnie Poehmel

The Supervisor gave a brief statement for the matter of the zoom telephone conference call meeting which allows the Windham Town Board by law to conduct this meeting:

As per Andrew M. Cuomo, Governor of the State of New York, has issued an

**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;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue; and

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 continue Executive Order 202, dated March 7, 2020, and I hereby continue any suspension or modification of law made by Executive Order 202 for thirty days until April 11, 2020, except that such Executive Order is amended to read as follows:

FURTHER, pursuant to 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, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 11, 2020 the following:

Suspension of law allowing the attendance of meetings telephonically or other similar service:

Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 11, 2020:

Any guidance issued by the New York State Department of Health related to prevention and infection control of COVID-19. Any place of business or public accommodation, and any gathering or event for which attendance is anticipated to be fewer than five hundred people, shall operate at no greater than fifty percent occupancy, and no greater than fifty percent of seating capacity, for thirty days effective on Friday, March 13, 2020.

Written and signed by the Governor of the State in the City of Albany the twelfth day of March in the year two thousand twenty.”

THE MINUTES OF THE MARCH 26, 2020 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 present on the phone for listening purposes only. The following letter that was sent to the Board from John Brust as an agreement proposal for engineering services that we are required to meet with our new SPDES Permit. In the letter as written, “Recently, NYDEC issued a new SPDES permit for the facility and this document requires that an Engineering Report be prepared to evaluate whether enhancements are required to remain in compliance with certain new requirements...Discussions with Cedarwood Engineering, the day-to-day operator of the facility, and a recent inspection of the WWTP reveal that there are operational efficiencies that could be realized if some enhancements were completed....Delaware Engineering is pleased to provide this brief scope of services and cost estimate to perform an evaluation of the WWTP including the preparation of an Engineering Report which will summarize relevant findings....This scope of work can be conducted for \$31,500.00 including labor and expenses. The final Engineering Report is anticipated to be completed in approximately 120 days...The recommendations will be followed by detailed design plans for contractor bid solicitation...We also anticipate that some or all of this engineering fee can be supported within the operating budget of the WWTP.” A motion to approve and to give the Supervisor permission to sign this letter was made by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. John also sent a letter updating the Town Board for their review on the current projects. Our list of current project items includes the following: **Water Project Past two weeks completed:** Completed horizontal bore of 120’ to Mitchell hollow; and, Setup and drilled under Reynolds Brook but pipe reamer suffered breakdown and work was discontinued pending mobilization of larger drilling device. **Work planned:** Larger drill mobilizing on April 10th to drill under Batavia Kill and Reynolds Brook; Smaller drill will begin bores for road crossings; Hubbell mobilizing equipment to begin installation of ductile iron pipe; DOT gave approval last week to open cut excavation in the DOT ROW and approved road crossing now that blacktop is available. **Wastewater Treatment Plant:** We met with Cedarwood representatives to discuss the scope of work for compliance with the new SPDES permit. The first step will be the preparation of an Engineering Report that will provide an overall assessment of the WWTP equipment and processes as well as recommendations for achieving SPDES permit requirements. A proposal for such work has been forwarded to the Town Board for approval. **Town Hall Improvements:** We are awaiting direction from the Board. **Centre Church:** The most recent survey did not show any discernable movement in the steeple. Supervisor Hoyt is going to see if the County has a manlift that would enable a few survey plates to be affixed to the steeple. These would allow for greater accuracy of future surveys. **Ambulance Building:** No new information to report. The project will be placed before the voters in November. John Brust spoke with Warren Hart @ Greene County Economic Development as well as Charlie Phillion @ NYS Office of Community Renewal to see if the

project could be applicable to a CDBG grant. Unfortunately, the project will not qualify since the service area would have to be >51% LMI. Other grant programs continue to be researched. **Comprehensive Plan:** Our staff has initiated the project and is communicating with the Comp Plan Committee. The contract and reimbursement linkage between the Town and NYSDEC has been established for reimbursement. **Mad Brook – CWC Project:** The Town should be receiving a new contract from CWC for the creek wall restoration. *Tentative schedule is:* Bid: May 2020; Construction: July – September 2020; Preliminary construction estimate: \$100,000 - \$150,000.” The Supervisor noted that should the Board have any questions regarding the above stated current projects, please get in touch with John.

2.TOWN CLERK’s MONTHLY REPORT for March 2020: **\$1960.64**. A motion to approve was made by Councilman Walker, 2nd by Councilman Goettsche, with all in favor.

3.JUSTICE MONTHLY REPORT for February 2020: Justice McCarthy \$3,140.00 was noted for the Board’s review. No report was sent in for Justice Stevens.

4.TOWN BOARD RESOLUTION #13 OF 2020: to waive the Sewer District Billing penalty for 2020 due to the ongoing hardship caused by the COVID-19 Pandemic. Regular payment is to be paid no later than September 30, 2020 or it will be levied to the property tax bill. A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. TOWN BOARD RESOLUTION #14 OF 2020: to waive the Sidewalk District Billing for the winter season of 2019-2020 due to the ongoing COVID-19 Pandemic and the fact that there was a minimal amount of snowfall. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. TOWN BOARD RESOLUTION #15 OF 2020: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to approve was made by Councilman Goettsche, 2nd by Councilman Walker, with all in favor. GENERAL FUND RESOLUTION # 5 OF 2020: 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 Van Valin, with all in favor.

5.AMBULANCE REPORT: Ambulance Administrator Davia Montie sent the following report to the Town Board for their review: **“Vehicles:** 96-1 - A crew had an issue with it losing power on their way home from Oneonta last week. Wes drove out to South Kortright and cleaned the terminals on one of the batteries, that seemed to fix it, but he’s still not 100% that was the cause. He went over it again at his shop, could find nothing wrong. We have been using it since then with no issues. 96-2 - I took it to Wes’ last week so he could look at the gear shift on the steering column, it’s extremely loose. He took it apart, seems like it’s normal wear and tear. He was contacting Ford for a price on parts, he says it’s an easy fix. **Monthly Call Log:** There were a total of 35 calls for the month of March, which is down from last year this time. We have seen a lower call volume overall in the county as well over the past few weeks, which right now is a good thing. **Monthly Data Report for March 2020, Calls in Windham:** Advanced Life Support (ALS)-9, Basic Life Support (BLS)-7, Refused Medical Assistance (RMA)-1, Helicopter-none, Call Cancelled (C/C)-3; Fire S/B(stand by)-1; Calls in Hunter: ALS-1, C/C-1; Calls in Jewett (Jewett we have a mutual aid agreement with): ALS-4, BLS-2, RMA-1; Greene County EMS: Stand By (S/B)-1; Calls in Cairo: none; Ashland, Prattsville, Lexington: ALS-1(Ashland), C/C-1 (Lexington); Durham: none; Other: Catskill Canc-1; Calls Turned Over: Hunter-1. **Total calls for March 35. Staffing:** New employee, Jim Stone is working out well. We had three employees out for a couple shifts due to contact with positive Covid patients. Two were tested and came back negative, one was not tested but self-quarantined. At this time everyone is back and healthy. All employees are required to do a pre-shift self-check and a post-shift self-check and record their temperature. **Misc.:** Every week I have been participating in conference calls with DOH, REMO and with the county administrators from each agency in Greene County. We are briefed on any updates from the state pertaining to treatment and transport protocols for Covid patients which seem to be changing on a daily basis. So far there have been no shortages of PPE in Greene County, the EMS coordinators office has been dispersing it to all the EMS/first responders as it becomes available from the state. Our UV sterilization unit arrived last week, we immediately used it in both of our rigs. It has also been put to use after a few calls that we have done since then as well. I offered the use of the unit to Hunter and Ashland, both agencies were happy to accept and their rigs have all been done as well. I told them to contact me if they need to use it in the future after a call. Erika Bain, the administrator for Hunter Ambulance contacted

me, she received an email regarding the Trailblazer Music Festival that is scheduled in June at Hunter Mountain. At this time, it appears that plans for the festival will continue. She is requesting a crew from Windham 6AM Friday June 12th through 6AM Monday June 15th, so that would be six shifts. She would like to know if we can help out again this year and the cost for the service. We need to order uniform shirts soon, I had RTKS send me a couple samples and I will get a price together and soon as I get sizes for the board to review. As I am writing this, we are awaiting the arrival of Bruce from Lounsbury's Appliance to look at our dryer, sounds like a bearing is bad, I will let the Supervisor know the diagnosis as soon as he looks at it." I got a call from Lounsbury's, they will not come look at the dryer until the vent for the dryer is fixed. He said it's a fire hazard, and well we know this. The last time he came up he said it's not safe the way it's set up, yes this was mentioned to Main Care several times. Anyway, that's the dryer report. I'll get some clothes line... we can run it from the balcony to Jim Scarey's on a pulley system..." Supervisor Hoyt has spoken to both Lounsbury's and Main Care regarding the issue with the dryer and vent and it will be resolved.

HIGHWAY REPORT: Highway Superintendent Gary Thorington was present on the phone for listening purposes only. Gary has sent the following report to the Town Board for their review. "Not a whole lot to report on for the most part. We are operating on a minimal size crew to handle issues directly related to public safety and emergencies. We did an inspection of the grounds at The Windham Path. Highway Crew performed routine maintenance and made necessary repairs to ensure the safety and wellbeing of the public". An inspection of the Windham Path has been done as it is getting a lot of use. Supervisor Hoyt has also received a lot of complaints about the liter along the path. The Highway crew have taken care of it. They also did a spring cleaning on the path to make sure that all bridge rails were safe and there are no trip hazards. Supervisor Hoyt would like to thank the Highway Department. Again, the Board was advised should they have any questions to contact Highway Superintendent Gary Thorington.

POLICE REPORT: Police Chief Tor Tryland sent the following report to the Town Board for their review. "1. Training of our two recruits is progressing well. Charles Rion is about half done with his 160 hours and Thomas Parquez has between 30-40 hours logged so far. 2. There are bills being processed now pertaining to their uniforms etc. This is contractual equipment which we have to provide. 3. Our new cell phones have been activated. As copy of the WO regarding cellphone use is enclosed. 4. We currently have no one, in the department, dealing with the Corona Virus, that we know of. To ensure we keep it that way a memo has been issued directing my staff to utilize mask and gloves when dealing with the public. Also observe social distancing at all times (when possible). The Field Training which is ongoing is not ideal, but due to time constrictions and deadlines we have to try to push through this training. Police Chief Tor Tryland wrote the following Cell Phone Usage Policy for the Board's review and if the Board approves to be adopted. "**Town Cell Phone Usage Policy:** Section 1: Use of Town Owned Cell Phones; Section 2: Use of Personal Phones Section 3: Use of Cell Phones While Operating A Motor Vehicle Section 1 of 3: Use of Town Owned Cell Phones: Policy: The Town of Windham expects all Town employees to comply with New York State's Vehicle and Traffic Law Section 1225-c. Purpose: It is the policy of the Town of Windham to facilitate efficient and effective communication during the conduction of town business. Policy: The Town of Windham encourages the use of cell phones: to facilitate useful communication, to improve safety in the event of an emergency, cell phones will be used in accordance with the following Town Protocol and applicable regulations and laws. Definition: A long-range electronic device used for mobile telecommunication over a cellular network. Section 2 of 3: Use of Personal Cell Phones: Policy: Town Supervisor or Department Heads may restrict or limit the use of personal cell phones at their sole discretion if they feel it is interfering with the work of the employee or delivery of Town services. Section 3 of 3: Use of Cell Phones While Operating A Motor Vehicle: Policy: The Town expects the user to pull to the side of the road for cell phone usage while acting in furtherance of their duties as an employee of the Town. Information: New York's Vehicle and Traffic Law Section 1225-c prohibits the use of a cell phone while driving except in emergency situations or when the driver utilizes a hands-free device. Procedure: All Town employees who use cell phones, whether municipally owned or not, must comply with any and all State laws regulating the use of cell phones while operating a motor vehicle. If it is learned that an employee misused the cell phone in violation of State law, discipline will attach or cell phone use will cease. Town employees will be held to a standard regarding the use of the

cell phone that respects the State law as it currently stands or is implemented in the future". (The entire policy has not been written above it is full entity, highlights of the policy have been noted per the Town Clerk.) A motion to adopt the Town of Windham Cell Phone Usage Policy was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. Supervisor Hoyt asked the Town Clerk to make sure all departments heads are given a copy of the policy. Supervisor Hoyt thanked Councilman Goettsche for taking the lead on purchasing the town owned cell phones and the work on distributing them to the departments. A completed adopted policy has been filed in the Town Clerk's office.

ASSESSOR's REPORT: Richard Tollner Sole Town Assessor has provided his report to the Board for their review. "Office update 3/30-4/3: All calls to the office about taxes and values continue to be responded to within hours, always same day. Taxpayers do not appear to have any concerns where the Town of Windham is concerned. I have kept up and am actually ahead with Data Collection. I am in the process of updating all the property photography for the whole town within two years. I have photographed over 750 properties this year to date out of the 2,203 residences. Town of Windham has 3,711 properties with @ 2,700 with improvements (buildings). Most municipalities farm this expense out for a cost of \$3,000-\$10,000. This photography is all done, identified and downloaded at no extra cost to the Town of Windham. I look forward to coming back to Town Hall asap. (May1st I hope....)." The Supervisor has asked Richard for a weekly email update and they have a weekly telephone conversation as well.

COMMITTEE REPORTS: **Councilman Walker** he has spoken briefly (but with no details) with the police and court on the town hall improvements as they are very interested, but due to the COVID-19 everything has been put on hold. The Court Clerk will be in now only on Monday's working. The Court has been closed per the New York Court System in Albany. And he has received complaints concerning the garbage on the Windham Path. The Supervisor has stated "this is an on-going problem everywhere; they are scared and do not want to take it home with them. Every municipality is having the same issue." **Councilman Goettsche** has given out the town owned cell phones to the police and highway department. A list of the cell phone numbers have been given to the Board. He has all the ambulance monthly call log information listed on the town website. He has spoken with Kathoderay Media they have updated more data use to our website page. All the town laws have been added to the website. Supervisor Hoyt would like to thank Councilmen Goettsche & Peters for keeping the website and Facebook up-to-date with all the current COVID-19 information. The Supervisor has received a lot of positive comments on both sites. **Councilman Van Valin** with the virus it has prevented him from moving forward on some projects. He noticed on the Centre Property directory; the sign has a Greene County website but does not have the Town of Windham's website listed for the residence to be getting the up-to-date information that is needed to them. The Supervisor asked the Town Clerk to call to have our website added to the directory. He has also spoken to some people about who are essential workers vs. non-essential workers and when will everyone be able to go back to work. When the time comes and the Supervisor has that information from the Governor's office, he will release information on the website and Facebook. **Councilman Peters** has been monitoring the lists for the essential business. He will let the Board know if there are any changes that could affect the town. And just today the golf courses have been deemed as non-essential businesses. He is also looking closely at the water district financials, there is a June water billing coming up, and there will be new water accounts added. He is interested in some of the resolutions that were passed tonight if something could be done on the water billing making it a little easier for the businesses that are closed down. Councilman Peters hopes to have something for the next water meeting. **Supervisor Hoyt** has been taking a lot of different phone calls from residents on their general concerns on how the COVID-19 is affecting our town. He has received an email from Greene County that the Windham Transfer Station will be getting new scales. The work is to start April 13, 2020 for approximately two weeks. The transfer station will remain open for other trash business. The Windham Highway Department will help out Greene County in anyway they can. **Attorney Larry Gardner** will be writing a letter over the weekend on the highway obstruction and a copy will be submitted to the town hall.

GENERAL FUND WARRANT #7-G contained vouchers #274-314, totaling \$11,478.68 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

**Blank Page left in Honor of
George A. Zimmer
August 30, 1943 – March 23, 2020**

OFFICIAL

HIGHWAY FUND WARRANT #7 contained vouchers #62-69, totaling \$9,004.98 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 #7 contained vouchers #78-91, totaling \$8,823.68 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

STREETLIGHTING FUND WARRANT #4 contained vouchers #26-33, totaling \$2,548.33 was audited and approved on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

GENERAL FUND PAYROLL WARRANT #8-P for **General** contained 5 claims, totaling \$6,446.77 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Ambulance** payroll contained 20 claims, totaling \$14,798.07 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Police** payroll contained 7 claims, totaling \$9,439.38 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #8-P contained 6 claims, totaling \$9,664.00 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 #8-P contained 2 claims, totaling \$338.95 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

Councilman Walker we should express our condolences to the passing of George Zimmer. Supervisor Hoyt has already asked Bette Rhoades to send the family a card from the Town of Windham. George was a dear and a great friend, and colleague to us. George passed away March 23, 2020. George was a good friend and worked as an engineer with Delaware Engineering in over seeing a lot of our town projects over the years. He did a lot for us and he served his country. The Supervisor would like permission to dedicate a blank page in this meeting minutes to our good friend George. A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Van Valin, with all in favor.

Supervisor Hoyt is looking forward to when we can all meet again in person. Until then, in this trying time it is important to be transparency as possible. Anyone wishing to have a copy of this recording can call the Town Clerk's office.

With no other business the meeting adjourned at 7:36 pm on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
