

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

JULY 22, 2021

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

Absent: Councilman Kurt Goettsche

Also Present: Town Attorney Larry Gardner, Delaware Engineering John Brust, Police Chief Tor Tryland, Gail Nichol森 & Mike Ryan Mountain Eagle

Absent: Ambulance Administrator Davia Montie & Highway Superintendent Gary Thorington

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

THE MINUTES OF THE JULY 8, 2021 TOWN BOARD MEETING were approved as typed on a motion by Councilman Peters, 2nd by Councilman Walker, with 4 in favor, one absent.

1.DELAWARE ENGINEERING: John Brust was present. NYC DEP has inquired about SEQRA for the Wastewater System Upgrades that we have not completed yet. John has provided the Board with a Short Environmental Assessment Form with Parts 1, 2 & 3; and Town Board Resolution #36 for the Board's review. The Board has reviewed and approved the above noted documents; also allowing the Supervisor to execute any documents pertaining to this project in order to keep the process moving forward for the SEQRA process. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with 4 in favor, one absent. **TOWN BOARD RESOLUTION #36 OF 2021:** "Intent to Declare Lead Agency and Determination of Significance in accordance with the State Environmental Quality Review Act (SEQRA) Wastewater System Upgrades Unlisted Action. **Whereas**, upon review of the engineering evaluation and documentation, the Town has determined that improvements to the wastewater system are required to protect the public safety, protect surface waters, provide for the longevity of the wastewater system, and protect the environment; and, **Whereas**, the action of upgrading the wastewater systems is an Unlisted action under the State Environmental Quality Review Act (SEQRA) because the action is not listed under 6NYCRR Part 617.4 or 617.5; and, **Whereas**, the Short Environmental Assessment Form (EAF) for Unlisted Actions Only, has been completed by the Town's Engineering Consultant, Delaware Engineering, D.P.C.; and, **Now, Therefore Be It Resolved:** The Town Board acts as lead agency for the environmental review of the Wastewater System Upgrades. The Town Board finds that the proposed upgrades to the Town of Windham's Wastewater System including reconstruction of the Old Rd Pump Station and upgrades to the wastewater treatment plant will not have a significant adverse impact on the environment of reasons state in the Notice of Determination of Non-Significance attached and made part of this resolution. The Town Supervisor shall sign Part 3 of the SEAF indicating thereon that an Environmental Impact Statement will not be prepared and cause the Notice of Determination of Non-Significance attached to be filed as required by law. This resolution shall take effect immediately." A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with 4 in favor, one absent. John Brust noted that DEP has asked for some minor changes to the design plan. We are going to the Windham Planning Board with a site plan application for the new Ambulance Building. We are doing a CFA Grant Application for the Centre Property. Supervisor Hoyt "we had an issue with all the rain one out of eighteen days; a section of gravity from Split Rock Road back to the pump station at Elm Ridge. Josh Vital will do the investigation on the problem to find out where that float problem came from. The run times did not come from Elm Street. It was clean water. It was significant that Josh Vital noticed it." John Brust noted "Tucker Lewis will be here tomorrow to help Water Superintendent Kyle Schwarz out with the water culvert issue on South Street."

2.MARY E. HOLTON DELAWARE ENGINEERING, D.P.C. has submitted a CFA Grant Application for the Centre Property. The following town board resolutions have been provided to the Town Board for their review and approval to move the grant application forward: **TOWN BOARD RESOLUTION # 33 OF 2021:** “NYS Consolidated Funding Application 2021 Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Centre Property Improvement Project SEQR Type II Resolution. **Whereas**, the Centre Property, owned by the Town, is listed on the National Register of Historic Places and is an important historical asset to the Windham community; and, **Whereas**, the Town intends to apply for funding through the Office of Parks, Recreation and Historic Preservation Environmental Protect Fund to help fund the design and construction of the Centre Property improvements; and, **Whereas**, the act of submitting an application for funding and preparing design documents in order to further preserve the facility are Type II Actions under 6 NYCRR Section 617.5(18) and has been determined not to have a significant impact on the environment and are precluded from environmental review under Environmental Conservation Law Article 8; and, **Whereas**, the Town recognizes that any physical upgrades to the National Register-Listed Centre Property will be a Type I Action requiring a Long Environmental Assessment Form and Coordinated Review and the Town anticipates being Lead Agency for such a project; and, **Now, Therefore, Be It Resolved:** The Town of Windham Town Board hereby finds that the submission of an application for funding through the Office of Parks, Recreation and Historic Preservation Environmental Protection Fund is a Type II Action and is not subject to review under SEQR (6 NYCRR Part 617.5).” A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Van Valin, with 4 in favor, one absent. **TOWN BOARD RESOLUTION # 34 OF 2021:** “NYS Consolidated Funding Application 2021 Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Centre Property Improvement Project Resolution Reaffirming Applicable Town Documents. **Whereas**, this Resolution is to reaffirm the following: Town of Windham Comprehensive Plan adopted May 2002; Town of Windham Architectural Review Law adopted December 2006; Town of Windham DGEIS adopted May 2009 and Supplemented October 2009; Town of Windham FEIS adopted December 2010; Flood Damage Prevention Law adopted 2008. **Now, Therefore, Be It Resolved:** The Town of Windham Town Board finds that the above listed plans, laws and documents are reaffirmed. This resolution shall take effect immediately.” A motion to adopt this resolution was made by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent. **TOWN BOARD RESOLUTION #35 OF 2021:** “NYS Consolidated Funding Application 2021, Office of Parks, Recreation and Historic Preservation Environmental Protection Fund, Centre Property Improvement Project, Resolution Approving and Endorsing the Proposed Project, And Affirming Public and Community Support. **Whereas**, the Centre Property, formerly known as the Centre Presbyterian Church, located on Main Street in the Town of Windham (herein after “the Town” or “Town”), is in need of improvements; and, **Whereas**, the Centre Property is a staple in the Town of Windham’s history and future as it is used year-round by many different groups and affiliates; and, **Whereas**, upon receipt of funding, the Town intends to hold a public meeting regarding the Centre Property; and, **Now, Therefore, Be It Resolved:** The Town of Windham Town Board finds that the act of applying to the Office of Parks, Recreation and Historic Preservation Environmental Protection Fund is in the public interest and is supported by the community. This approval shall permit the construction or alteration of the Centre Property. This resolution shall take effect immediately.” A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Van Valin, with 4 in favor, one absent.

3.COMPREHENSIVE PLAN: is moving forward. The committee has included eight little “vignette” shots of the chapters.

4.NEW APPLICATION FOR ADDITIONAL EDU’S: Land owner Cecelia Kayo has three (3) vacant lots on State Route 23, tap map #78.00-4-9.1, 78.00-4-19 & 78.00-4-20. Applicant has paid an application fee of \$50.00 for each application submitted. All three vacant lots are in the town’s sewer district and already have one allotted EDU. The property owner is looking to build duplexes on each of the vacant properties. A motion to approve for #78.00-4-9.1 was made by Councilman Peters, 2nd by Councilman Van Valin, with 4 in favor, one absent. A motion to approve for #78.00-4-19 was made by Councilman Peters, 2nd by Councilman Walker, with 4 in favor, one absent. A motion to approve for #78.00-4-20 was made by Councilman Peters, 2nd by Councilman Walker, with 4 in favor, one absent.

5.NYS LIQUOR AUTHORITY APPLICATION for a Change in Class of a Retail License. JJ First Place Inc. d/b/a Millrock Restaurant, 5398 State Route 23, Windham wishes to change their current liquor license from beer & wine; to beer, wine, liquor and cider. This application must be submitted to the municipality with proof of mailing prior to be submitted to NYS Liquor Authority per Section 110(b) of the ABC Law. A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Peters, with 4 in favor, one absent.

6.WAJ ATHLETIC EVENTS COORINATOR Joel Middletown requests use of the Windham Path and the Creamery Pond field for the use of sport practices for the WAJ students. “The Cross-Country team is requesting to use the Windham Path for practices starting August 23, 2021 through the end of October 2021. The Varsity and Modified Soccer teams are requesting use of the Creamery Pond field for practices beginning September 10, 2021 and running through the end of October 2021”. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor.

7.WAJPL GOLDEN AGE CLUB requests use of WWTP to hold a Chinese Auction Sale. They would like to use the WWTP on November 12, 2021 to set up for a Chinese Auction Sale to be open to the public on November 13, 2021, they have requested use of the room each day from 9:00 am to 5:00 pm. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with 4 in favor, one absent.

8.WEDDING REQUEST to be held at CD Lane Park October 2023. Jamie Ahrens is a longtime resident of East Jewett spending every summer/weekend here. Jamie is interested in having her wedding in October 2023 at the park if available. A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Van Valin, with 4 in favor, one absent.

9.TOWN JUSTICE REPORT FOR JUNE: Justice McCarthy \$1,522.00 was noted by the Board.

10.TOWN BOARD RESOLUTION #38 OF 2021: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to approve was made by Councilman Peters, 2nd by Councilman Walker, with 4 in favor, one absent. GENERAL FUND #11 OF 2021: the following resolution was proposed to transfer funds to balance the General Fund accounts. A motion to approve was made by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

11.AMBUALNCE REPORT: Ambulance Administrator Davia Montie was absent. Ambulance Liaison Councilman Peters spoke to Davia Montie today. Davia would like permission to attend the NYS EMS Conference Vital Signs 2021 in Saratoga Springs, NY. Fee for the conference is \$225.00. Councilman Peters would like to make a motion to allow Ambulance Administrator Davia Montie to attend the conference and to pay the \$225.00, 2nd by Councilman Van Valin, with 4 in favor, one absent. Davia Montie also needs permission to buy emergency lighting safety equipment for when the lights go out at the ambulance station. Councilman Peters would like to authorize Ambulance Administrator Davia Montie to purchase \$600.00 worth of safety equipment. Last time the lights went out throughout town, the ambulance station posed a safety issue trying to get around without any proper lighting. This has happened twice this summer from various thunder storms. Councilman Van Valin asked if Main Care (building owner) will be reimbursing the Town for this? Supervisor Hoyt the town will take the lighting equipment when the ambulance department leaves. Councilman Peters made a motion to purchase \$600.00 worth of lighting equipment, 2nd by Councilman Walker, with 4 in favor, one absent. Ambulance Administrator Davia Montie also spoke about having full time ambulance staff. Ambulance Liaison Councilman Peters would like to continue that discussion, he believes that to be a very good investment.

12.HIGHWAY REPORT: Highway Superintendent Gary Thorington was absent, as he has been at a highway conference all week. Supervisor Hoyt, the highway dept has done some work at the Windham Path behind the Pharmacy for the town. This past week with all the rain, the path has lost a little bit of the stream bank. The path has now been moved further into the field with caution tape and safety cones. Greene County Soil & Water are applying for the permits from DEP. They are looking to start the bank erosion project around September 2021. The highway has been keeping up with the general maintenance. Our paving project is completed.

13.POLICE REPORT: Police Chief Tor Tryland was present. The new car is now in full service. The old crown vic has not been taken out of service yet. We have a lot of up-coming events mid-August all going on at the same time and the crown vic may be needed that weekend as we maintain patrol. Four officers were sent to Schoharie County for training. This had to do with the new police reform. It ran about nine hours; it sounds like it will be mandatory. The training was all good.

14.COMMITTEE REPORT: **Councilman Van Valin** has not had a lot going on due to scheduling and rainy weather. One contractor had to be dropped as he is too far behind on his work and he has had an injury. Councilman Van Valin did have another contractor look at the town hall building back door and broken window to be replaced. **Councilman Walker** has spoken to Michelle Yost on behalf of Steven Sideratos, 425 State Route 296, Hensonville. As Mr. Sideratos has stormwater issues. A site visit has been completed and they are now in a discussion this is through SWAC. **Councilman Peters** has nothing to report on at this time. **Supervisor Hoyt, TOWN BOARD RESOLUTION #37 OF 2021:** "Contract No. TWD-19, South Street Stormwater Improvements. **Whereas**, this Agreement is by and between the Town of Windham ("Owner") and Merritt Construction, Inc. ("Contractor"); **Whereas**, the Town of Windham Supervisor has permission, through a Subrecipient Agreement between the Town of Windham and the Governor's Office of Storm Recovery, to sign documents pertaining to this project; and **Whereas**, the Governor's Office of Storm Recovery has reviewed the process utilized by the Town of Windham in its procurement of bids and has consented to the Town entering into a contract with the aforementioned firm. **Now Therefore Be It Resolved**, by the Town of Windham Board of Supervisors, acting as the governing authority of the Town of Windham, certifies approval of the Town's Supervisor to execute a contract and any documents pertaining with Merritt Construction, Inc. to perform the construction for the above-named project." A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Walker, with 4 in favor, one absent. Supervisor Hoyt is working on health insurance. The Supervisor and Town Clerk Bonnie Poehmel have meet with a health insurance rep from Marshall & Sterling. The rep gave us a proposal with very positive numbers. August 3rd we are to meet with our current health insurance provider. We will compare the best policies and fees. **Town Attorney Larry Gardner** still has not received any response back from the outstanding issues. He will resend the letters again this time as Certified Return Receipt. Attorney Larry Gardner will speak to the Code Enforcement Officer to see what next step his department will be taking.

GENERAL FUND WARRANT #14-G contained vouchers #509-545, totaling \$52,668.48 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

HIGHWAY FUND WARRANT #14 contained vouchers #167-174, totaling \$92,551.67 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

SEWER DISTRICT FUND WARRANT #14 contained vouchers #207-218, totaling \$7,367.29 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

NY RISING WARRANT #33 (Culvert CO 65, Generators, Madd Brook, So Str Stormwater) contained voucher #62, totaling \$3,390.00 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

CD LANE PARK ENHANCEMENT WARRANT #14 contained vouchers #45, totaling \$2,397.91 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

GENERAL FUND PAYROLL WARRANT #15-P for **General** contained 16 claims, totaling \$14,302.76 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent. **Ambulance** payroll contained 18 claims, totaling \$15,909.91 was audited and approved for payment on a motion by Councilman Van

TOWN BOARD MEETING (CON'T)

JULY 22, 2021

Valin, 2nd by Councilman Peters, with 4 in favor, one absent. **Police** payroll contained 2 claims, totaling \$4,214.06 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

HIGHWAY PAYROLL WARRANT #15-P contained 4 claims, totaling \$7,088.00 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

SEWER DISTRICT FUND PAYROLL WARRANT #15-P contained 3 claims, totaling \$465.30 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Peters, with 4 in favor, one absent.

The meeting adjourned at 7:35 p.m. on a motion by Councilman Walker, 2nd by Councilman Peters, with 4 in favor, one absent.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK

