

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

JUNE 11, 2020

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

Also Present on Zoom: Town Attorney Larry Gardner & Highway Superintendent Gary Thornton **and listening in without comment:** Mike Ryan Mountain Eagle

Supervisor will open the meeting with the Windham Town Board Members & the Town Clerk at 371 State Route 296, Hensonville, known as the Windham Town Hall, Meeting Room 10. All others who would like to attend will be present - Via Zoom Telephone Conference Call. Supervisor will ask those who are attending on Zoom to please state your name for the record that you are present.

Notice of the Zoom meeting with ID 850 9988 5693 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 at the Windham Town Hall, Meeting Room 10 with the Windham Town Board Members, the Town Clerk & our guest Brenda Hughes, Event Coordinator from the Windham Chamber of Commerce. All present. Via-<https://zoom.us> Meeting ID: 850 9988 5693 telephone conference call with the Town Attorney & Highway Superintendent at 7:00 pm and our asked guest Brenda Hughes to open with the Pledge of Allegiance.

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.”

Extension of Prior Executive Orders

By virtue of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, and 202.13 which closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), all such Executive Orders shall be continued, provided that the expiration dates of such Executive Orders shall be aligned, such that all in-person business restrictions and

workplace restrictions will be in effect until 11:59 p.m. on April 29, 2020 unless extended by a future executive order. All other prior executive orders not otherwise superseded, are extended until May 7, 2020. **This means that EO 202.1 which suspended the in-person requirement of Open Meetings Law remains in effect until May 7, 2020.**

The Governor just issued a new executive order (202.28) which appears to extend virtual meetings until June 6, 2020. The authority to hold virtual meetings was set forth in EO 202.1 and is therefore extended to June 6th.

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order up to and including Executive **Order 202.14**, for thirty days until **June 6, 2020**.

EO 202.33 allows public gatherings up to 10 people providing the town board follows social distancing and exposure mitigation protocols.

No. 202.34: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency:

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, 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 this Executive Order through **June 27, 2020**.

THE MINUTES OF THE MAY 28, 2020 TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

1.WINDHAM CHAMBER OF COMMERCE Brenda Hughes, Event Coordinator was present for the meeting. She submitted in writing to the Board a list of items they would like the Town to contribute for the 4th of July Celebration, 2020. **July 4th Event:** The Chamber is requesting the following from the Town of Windham: Large Trash Cans with liners...8 to be Delivered to the Shaw Country Realty deck on Wednesday 7/3/20; Oranges Cones....8 to be delivered to the Shaw Country Realty deck on Wednesday 7/3/20; Tall Orange traffic cones...6 (the ones Gary used down the center stipe on Autumn Affair) to be delivered to the Shaw Country Realty deck on Wednesday 7/3/20. A **motion to approve the large trash cans with liners, orange cones and traffic sticks** were approved by Councilman Peters, 2nd by Councilman Van Valin, with all in favor. The Windham Chamber of Commerce asked for permission to use the front lawn of the Centre Property. This request was approved at the February 27, 2020 meeting, prior to the shutdown of COVID-19 pandemic. The Chamber has a 20' x 20' tent to be used on the lawn, they have a stage where the band will play on and food vendors. She is not sure if the food vendors will be on the front lawn this year due to the new COVID-19 guidelines. With much discussion the **Board has agreed to allow the band to be at the very front of the lawn near the sidewalk with no foot traffic on the lawn and no food vendors on the front lawn.** A motion to approve this was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor.

2.OPENING SEALED BIDS will be opened at the Town Board Meeting on June 11, 2020, where they will be read aloud. The Town Board reserves the right to reject any and all bids. The bid will be for the seal coating at the Town's Waste Water Treatment Plant at 491 County Route 12 (South St). The job is to clean, edge & crack fill than seal with coal tar sealer with sand. The sealer must be applied by brush. There is approximately 28,500 square feet of sealing and 200 linear feet of crack filler. The work must be completed by October 10, 2020. A non-collusive bidding certificate must be attached with the bid at the opening. Bidder's must provide proof of worker's comp and liability insurance to be attached with the bid at the opening. The Town Clerk opened and read aloud the one bid that was received from **Watts Oil LLC**, 1184 Mountain Ave, Purling, NY. The Proposed bid was for \$12,960.00. However, \$960.00 was for the tax and the town is tax exempt. A motion to **approve the bid for \$12,000** based on the threshold to be approved by DEP (as we are over the threshold amount) was made by Councilman Peters, 2nd by Councilman Walker, with all in favor.

3.DELAWARE ENGINEERING: John Brust was not present. In a letter John has updated the Board with the current projects for their review: "**Water Project** A summary of project activities includes the following: Water main has been installed and pressure testing all passed from Thompson house to the cemetery on Rt 23. Water main is in the ground from the intersection at the car wash to Mitchell Hollow Rd. Super-chlorination, per NYSDOH guidance, has been performed and the first set of bacteria testings accomplished. Another set will be taken today. Restoration of ground surface associated with the Winwood Inn, Thompson House and houses between Church Street and Winwood Inn has been completed. Approximately 30% of water services have been installed. A meeting with NYSDOT and Supervisor Hoyt last Tuesday was productive. Once NYSDOT understood what we wanted to do they gave us verbal approval to move forward with work. This installation approach saved \$'s and minimized future maintenance. A Hubbell crew started on installation of water main again yesterday working around Old Rd pump station. Today Hubbell crews are performing a crossing of Old Road and will continue toward the east on Rt. 23 for the remainder of the week or until completed. Toby Hubbell reports that they hope to be complete with the project activities by the end of the June. After all water main is installed the work crews will go back to installing services and final restoration. **Wastewater Treatment Plant** Preparation of an Engineering Report that will provide an overall assessment of the WWTP is in progress. **Town Hall Improvements** This project is temporarily on hold. **Centre Church** This project is temporarily on hold. **Ambulance Building** the Board has been provided with revised site plan, building layout, and profile for the proposed building. **Comprehensive Plan** Our staff is communicating with the Comp Plan Committee. A survey regarding resident aspirations for the Town is being assembled. **Madd Brook – CWC**

Project Design plans are complete and construction bids are being solicited. Please let me know if you have any questions or comments about the items detailed in this report.”

Jesse Fraine Delaware Engineering has submitted for the Board’s review and will need the Supervisor to sign an application to be submitted to CWC for the funds to complete the construction work for the Mitchell Hollow Bank Stabilization Project. Site located at 5331 State Route 23, Windham, NY, Tax Map #78.19-2-29. A motion to approve application for Supervisor to sign was made by Councilman Walker, 2nd by Councilman Peters, with all in favor.

Supervisor Hoyt stated this is not a water meeting but he would like to report to the Board, regarding the flushing of the fire hydrants in the last couple of days. Most have cleared up within a couple of minutes of being opened. However, the flushing of the fire hydrant on Elm Street (aka Brooksburgh Road), Hensonville ran for a good half an hour and the water was pretty nasty; as it did not clear up all the way. We believe this is the only section where there is still an old hundred-year cast pipe in the system from the flashing light down to the old car dealership, in the past when the pipe was repaired there was always an inch or two of old oxidized minerals in that pipe. The Supervisor has spoken to Alan Tavenner Delaware Engineering today to check to see if we may have anything left in the water contract, if possible, to get an estimate from the flashing light to the old car dealership under our current contract, with current pricing. The Supervisor would like to see if this will fit in the budget, see if it will fit in what’s been already appropriated for that contract. All other fire hydrant lines have flushed out very well.

4.TOWN CLERK’S MONTHLY REPORT: May, 2020 \$6,673.28. A motion to approve was made by Councilman Goettsche, 2nd by Councilman Walker, with all in favor.

5.TOWN JUSTICE MONTHLY REPORT: March, 2020 Justice McCarthy \$647.00. Noted by the Board. The Supervisor has spoken to Justice McCarthy. She has received guidelines that will need to be in place prior to the court being open. She is going to need a couple of sneeze shields, one for the Justice Bench and the other for her court clerk’s desk. This may all be reimbursable as Justice McCarthy will be this into a grant.

6.GENERAL FUND RESOLUTION #9 OF 2020: the following resolution was proposed to transfer funds to balance accounts in the General Fund. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

7.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. Davia has sent her report to the Board for their review. “**Vehicles:** No major issues, hoping once everything is opened back up and running normally, we can get the gear shift fixed in 96-2. 96-1 had some radio issues due to not being programmed properly, it was taken to River Valley Radio so they could correct the issue. **Monthly Calls:** *Calls in Windham: Advanced Life Support (ALS)-13 (Helicopter 1), Basic Life Support (BLS)-3, Call Cancelled (C/C)-5; Fire S/B(stand by)-1 Refused Medical Assistance (RMA)-3; Calls in Hunter: ALS-1, C/C-1; Calls in Jewett: ALS-8 (Helicopter 1), BLS-3, RMA-1; Greene County EMS: S/B-2; Calls in Cairo: BLS-1, C/C-1; Ashland, Prattsville, Lexington, Durham: none; Calls Turned Over: Ashland-3 & Hunter-2. Total calls for May: 48. Calls turned over to mutual aid: 5. **Vehicle Mileage Log for May 2020:** 96-1: 28,414 and 96-2: 123,933. There were a total of 48 calls, 5 turned over to other agencies due to Windham being out already. There were a few times throughout the month that our second calls were answered by a second Windham crew. Main Care is currently replacing the roof, our antenna had to come down and is temporarily going to be mounted on the railing on the outside of the building. Main Care does not want the antenna going back on the roof, River Valley Radio will be coming to assess things. When I spoke with them, they said that the antenna we have is extremely outdated and there is probably a better solution than using it at this point anyway. We had a situation with one of the bay doors, it did not stay up when one of the employees opened it and came down as they were driving out of the bay. Nobody was hurt, the rig was not damaged, but we did have to get the door fixed. This is an ongoing problem with these doors. Assuming there will still be a 4th of July parade in Windham, we will be putting on a second crew from 4pm -10pm.”*

8.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present by Zoom. Gary has sent his report to the Board for their review. “**Operations:** 2 Culvert replacements on

Cambridge Heights; Started mowing road shoulders; Handled building & grounds maintenance issues; Emergency repair to handicapped ramp at the library as per Councilman Van Valin; Pressure washed the front of Town Hall. **Shared Services:** Chip Sealing **Shared Services** for chip sealing: Trucks from Towns of Durham, Lexington & Hunter, which saved us about \$2,000 by using the shared services. **Next 2 weeks:** Plan to do routine road maintenance, mowing road shoulders & blacktop patching.” Gary gave an update on a few things that were not listed on his written report to the Board. The State of New York has released 80% of the Chip Funding and NY-Paving reimbursement. There is still some uncertainty concerning the other 20%. We should see some early reimbursement funding. The Town of Windham should be fine in receiving their share from the reimbursement program. His highway office has been working on converting files to computer electronic files and is about 70-75% completed. The Clerk Typist has been extremely helpful to his office with completing the switch over. Gary would like permission to use CD Lane Park pavilion on June 25, 2020 to host the County Superintendents meeting as they meet once a month. With a lot of uncertainty, there is a lot of information that needs to be discussed. Councilman Walker as long as there is no other conflict on the calendar for that date, Councilman Walker will make the motion to approve, 2nd by Councilman Peters, with all in favor.

9.POLICE REPORT: Police Chief Tor Tryland was not present. The Chief has sent his report to the Board for their review. “**Car issues;** 7F386, 2014 Ford Explorer. Car started to leak antifreeze and we took it to Wes’ for a check-up. Wes informed us that it needed a water pump and that he would prefer if we took it to a Ford dealer to have this done. He also stated that when the when changing the water pump, timing chain and adjuster should be changed as well. Car taken to RC Lacey and the service manager recommended that timing chains (2) as well as adjusters and solenoids etc. should be changed when the engine was apart. The car has about 114,000 miles. After discussing this with Town Supervisor Thomas Hoyt, R.C. Lacey was given permission to do all the repairs/replacements. **Requesting permission** to send Charles Rion and Thomas Parquez to “Tactical Shotgun Training Course” in Delhi, July 10th and 11th (see attached info) The cost of this training is \$ 100.00 per student. The student will need to bring ammunition to the course. In addition, they will be paid their respective salaries from Windham Police as well as driving a police vehicle back and forth to classes. If this training is approved, the number of students is limited, it is possible that our students might be accepted at another time/ date if this class has filled up.” A motion to approve the requested training was made by Councilman Goettsche, 2nd by Councilman Walker, with all in favor.

10.ASSESSOR REPORT: Town Assessor Richard Tollner was not present. Richard has sent his report to the Board for their review. “We are pleased to inform you that the Assessor's office is back and running as usual. The office is opened for traffic that is allowed. During the COVID-19 situation, this office worked remotely without any delays in Tentative Roll, Final Roll or with any taxpayer’s contacts, in our busiest time of the year. Lastly despite remote reporting and off-site set ups, we did not spend ANY extra monies to do all the required office work, Board of Assessment Review technological changes, call ins or remote communication. The Assessor took advantage of the different traffic flow to increase to TOW photo database now up to 2,200 new photos, with more to be added this summer. It is GOOD to be back with my co-workers.”

11.COMMITTEE REPORT: **Town Attorney Larry Gardner** was present by attended the meeting by Zoom. Larry has sent to the Board and Supervisor two agreements. The first one is for a **parking agreement** owned by Milty Partners, Tax Map #96.00-1-1.211 the purpose of municipal parking and maintaining a sign for the Windham Path for a period of two years, specifically January 1, 2020 through December 31, 2021. The Town of Windham will pay \$500.00 on the first of January, during the term of this agreement. A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. The second agreement is for the **trail agreement** owned by Milty Partners, Tax Map #96.00-1-1.211 the purpose of municipal walking trail and maintaining a sign for the Windham Path for a period of two years, specifically January 1, 2020 through December 31, 2021. The Town of Windham will pay \$1.00 on the first of January, during the term of this agreement. A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. **Councilman Walker** has nothing to report on at this time. **Councilman Van Valin** the Library ramp he had noticed the 3rd post was all broken out as this supports the railing, this has been repaired by the highway dept (see report). He went by the pump stations at Hickory Hill and State Route 296 (behind the

Pharmacy). This pump station has some loose stones that need to be repaired. The gable end and soffit need to be repainted. Supervisor Hoyt will speak to Josh Vital about the maintenance on the pump stations. Councilman Van Valin was at the transfer station today, he likes how the drainage was done, good job. There is a little roof over the Library that will be in need of some repair, the shingles have been ordered the color should match that of the Centre Property shingled roof. There will be an emergency repair on the backside roof of the Library. With the sidewalk settling at the Centre Property, there is some stone dust to be swept and debris to be cleaned up, he will speak to the Highway Superintendent if they can take care of that. **Councilman Peters** has nothing to report on with his committees. He would like to mention shortly the water billing will be going out, this will be the biggest billing the town has ever had. The town has been very busy in the last six-months. Normally our biggest customers are the businesses but during the COVID-19 they have been shut down, but this time it will be the residence, as our winter residents have stayed on. **Councilman Goettsche** has nothing to report on. He is just looking for this to get back to more normal and will then be finishing a few computer projects. **Supervisor Hoyt** likes a paper copy for his board meeting notes. He would like to look into a tablet for each town board member to make the Town Clerk's life easier than making 6 books which can be very time consuming for every board/water meeting. Councilman Walker likes the paper copy, Councilman Peters & Councilman Goettsche like the use of the computer, and Councilman Van Valin doesn't matter. Bonnie Poehmel Town Clerk will look in to the tablets. Next Thursday, June 18 the Planning Board will be back in session with their meetings again. David Weiman is going to stay on as the Chairman. Game rules for their sit down has been emailed to each member. They will have time slots for each applicant to meet with the board and then immediately after that applicant will leave the building for the next applicant to come in. We recommend that each applicant be one person or two maximum for the safety all. Hand sanitizer will be provided by the front door, each applicant will have to wear the appropriate face mask upon entering the building and meeting room. The Supervisor has been speaking with Candance Begley Librarian, she has been speaking with the Mid-Hudson Coalition of Libraries. They are working together to start all the Libraries at the same time around the first week of July. They are going to start with a curb-side. Candance is working on a plan once they are ready to open to the public. Computer stations may have a time slot and by appointment only. The Library has purchased sneeze guards for the protection of Library staff ladies. The Library staff is back to work, one employee at this time has elected to stay off. The Supervisor has spoken to the lady at NYSEG regarding the street lights and the contractor is back in our area, this project is moving forward. The sand at the park was delivered. He had two quotes both \$1,500 a load. The one from New Jersey was a whiter sand, it was 20 yards a load; the other sand came from Amsterdam, NY (Adirondack sand) 40 yards a load. Quantity over color was taken. We received permission to paint the dumpster and it looks much better. A few picnic tables had to be repaired and are now safer. The floors in the park restrooms will need to be repainted. The Supervisor would like to thank Fred Grober from Delaware Engineering for fixing the clock at the Centre Property.

Supervisor Hoyt wanted the Board to know that the WWTP parking lot will be used on Thursday, June 18, 2020 @ 3:00-6:00 pm for the COVID-19 testing in partnership with Greene County Public Health. They will be putting up a temporary tent. He has asked the Chief of Police to have an extra traffic patrol there. Greene County Sheriff's will also be there for traffic control. Any one in the community and in Greene County who wishes to have this test done can contact Greene County Public Health. The first test site was in Catskill, they tested 65 people, one positive. After the Memorial Day holiday in Coxsackie they tested 74 people, two positives. Last Thursday at the Cairo-Durham Middle School they tested 90 people and zero positives. Today at the Greenville School they had a very good flow of people (not sure of the number). Windham will be on June 18 @ 3:00-6:00 pm. And the following Thursday they will have a walk-in Catskill behind the office.

GENERAL FUND WARRANT #11-G contained vouchers #420-440, totaling \$7,090.92 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY FUND WARRANT #11 contained vouchers #96-115, totaling \$29,031.43 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 #11 contained vouchers #139-144, totaling \$2,553.64 was audited and approved on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

STREETLIGHTING FUND WARRANT #6 contained vouchers #38-41, totaling \$2,252.12 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 #12-P for **General** contained 7 claims, totaling \$8,575.96 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 \$14,217.72 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 \$7,456.86 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

HIGHWAY PAYROLL WARRANT #12-P contained 4 claims, totaling \$6,816.00 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 #12-P contained 3 claims, totaling \$489.33 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

The meeting adjourned at 7:50 p.m. on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
