

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

DECEMBER 9, 2021

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

Also Present: Highway Superintendent Gary Thorington, Town Attorney Larry Gardner, Delaware Engineering John Brust, Police Chief Tor Tryland, Gail Nichol森, Richard Tollner, Sheila DeLong, Ted Remsnyder Daily Mail, Austen Pelkey, James Sallie, E. Hyde Clark, Esq. & Mike Ryan Mountain Eagle

Absent: Ambulance Administrator Davia Montie

The Supervisor called the public hearing to order at 6:45 p.m. and opened with the Pledge of Allegiance.

Supervisor Hoyt read the following notice allowed: "Notice Is Hereby Given that a public hearing shall be held before the Town Board of the Town of Windham at the Windham Town Hall, 371 State Rt. 296, Hensonville, NY on December 9, 2021, at 6:45 pm. The purpose of this hearing is relating to the Temporary Moratoriums, to be considered by the Windham Town Board; relating to Commercial Solar Fueled Electric and Commercial Wind Fueled Electric generating facilities. At such time anyone wishing to speak upon this matter shall be heard. By Order of the Windham Town Board. Bonnie Poehmel Town Clerk Dated: November 10, 2021."

Supervisor Hoyt opened the floor to the public for any comments, no one wished to speak. A motion to recess public hearing at 6:47pm was made by Councilman Peters, 2nd by Councilman Walker, with all in favor.

1.REVIEW DRAFT OF LOCAL LAW NO. OF 2021: "A LOCAL LAW regarding a Temporary Moratorium on the Establishment, Placement and Construction of Commercial Solar Fueled Electric Generating Facilities and Commercial Wind Fueled Electric Generating Facilities in the Town of Windham. BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WINDHAM, as follows: Section 1. TITLE: This Local Law shall be referred to as the

"Temporary Moratorium on the Establishment, Placement and Construction of Commercial Solar Fueled Electric Generating Facilities and Commercial Wind Fueled Electric Generating Facilities in the Town of Windham." Section 2. PURPOSE AND INTENT: Pursuant to the statutory powers vested in the Town Board of the Town of Windham to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town of Windham Board hereby declares a temporary moratorium on the establishment, placement or construction of new commercial solar fueled electric generating facilities and/or the expansion of existing commercial solar fueled electric generating facilities and on the establishment, placement or construction of new commercial wind fueled electric generating facilities and/or the expansion of existing commercial wind fueled electric generating facilities in the Town of Windham, which shall extend until, and including, June 30, 2022. The Town of Windham desires to adopt regulations that govern commercial solar fueled electric generating facilities and commercial wind fueled electric generating facilities in the Town of Windham."

Supervisor Hoyt would like a motion to open the public hearing for any comments one last time, no one wished to speak. A motion to close the public hearing at 7:02 pm was made by Councilman Walker, 2nd by Councilman Peters, with all in favor.

The Supervisor called the town board meeting to order at 7:02 pm.

THE MINUTES OF THE NOVEMBER 24, 2021 TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

Chief of Police Tryland introduced to the Board Austen Pelkey. Austen is interested in being sponsored by the Windham Police Dept. Austen presented to each Board member a copy of his resume and he spoke to the Board of his intended interest to be sponsored. Austen Pelkey has already had Phase I at the academy however it has expired in July 2021. He will need another Police Dept to sponsor him to continue. He will need to take the recertification for Phase 1 again and Phase 11. Phase 1 class will be starting January 8, 2022. A motion to approve Austen Pelkey to be sponsored by the Windham Police Dept was made by Councilman Van Valin, 2nd Councilman Walker, with all in favor.

1.WINDHAM TOWN HIGHWAY ROAD ISSUE: Sheila DeLong was present to discuss with the Town Board and Highway Superintendent Gary Thorington the sand mixture that is used on Barnum Road during the winter season. The sand mixture that is being used on the road gets very muddy & often can be slippery; and then when it dries out it is very dusty. John O'Grady and George Hewitt residents that live on that same town road sent in emails prior to the meeting, in support for Ron & Sheila DeLong. Supervisor Hoyt addressed Sheila DeLong's concern. The mixture currently being used is a salt ratio 7 to 1 unwashed sand. The sand shed for this winter is full of the material. Supervisor Hoyt and the Board recognize the problem. Supervisor Hoyt has spoken to Highway Superintendent Gary Thorington, Gary is already researching the treatment on the roads. We do recognize the problem. Barnum Road is a tough road, it is very steep, it does not get a lot of sun nor a lot of fast traffic.

2.YOUNG/SOMMER LLC a law firm hired in the matter of the Petition of Mt. Village Sewer-Works, Inc. for permission to increase sewer rate. E. Hyde Clark, Esq. was present to speak on behalf of the matter. The homeowners are currently being charged \$94.00 per quarter total \$376.00 per year, per unit. They have been paying this price since 1985. There are 101 units and two common areas the clubhouse and pool house. The Owner feels to maintain the system adequately they will need to raise the yearly fee per unit. The Owner would like to increase the fee to \$125.00 per quarter total \$500.00 per year, per unit. Notices will be sent out to the homeowners for their comments. A motion to approve the \$500.00 fee per year, per unit was made by Councilman Van Valin, 2nd by Councilman Peters, with all in favor. James Sallie unit homeowner resident of the Windham Mtn Village. He had a question for the Board, "What is the yearly charge that the Village pays to the Town for this hookup?" Supervisor Hoyt suggested Mr. Sallie to call the office asking for Bette Rhoades Account Billing Clerk for that information.

3.DELAWARE ENGINEERING: John Brust was present. John has been working with the State Legislatures filing out documents in hopes of finding extra financial assistance that will help to

fund the new ambulance building. Construction bid documents for the new ambulance building will be sent to Bonnie Poehmel Town Clerk on Monday; to place the legal invitation to bid notice in the town's newspaper for Friday, December 17, 2021. The WWTP will be on hold for a little bit. At the pump station work will resume in April 2022. EFC and refinancing, we will continue as more Federal money is coming into New York State; we will have a better response from EFC converting to a zero percent. Supervisor Hoyt has asked John Brust about Panarama Lane as to the Catalano property. John has a call into Kaaterskill Associates. Next week CFA will be here to do a walk through of the Centre Property. They will help us fill out a new application next year, that we might receive some funding.

4. NEW YORK PLANNING FEDERATION Renewal of Town Membership Dues for 2022 is \$325.00 for the year. A motion to approve the membership fee was made by Councilman Goettsche, 2nd by Councilman Walker, with all in favor.

5. MANITOU'S REVENGE ULTRAMARATHON Charles Gadol would like permission to use CD Lane Park on Saturday, June 25, 2022 @ 3:00 am (leaving the gates open) and returning the morning of June 26. "The WTF Racing, LLC would like to hold Manitou's Revenge Ultramarathon on Saturday, 6/25/22. We would like to use CD Lane Park for the beginning of the race as always. The race has about 120 participants and starts on Big Hollow Rd at 5:00 am. The runners go down the road to the Black Dome Trail, go up to the Escarpment Trail/Long Path and then follow the Long Path to Phoenicia. We would need to have the gates to the park open by 3:00 am on Saturday morning on 6/25 and left open until the morning of Sunday 6/26. I am in the process of trying to obtain third party insurance, and when I receive the insurance form, I will send it to you." A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Goettsche, with all in favor.

6. SANTA HOLIDAY LIGHTING @ Hensonville Park: The Town Board received a letter from Santa. "Recently I received an Elf Report that Nana Gail's Café has been spotted decorating the holiday tree in the Hensonville Park for the community to enjoy. We would all like to invite the community to attend the Holiday Lighting at the Hensonville Park with refreshments hosted by Nana Gail's Café on Sunday, December 12, 2021 @ 6:00 PM. We are asking all that will be attending to wear a mask and practice social distancing. Merry Christmas and May you have a happy and healthy new year." All my best, *SANTA* A motion to approve was made by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

7. TOWN BOARD RESOLUTION #62 OF 2021: In support of the Land Acquisition Reduction. "WHEREAS, on October 27, 2021, the Delaware County Board of Supervisor passed Resolution No. 162 entitled: Delaware County Requests That A Moratorium On New Purchase Contracts For Fee Title And Dep Conservation Easements, Be Implemented In Delaware County Pending A Comprehensive Review Of The Land Acquisition Program To Identify The Need For The Continuation Of Land Acquisition, The Benefits Of Land Acquisition, The Impact Of Land Acquisition On Community Sustainability And The Other Tools Available To Achieve Moa Land Acquisition Objectives. That resolution identifies and describes the "Change in Circumstances" since the SAP was first envisioned in the 2007 FAD. The Town supports Delaware County Resolution No. 162. NOW, THEREFORE, BE IT RESOLVED the Town of Windham Town Board joins in the Delaware County Board of Supervisors petition to DEC, DOH and DEP requesting the following relief: (1) The FAD requires application for a WSP to succeed the 2010 WSP is required by June 2022 and that the City develop a new Long Term Land Acquisition Plan, which will cover the period 2023-2033 and which will consider the findings of the National Academies Expert Panel review. Given the uncertainties created by the change in circumstances, effective January 1, 2022, and extending through completion of the permitting process, the City refrain from entering new contracts to purchase fee title and/or conservation easements under the Land Acquisition Program within the Town of Windham. (2) In developing the Long-term Land Acquisition Plan for the period 2023-2033 and the WSP renewal application due June 2022, that DEP limit its land and conservation easement acquisition within the Town to WAC Conservation Easements, flood mitigation projects, stream protection/management, the Delaware County Alternative Pilot Land Acquisition Proposal, and a voluntary municipally approved SAP Program. BE IT FURTHER RESOLVED that this resolution be sent to New York Governor Kathy Hochul, US Congressman Antonio Delgado, NYS Senator Mike Martucci, NYS Assemblymen Brian D. Miller, NYS Assemblymen Chris

Tague, NYS Assemblymen Joe Angelino, EPA Region 2 Administrator Lisa Garcia, NYSDEC Commissioner Basil Seggos, NYCDEP Commissioner Vincent Sapienza and NYSDOH Commissioner Mary Bassett.” A motion to adopt this resolution was made by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor.

8.TOWN CLERK'S MONTHLY REPORT for November: \$4,225.77. A motion to approve was made by Councilman Goettsche, 2nd by Councilman Walker, with all in favor.

9.TOWN BOARD RESOLUTION #63 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 Goettsche, with all in favor. GENERAL FUND RESOLUTION #20 OF 2021: 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 Goettsche, with all in favor. HIGHWAY FUND RESOLUTION #5 OF 2021: the following resolution was proposed to transfer funds to balance the Highway Fund accounts. A motion to approve was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor.

10.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. Ambulance Liaison Councilman Peters, East Jewett Fire Department and Rescue Squad has officially been dissolved with the State. Ambulance Administrator Davia Montie would like to ask if the Town Board could write them a letter thanking them for their many years of service. With permission of the Town Board Councilman Peters will write the letter. Equipment purchase we have two devices that help the patient's breath. We need to replace both units costing about \$750.00 per unit. Councilman Peters would like to make a motion to authorize the Ambulance Administrator to purchase two units at \$750.00 each, 2nd by Councilman Goettsche, with all in favor. We have finally heard back from the ambulance salesman. The cost of the ambulance that he has quoted to us is \$219,000-\$229,000. Councilman Peters would like to reach out to the last salesman from four years ago and see what they can offer us. The Board would like to see at least two to three quotes. The following report was submitted to the Board for their review. “**Vehicles:** Contacted Tommy McCullough regarding new ambulance pricing, waiting for quotes. On 12/6, he said we would have quotes in time for the board meeting. **Monthly calls:** Total calls for November 2021-47; Total calls for November 2020-25; Total calls 2021 through November 30th - 452; Total calls 2020 through November 30th - 405. **Misc.** On December 1st, all the Administrators from the ambulance agencies in the county were invited to and attended the Greene County Legislatures Public Safety Committee Meeting. The purpose was to discuss problems plaguing the agencies throughout the county. The biggest problem by far was staffing across the board as each agency stated they could use 4 or 5 more providers. There is a major lack of new providers coming into the field of EMS for a variety of reasons. The legislature agreed that they will make a request to our state and federal representatives to advocate for an increase in Medicaid reimbursement and for agencies and towns to put an emphasis on comparable salaries. There was also a discussion that the Legislature investigated the American Rescue Plan funds to be used to provide scholarships for EMT classes and investigate other non-profit organizations to sponsor individuals interested in entering the field of emergency services. Increased wait times at the hospitals is still an issue, crews are waiting anywhere from a half hour to two hours or more at most of the hospitals we transport to. Most hospitals have reported that a lack of staffing is the major issue on top of an increase in patients.” **Calls for the Month of November 2021:** Calls in Windham: Advanced Life Support (ALS)-17, Basic Life Support (BLS)-3, Call Cancelled (C/C)-3; Refused Medical Assistance (RMA)-2, Stand By Fire (S/B Fire)-2; Calls in Jewett: ALS-6, BLS-0, P/A-1, C/C-2; Calls in Hunter: BLS-1, C/C-1; Calls in Cairo: C/C-1; Greene County EMS: S/B-3; Calls in Stamford: ALS-1. TOT Mutual Aid: Ashland-4, Hunter 2. **Total calls for: 47, Calls turned over to Mutual Aid: Ashland-2, Hunter-1; Mutual Aid Request Turned Down: Harpersfield (Delaware County)-1. Vehicle Mileage Log for November 2021:** 96-1: 53,780 and 96-2: 134,398.

11.ASSESSOR'S REPORT: Richard Tollner was present. The following report was submitted to the Board for their review. Richard read his report aloud to the Board: “Work continues on Wylder Windham, with reviews, site visits & communication with Wylder people slowing with the winter season. While the Wylder Windham & Baxter Construction aren't slowing their need

for me is. The represents the increased need for Code Enforcement oversight, as work moves inside. Wylder Windham progress is a popular topic as volumes of quality work is being accomplished. Work begins on Reassessment for 2022. (Last review was only four years prior 2018.) Research has been ongoing since September with numerous updates. Our photographic library exceeds 7500 photos with another @ 3000 to be inserted. The office continues to be bombarded with daily inquiries on Windham Real Estate. We have had a few businesses minded appointments. The new home construction still generates site visits. Out of town inquiries continue with a still above average volume. Planning Board data requests still rising. Utilizing more than two days per month, filling data requests, as well as site plan layouts. Call traffic is up, as the inventory of housing has shrunk immensely. The desire to build/develop in Town of Windham is a high as I have ever seen, both in my tenure and in my files. I am available via appointment for assisting planning board members and taxpayers alike. Have had too many walk-ins disrupting my normal workload. MISCELLANEOUS: We have provided @100 plus address change confirmations by text photo to the Property Tax office with Kathy Murray and Edie Buel when addresses change. Out of town property owners appreciate, this never done before service, that has enhanced our reputation for effective service. This continues to reduce taxpayers getting stuck and sets up a major reduction in "lost" Property Tax bills this January 2022. Friendly reminder we use windhamnyassessor@gmail.com for email."

12.POLICE REPORT: Police Chief Tor Tryland was present. He doesn't have a lot for his report. The Court still would like to have two Court Officers on while court is in session. The Court system does reimburse the Police for the Court Officers pay. Supervisor Hoyt would like the Board's permission to sign the Police Union Contract "Collective Bargaining Agreement by and Between Town of Windham and United Public Service Employees Union Coalition of Public Safety Division January 1, 2022 -December 31, 2024." Supervisor Hoyt stated the changes made are the parttime officers pay wage is very close to the fulltime officers pay wage. The parttime officers will no longer have vacation time. It is a good deal. A motion to approve allowing Supervisor Hoyt to sign the police union contract was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. The Board was provided with a copy of the following "activity report for the month of November. Per the Chief the numbers are a little under reported as the software program had a problem: *Arrests-1; Traffic Tickets-0; Traffic Stops-33; Parking Tickets-0; Calls for Service-86; Property Checks-335; EMS Assist-11; Fire Assist-1; and EID, Alarms-9.* (Per the Chief, please do not place all the weight on these numbers as each month is subject to change.)"

13.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. Gary would like to recognize he has received copies of the three letters from the residents on Barnum Road. He will do a more thorough evaluation on our proceedings and will continue to research options in changing our winter road mixture. The highway dept has done a lot of community service in the last few weeks. The highway dept also helped in the shared services program with a neighboring town with their holiday decorations. We are working on routine maintenance. We too like everyone else is short on help. We are holding our own. Supervisor Hoyt and Highway Superintendent Gary Thorington will be reporting to the Board at the end of year/beginning of the first of the new year with talks on a rear-loader. We would like to stay in the replacement rotation schedule for equipment. We are waiting to hear back on the reimbursement with the CHIPS program to help with the refinancing.

14.COMMITTEE REPORT: **Councilman Van Valin** the electric at the Centre Property is working properly. We are still waiting on the music. The highway crew has been very helpful when Councilman Van Valin calls for help. **Councilman Walker** SWAC had only one application. Mountain top landowners have approached Councilman Walker for his help in filling out a SWAC application for 2022. The eagles are back building a new nest. **Councilman Goettsche** KathodeRay Media went live today with the agendas on the website. Last year we talked about new winter pictures of the town. Supervisor Hoyt suggested we reach out through Facebook. Richard Tollner offered his many photos he has on file. **Councilman Peters** has one more thing to report for Ambulance. The ambulance billing rates will need to increase as surrounding agencies have changed theirs. Councilman Peters would like to make a motion to change the following billing rates **BLS- \$1200.00; ALS1-\$1400.00; ALS2-\$1600.00 and \$25.00 a mile**, 2nd by Councilman Goettsche with all in favor. **Supervisor Hoyt** would like to **set the date and time for the Organizational Meeting on Monday, January 3, 2022 @ 6:30pm.** A

motion to approve was made by Supervisor Hoyt, 2nd by Councilman Van Valin, with all in favor. **Attorney Larry Gardner** has been working on the research of ownership of the Masonic Temple parking lot. It is owned by the State DOT, this will not affect the use of the town municipal parking lot. He has been working on the “Temporary Moratorium on the Establishment, Placement and Construction of Commercial Solar Fueled Electric Generating Facilities and Commercial Wind Fueled Electric Generating Facilities in the Town of Windham.” He will help the Town Clerk in getting this filed with the State.

COMMENTS FROM THE PUBLIC: James Sallie would like to know what other properties in town sold this year. He is aware that the Thompson House has been sold. Supervisor Hoyt stated Hammo’s has sold; Cuomo’s Cove sold; and Hamilton House has not sold, but they had a building in disrepair-violation and the Town asked them to take down and they did in a timely fashion.

GENERAL FUND WARRANT #23-G contained vouchers #872-899, totaling \$19,720.22 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY FUND WARRANT #23 contained vouchers #279-298, totaling \$112,017.31 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 #23 contained vouchers #338-343, totaling \$35,847.45 was audited and approved on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

STREETLIGHTING FUND WARRANT #12 contained vouchers #88-95, totaling \$1,506.69 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

GENERAL FUND PAYROLL WARRANT #24-P for **General** contained 6 claims, totaling \$5,957.39 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Ambulance** payroll contained 16 claims, totaling \$19,208.08 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Police** payroll contained 9 claims, totaling \$9,216.04 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

HIGHWAY PAYROLL WARRANT #24-P contained 5 claims, totaling \$10,189.01 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Walker, with all in favor.

SEWER DISTRICT FUND PAYROLL WARRANT #24-P contained 1 claim, totaling \$66.60 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 8:00 p.m. on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
