

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

JANUARY 28, 2021

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

Present by Zoom: Councilmen: Ian Peters & Kurt Goettsche

Also Present: Town Attorney Larry Gardner, Highway Superintendent Gary Thorington, Police Chief Tor Tryland, Ambulance Administrator Davia Montie & William MacGregor

Also Present by Zoom: Delaware Engineering John Brust, Steve Anderson, Greene County Legislature Jim Thorington, Matt & Nancy Jordan & Mike Ryan Mountain Eagle

The Supervisor called the meeting to order at 7:00 p.m. and Police Chief Tryland opened with the Pledge of Allegiance.

Notice of Zoom Meeting. The public may listen to the meeting using the following information:

Time: Jan 28, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83264181699?pwd=UHZnZlhDSlh6SjkwWmZsdTJVQ1dEdz09>

Meeting ID: 832 6418 1699

Passcode: 476124

+1 929 205 6099 US (New York)

Like those attending the meeting in person, anyone attending virtually will be recorded in the minutes.

Supervisor will Open Public Meeting – Via Telephone Conference Call with Board Members & anyone in the Public listening. Board Members please state your name for the record that you are present.

No. 202.87

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; and

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

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 find that a disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue for thirty days the declaration of the State Disaster Emergency effective March 7, 2020, as set forth in Executive Order 202. This Executive order shall remain in effect through January 29, 2021.

IN ADDITION, 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 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, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive, contained in Executive Orders 202 up to and including 202.21, and 202.27, 202.28, 202.29, 202.30, 202.31, 202.38, 202.39, 202.40, 202.41, 202.42, 202.43, 202.48, 202.49, 202.50, 202.51, 202.52, 202.55, 202.55.1, 202.56, 202.60, 202.61, 202.62, 202.63, 202.67, 202.68, 202.72, as continued and contained in Executive Order 202.79 for another thirty days through January 29, 2021 and hereby temporarily suspend or modify the following from the date of this Executive Order through January 29, 2021:

G I V E N under my hand and the Privy Seal of the State in the City of Albany this 30th day of December in the year two thousand twenty.

BY THE GOVERNOR
Secretary to the Governor

THE MINUTES OF THE JANUARY 14, 2021 TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

1. STEVE ANDERSON WITH UCM DIGITAL HEALTH joining us by Zoom in a conversation with the Town Board what UCM Digital Health is and how it works with our EMS & Ambulance Service. “The Power of Virtual ER Triage by combining virtual Emergency Medicine with EMS, 911 Dispatch, transportation and scheduling, it is our mission to drive patients to the right care, at the right place, at the right time. Through a unique partnership with EMS Providers, UCM’s Virtual ER is an innovative, technology-driven solution designed to alleviate ER over-utilization. UCM’s Virtual ER seamlessly integrates with 911 Emergency call centers so that call takers can identify eligible patients who would benefit from the Virtual ER rather than a Hospital’s Emergency Room. A solution for communities across the country. As community emergency resources are increasingly overburdened by individuals who excessively call for emergency medical services for non-emergency conditions, the burden of care falls on hospital emergency rooms to treat and triage non-life-threatening medical issues. This results in overcrowding, staff fatigue, increased wait times, higher costs, and more. Virtual ER reduces burden of care in ER’s each month, thousands of patients call into UCM’s Virtual ER; highly

trained, licensed emergency medical providers treat and triage countless medical issues, ensuring patients get the care they need where they need it. This solution addresses emergency medical issues, provides quality care, and significantly reduces the number of unnecessary and avoidable ambulance runs and hospital emergency room visits.” The above information was taken from this website and for more information visit below:

<https://www.unitedconciergemedicine.com/ems-and-ambulance>

2.DELAWARE ENGINEERING: John Brust was present by Zoom. “Our list of current project items includes the following: **Water Project** During a conference call this week with Supervisor Hoyt, NYSEFC, and NYSDOH we were notified that NYSEFC is not inclined to re-finance the USDA portion of the recently concluded water improvement project. We have notified NYSEFC of a possible alternative financing schedule which would allow them more time to consider the refinancing of the USDA debt and we are awaiting their response. For the Boards edification, the USDA debt has a 1.6% interest rate. We are asking NYSEFC to convert this debt to a 0% interest schedule. The difference between these two interest rates on the \$2 million loan is initially \$35,000 per year. Over the course of the loan, it averages out to \$20,000 per year. **Wastewater Treatment Plant** D.E. staff, Supervisor Hoyt, and Cedarwood Engineering met last week to discuss the recommendations presented in our recently submitted Engineering Report. All were in agreement with the proposed changes. Design work is underway with a goal of bidding the improvements at the WWTP as well as the Old Road pump station in late spring/early summer. **I & I Study – Wastewater Collection System** Two flow meters were installed within the wastewater collection system during the last week of December 2020. They were installed up and down-stream of the connection with the Windham Mountain ski center collection system. These meters will be stay in this location for a few months and then be moved to other locations within the system. **Ambulance/Community Center Building** Design work is progressing. **Comprehensive Plan** Helen Budrock has scheduled the next Windham Comprehensive Plan Committee meeting for **Thursday, February 11th at 4PM** via Zoom. This will give her some additional time to summarize the key issues we have identified over the past several months, so we can shift gears and start discussing the broad goals and detailed strategies that will be incorporated into the Comprehensive Plan to address those issues. At this point, Helen’s target is to have an initial draft of the Comprehensive Plan completed by the end of April. Please let me know if you have any questions or comments about the items detailed in this report.” Councilman Walker had a zoom meeting on Monday with CWT. He asked Jeff Baker this question, “Will DER pay for upgrades at the WWTP with respect to revised discharge standards (revised SPDES permit) limits?” Jeff’s answer is to call Kevin Young. John received Councilman Walker’s message, thank you and he has placed a call to Kevin Young. John will need to write a letter asking to be reimbursed for some of those costs.

3.TOWN BOARD RESOLUTION #5 OF 2021: Retention and Disposition Schedule for New York Local Government Records: “WHEREAS, New York State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments, including the MU-1 Schedule for use by towns, and WHEREAS the new Retention and Disposition Schedule for New York Local Government Records or LGS-1 is the replacement for the MU-1 Schedule, and WHEREAS the Retention and Disposition Schedule for New York Local Government Records or LGS-1 will be released for use August 1, 2020, and WHEREAS a local government must adopt the Retention and Disposition Schedule for New York Local Government Records or LGS-1 prior to its use, BE IT RESOLVED that the Town Board of the Town of Windham hereby adopts for use by all officers in legally disposing of valueless records listed therein, the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records. BE IT FURTHER RESOLVED that in accordance with Article 57-A: a.) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; and b.) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.” A motion to adopt was made by Councilman Walker, 2nd by Councilman Goettsche, with all in favor.

4.WINDHAM ROTARY FOUNDATION seeking permission to hang a 3'x 24' banner across State Route 23 for their Annual Cancer Patient Aid Car Show this year on August 15, 2021. They would like the banner to read "Cancer Patient Aid Car Show August 15, 2021 10am – 2pm (Rotary & Greene County Women's League logo's), Chicken Run Restaurant – 5639 NY 23, Windham. Proceeds benefit cancer patients in Greene County." A motion to approve the banner was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor. The Windham Rotary will need to fill out a sign permit for the Planning Board to approve. They will then have to fill out the NYS DOT Permit for permission to hang the banner across State Route 23.

5.MUNICIPAL PARKING LOT tax map #78.19-1-9. This Agreement, made for the 7 day of July, 2020. "The Town of Windham desires to enter into an Agreement with Bunce concerning the use of said premises for the purpose of municipal parking...and the parties have negotiated the terms of an Agreement and desire to set forth herein...Windham may enter upon said parcel and use, and continue to use said parcel for the purpose of municipal parking lot for a period of ten years, specifically the years of 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025 by this Agreement."

6.TOWN BOARD RESOLUTION #6 OF 2021: the following resolution was proposed to transfer funds to balance the Sewer District accounts for the year 2021. A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with all in favor. TOWN BOARD RESOLUTION #7 OF 2021: to authorize the Supervisor to use \$55,735.43 from Unappropriated Fund Balance to balance the accounts in the Sewer District #1 Fund as per Town Board Resolution #8 of 2021. A motion to approve was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor. TOWN BOARD RESOLUTION #8 OF 2021: the following resolution was proposed to transfer funds to balance the Sewer District accounts for the year 2020. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Walker, with all in favor. TOWN BOARD RESOLUTION #9 OF 2021: the following resolution was proposed to transfer funds to balance the Sidewalk District accounts for the year 2020. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. GENERAL FUND RESOLUTION #2 OF 2021: the following resolution was proposed to transfer funds to balance the General Fund accounts for the year 2021. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. GENERAL FUND RESOLUTION #3 OF 2021: the following resolution was proposed to transfer funds to balance the General Fund accounts for the year 2020. A motion to approve was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. HIGHWAY FUND RESOLUTION #2 OF 2021: the following resolution was proposed to transfer funds to balance the Highway Fund accounts for the year 2020. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

7.AMBULANCE REPORT: Ambulance Administrator Davia Monte was present. There has been two ambulance shifts on weekends. One of the rigs had a mechanical problem, we were able to borrow a rig from the Town of Ashland. In return the Town of Ashland had a problem with their rig and we were able to help them out loaning one of our rigs. The shared service is a great program. The call volume to date is at 45 not a lot of the calls are for transporting.

8.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. Gary is happy to hear that the shared service program is working out for the ambulance dept not just the highway depts. The draft copy for the Public Employer Health Emergency Plan is okay as it is written and mandated by Governor Cuomo. A copy of this is on the breakroom table for the highway employees to review. An emailed copy was sent to the Union with good feedback. At the NYS Highway Association level we received good news. "NYS Dept of Transportation Commissioner announced they will be releasing 15% of the 20% of funding that was held back from the CHIPS, Pave NY and Extreme Winter Recovery programs last year". It looks like the Town of Windham should be getting \$15,000.00. The Commissioner also said they have no intention on withholding any money this year 2021. A draft copy of the 284 agreement has been given to the Town Board members for their review. It is based on the town's contractual monies. Gary hopes in two weeks to have prepared an original 284 agreement for the Board's approval and signatures. Advocacy Day is every year at the Capital in Albany, NY. In a normal year there could be 800 people that day in person. This year it will be virtual. This is the funding for our

local roads to keep in good working order. NYS Association of Superintendent of Highways has a commercial ad audio/video asking for increase funding for our local roads and bridges. It is a message we can all relate too and they ask for the people's support to reach out to their legislatures and officials in Albany to give us the funding that is needed. Gary would like to have this audio/video shared/reviewed on the Town's Website and Facebook page. A motion to approve the posting was made by Supervisor Hoyt, 2nd by Councilman Van Valin, with all in favor. Supervisor Hoyt has received a lot of good feedback on having the entrance of CD Lane Park open and allowing people to utilize the hotspot for their work or school. Supervisor Hoyt would like to thank the highway dept for the plowing and sanding the parking lot at the entrance.

9.POLICE REPORT: Police Chief Tor Tryland was present. The Chief advised the Board that the "speed recording radar was taken back to Catskill shortly after the last town board meeting and we were not able to establish another location before it was moved. We hope to get it back in the spring for a period of time so we can record several locations again." The Board has been provided a CV/Resume of a potential new hirer for a part-time police officer. The Chief would like to "respectfully request hiring Officer Seth Rippel, part-time, pending his passing the background check as well as being cleared for a lateral by Greene County Civil Service." A motion to approve Officer Rippel pending his passing the background check was made by Supervisor Hoyt, 2nd by Councilman Van Valin, with all in favor.

10.COMMITTEE REPORTS: **Councilman Peters** will be following up with Ambulance Administrator Davia Monte on tonight's zoom presentation. **Councilman Goettsche** continues to update the information on website and Facebook page. **Councilman Van Valin** he anxiously awaits the design plan for the new ambulance building from Delaware Engineering. **Councilman Walker** CWT meeting is looking for funding for upgrades, there will be a stakeholder's meeting for modifications to their MOA. We should create a wish list for what we want at the next CWT meeting. They would also like to know if we have any problems with the CWC program contracts? Supervisor Hoyt stated we do not. The stream bank project was just completed at the Madd Brook and Pratt Brook and everything went well. Councilman Walker, there are three hundred and ten (310) people currently in the septic program. Supervisor Hoyt, "the sewer project is on hold for residential right now, once they get the numbers, down they will open that program again." There is still money available to the commercials. Alan Rosa at CWC is scheduled to retire at the end of March beginning of April. **Supervisor Hoyt** has two names for file clarification to be recorded in the minutes for Civil Service: part-time Police Patrol Officer for Greg Thorp and part-time Clerk Typist for Janine Soule. Our neighbor to the right of the town hall has approached the Supervisor, he owns .12 acres of land. He is offering it to the town if we so wish, no price was discussed. The Supervisor would like permission to pursue the conversation with the owner as this might be a good investment for the town. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with all in favor.

Greene County Legislature Jim Thorington has a report update he would like to share with the Town of Windham. The County Route 12 Walkway Project has been finalized and is moving forward. Trees have been trimmed by the Windham Country Club, poles have been moved or replaced and culvert piping has been installed. Total construction should be finished by Summer 2021. Vaccinations in the County have had many delays. There's been more Greene County residents signed up than there are vaccinations available. The State Government and Federal Government are not releasing as many as they say, leaving a shortage for everyone. Our Dept of Health has been doing an amazing job. Please check our Greene County website, with the daily up-to-date information. Anyone has any questions please feel free to contact Jim Thorington.

GENERAL FUND WARRANT #2-G contained vouchers #63-102, totaling \$40,587.40 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

HIGHWAY FUND WARRANT #2 contained vouchers #19-39, totaling \$50,519.00 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

SEWER DISTRICT FUND WARRANT #2 contained vouchers #34-50, totaling \$77,020.14 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

SIDEWALK MAINTENANCE DISTRICT WARRANT #1 contained voucher #1, totaling \$0.50 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

CD LANE PARK ENHANCEMENT WARRANT #6 contained voucher #19, totaling \$464.75 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

GENERAL FUND PAYROLL WARRANT #3-P for **General** contained 7 claims, totaling \$6,220.64 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 \$16,233.73 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Walker, with all in favor. **Police** payroll contained 4 claims, totaling \$5069.56 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #3-P contained 6 claims, totaling \$13,706.56 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 #3-P contained 1 claim, totaling \$72.15 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

COMMENTS FROM THE PUBLIC: **William MacGregor** would like to comment on the on-going episode at Hickory Hill Road. It was his duty to write a Letter to the Editor in the Windham Weekly in support to the Windham Town Board. The Judge says to go look up Law 319. He has checked and a building permit application was never submitted. **Supervisor Hoyt** expressed the Town Board will not comment about any litigation in front of us.

The Governor's Office has mandated us to look into all of our police policies. A Police Policy Committee has been formed, the Board has appointed a group of our town residents to be on this committee and they will meet by zoom on Friday, January 29, 2021. Mr. MacGregor who does not have a computer for this meeting. Chief Tryland offered to Mr. MacGregor he will share his computer for the zoom meeting tomorrow.

The meeting adjourned at 8:05 p.m. on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
