

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

**JUNE 25, 2020**

**Present:** Pres/Treas: Thomas F. Hoyt  
Commissioners: Wayne Van Valin, Ian Peters, Stephen Walker & Kurt Goettsche  
Secretary: Bonnie Poehmel

**Also Present on Zoom:** Town Attorney Larry Gardner, Water Superintendent Kyle Schwarz, Highway Superintendent Gary Thorington **and listening in without comment:** Jakub Mleccko & Mike Ryan Mountain Eagle

Pres/Treas. Hoyt called the Water District Board Meeting to order 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.

Notice of the Zoom meeting with ID 858 6313 4954 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.

The Pres/Treas. Hoyt gave a brief statement for the matter of the zoom telephone conference call meeting which allows the Windham Water District Board members by law to conduct this meeting:

The President called the meeting to order at 7:53 pm.

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 WATER DISTRICT MEETING were approved as typed on a motion by Commissioner Walker, 2<sup>nd</sup> by Commissioner Peters, with all in favor.

1.DELAWARE ENGINEERING: John Brust was not present. In a letter John updated the Water District Board on the current water project. "**Water Project** A summary of project activities includes the following: Water main from Old Road to the east end of the project has been installed and completed. Pressure testing as well as the first round of bacteriological tests have been completed favorably. The second round of bacteriological testing is being performed today. All bacteriological testing of other portions of the newly installed water main have been satisfactory. Water services to each served property will be installed by the end of this week. All asphalt surfaces have been repaired. Work next week will focus on the installation of the pressure reducing valve (PRV) vault adjacent to Rt. 23, across from the cemetery. If all goes well, construction work for this contract is scheduled to be complete on July 2<sup>nd</sup>." Pres/Treas Hoyt has spoken to John Brust, Alan Tavenner and Tucker Lewis regarding a Water Change Order for County Route 65. Total remaining value out of Hubbell's contract \$224,000. The proposed construction with inspections and all the as-builts is \$38,000, the price to do the additional work is roughly \$169,860 this stays within the total budget and is under budget; we can do 612 feet of extra water main in an area we had issues with when we flushed and it is 100 year old forged cast. We should move forward to fix this area. Upon the Board's discussion the Board has moved to approve this extra work. A motion to approve was made by Pres/Treas: Hoyt, 2<sup>nd</sup> by Commissioner Van Valin, with all in favor.

2.WATER SUPERINTENDENT REPORT: Water Superintendent Kyle Schwarz was present and joined in the conversation by Zoom. His report was given to the Board for their review. "Meters have all been read, businesses were a bit low which we assumed. East winds are ready to hook up, they have 2 one-inch meters. We should know this afternoon if the second water sampling was ok or not. The first round was good, we have to have two consecutives to be approved by department of health. The Hensonville system has been thoroughly flushed, hopefully helping water quality complaints. We have a small leak at Hotel Vienna, I am waiting on Rural Water to hopefully pinpoint the location. We have it narrowed down to a small area. I will be home if there are any questions during the meeting." Kyle did get confirmation today on the two consecutive samples have passed. This water main plus the letter from the DOH is good to go. New hooks should be good to go as early as Wednesday next week. East Wind has been calling on a daily basis checking on the status as to when can they hook up. This will be two commercial accounts. Hotel Vienna has a water issue. We have it pinpointed down to hopefully a 40-foot section. Rural Water is coming tomorrow, he is going to correlate that area and hopefully, find out exactly where the problem is to fix that.

3.WATER DISTRICT RESOLUTION #11 OF 2020: to accept the Metered Water Billing for July 2020 in the amount of \$57,199.19 and to accept the Unmetered Water Billing for July - December 2020 in the amount of \$41,601.05 and a debt service charge of \$10,602.48 for a total of \$109,402.72. This is the largest billing cycle, that includes the new water expansion system. A motion to approve was made by Commissioner Walker, 2<sup>nd</sup> by Commissioner Peters, with all in favor. WATER DISTRICT RESOLUTION #12 OF 2020: the following resolution was proposed to transfer funds to balance the Water District accounts. A motion to approve was made by Commissioner Peters, 2<sup>nd</sup> by Commissioner Walker, with all in favor.

4.ISSUE WITH WATER METER Rik Roc LLC, 41 County Route 40, Tax Map #96.18-2-4, Water Acct #W010. Kyle the first few readings were way low from what they really should have been using considering the number of units that are in that building. The last time he read it was substantially higher. He kept checking to make sure nothing was hooked up wrong. All looked correct. They are using right now more than what the school uses. Water Superintendent Kyle Schwarz was told by the Building Manager, that a tenant was evicted and they allowed the tub to

run upon leaving. Could this be the problem of the high number? He has used 900,000 gallons, the school for example uses 240,000 gallons every six months. Pres/Tres Hoyt researched back to the average use/billing for that building. Mr. Rikard will be billed for that amount and the Water Superintendent Kyle Schwarz will install a new water meter. Kyle will continue to monitor the meter.

Water Superintendent Kyle Schwarz with the assistance of the Highway Dept crew worked on removing the fire hydrant in front of 70 County Route 65, Hensonville.

WATER DISTRICT WARRANT #6 contained vouchers #84-98, totaling \$4,817.91 was audited and approved for payment on a motion by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Van Valin, with all in favor.

EFC-PHASE 2 WATER PROJECT WARRANT #37 contained vouchers #92-93, totaling \$285,600.70 was audited and approved for payment on a motion by Commissioner Van Valin, 2<sup>nd</sup> by Commissioner Goettsche, with all in favor.

WATER DISTRICT PAYROLL WARRANT #12-P (printed 6/05/20) contained 2 claims, totaling \$495.35 was audited and approved for payment on a motion by Commissioner Goettsche, 2<sup>nd</sup> by Commissioner Van Valin, with all in favor.

WATER DISTRICT PAYROLL WARRANT #13-P (printed 6/19/20) contained 2 claims, totaling \$456.25 was audited and approved for payment on a motion by Commissioner Van Valin, 2<sup>nd</sup> by Commissioner Goettsche, with all in favor.

The meeting adjourned at 8:07 pm on a motion by Commissioner Walker, 2<sup>nd</sup> by Commissioner Peters, with all in favor.

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PRES /TREAS

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SECRETARY

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