

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

SEPTEMBER 28, 2023

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

Also Present: Town Attorney Tal Rappleyea, Windham Police Sgt. David Sherman, Delaware Engineering John Brust, Kevin Maldonado, Winn Morrison, Dusan Popovic, Gail Quan, Karen & Larry Gardner & 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 SEPTEMBER 14, 2023, TOWN BOARD MEETING were approved as typed on a motion by Councilman Peters, 2nd by Councilman Walker, with all in favor.

1.DELAWARE ENGINEERING: John Brust was present and has no report at this time.

2.PERMISSION TO USE THE WINDHAM PATH for a QVC video shoot: the following email was submitted to the Board for their review: "Greetings Town of Windham, As much as I would have loved to attend the board meeting in person today, I am based out of the Philadelphia suburbs and was unable to make the trip up for the meeting. However, myself and a few team members from my company recently came up to the Catskills for the day and absolutely fell in love with the area. I am a Multimedia Producer with QVC, and we are interested in conducting a very low-profile fall video content shoot on the Windham Path to capture peak fall foliage content. This will consist of 7 crew members from QVC and 2 models from vetted talent agencies we work with on a regular basis. The idea is to film at the Windham Path with models on the beautiful trails and at the covered bridge. Gear to be used are 2 small cameras and we are also requesting to capture some minimal aerial videographer with a drone. We have an FAA licensed drone pilot at our company. We will have 2 Ford Transit vans and 2 standard passenger vehicles for models. This video shoot will be of very minimal impact to the day-to-day activity of the path. We will be non-disruptive to both the community and the beautiful grounds of the path. We would be honored to film at such a picturesque location and be able to use the content on our network, website, and social media platforms. With my proposal, I have also included a "Location Release Form" that would need to be signed if we are approved to film at the Windham Path. I really appreciate you bringing this up at the board meeting and I look forward to your decision. Thank you so much for your time, Maxwell Bass." A motion to approve was made by Councilman Van Valin, 2nd by Councilman Peters, with all in favor.

3.CERTIFICATE OF RESIDENCE: Julia Dyjak is a resident of the Town of Windham. She plans on attending Hudson Valley Community College "and that this affidavit is made for the purposes of securing from the Chief Fiscal officer of the County of Greene a certificate of residence pursuant to the requirements of Article 126 of the Education Law." A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

4.NOTICE OF PUBLIC HEARING: "NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board for the Town of Windham at the Town Hall, 371 State Route 296, Hensonville, NY on **October 12, 2023 at 6:50 pm**, regarding the adoption of a Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c. This law is being proposed to comply with subdivision 5 of the General Municipal Law §3-c which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board. At such time and place all persons interested in the subject matter thereof will be heard concerning the same. Copies of the proposed law shall be available at the time of the hearing and shall be available at times prior to and after the hearing at the Town Clerk's Office during normal business hours for the purpose of

inspection or procurement by interested persons. The proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c establishes the Windham Town Board's intent to override the limit on the amount of real property taxes that may be levied by the Town of Windham. By Order of the Town Board Bonnie Poehmel Town Clerk Dated: September 28, 2023." A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Goettsche, with all in favor.

5.TOWN OF RESOLUTION #89 OF 2023: "Town Board of the Town of Windham, Appointing Kevin Young as Special Counsel to advise the Town and Planning Board on the Windham Resort Application and Master Plan. WHEREAS, Town Board of the Town of Windham has previously determined that it is necessary to retain Special Counsel to assist and advise the Town Board and Planning Board in connection with the application and review of the Windham Resort and Master Plan, particularly in relation to the municipal water and sewer aspects of such review; and WHEREAS, the Town Board of the Town of Windham hereby deems it appropriate to retain the firm of Kevin Young to provide legal services for such purposes. NOW THEREFORE, IT IS HEREBY RESOLVED, that the Town Board of the Town of Windham hereby appoints and retains Kevin Young as special counsel for the application and review of the Windham Resort and Master Plan, particularly in relation to the municipal water and sewer aspects of such review and it is further RESOLVED, that the Supervisor or his designee may execute any documents to complete the intent of this resolution." A motion to adopt this resolution was made by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor.

6.GCSWCD LOOKING FOR PERMISSION to use the WWTP for a SWAC meeting: the following email was submitted to the Board for their review: "I am writing from the Greene County Soil and Water Conservation District (GCSWCD) to reserve the meeting space in the Windham Wastewater Treatment Plant for our Schoharie Watershed Advisory Committee (SWAC) meeting on Wednesday, October 25th, 2023 for a 6:00pm meeting. We would need the space from approximately 4:30 pm – 8:00 pm to allow enough time for set-up prior to the meeting and clean-up. Abbe Martin, Conservation District Program Manager, GCSWCD. A motion to approve was made by Councilman Walker, 2nd by Councilman Peters, with all in favor.

7.PROGRESSIVE ENERGY CONSULTANTS: They are an energy consultant that negotiates the lowest rate between several suppliers for electric energy. A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. A motion was made to allow the Supervisor to sign by Councilman Walker, 2nd by Councilman Peters, with all in favor.

8.TOWN CLERK MONTHLY report for August: \$5,258.17. A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

9.GENERAL FUND RESOLUTION #16 OF 2023: the following resolution was proposed to transfer funds to balance the General Fund accounts. A motion to adopt this resolution was made by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. AMBULANCE FUND RESOLUTION #7 OF 2023: the following resolution was proposed to transfer funds to balance the Ambulance Fund accounts. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #90 OF 2023: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #91 OF 2023: Authorizing the Supervisor to reinvest the sum of \$509,219.80 principle and interest earned of General Fund Money in a Certificate of Deposit for 30 days at Key Bank, Windham, New York. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #92 OF 2023: Authorizing the Supervisor to reinvest the sum of \$76,382.97 principle and interest earned of Highway Fund Money in a Certificate of Deposit for 60 days at Key Bank, Windham, New York. A motion to adopt this resolution was made by Councilman Van Valin, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #93 OF 2023: Authorizing the Supervisor to reinvest the sum of \$101,843.96 principle and interest earned of Library Fund Money in a Certificate of Deposit for 60 days at Key Bank, Windham, New York. A motion to

adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #94 OF 2023: Authorizing the Supervisor to reinvest the sum of \$203,687.92 principle and interest earned of Water District Fund Money in a Certificate of Deposit for 60 days at Key Bank, Windham, New York. A motion to adopt this resolution was made by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. TOWN BOARD RESOLUTION #95 OF 2023: Authorizing the Supervisor to transfer from the Town of Windham General Fund account the sum of \$100,000.00. Said funds will be deposited into the Town of Windham Capital Ambulance Building account. This transfer is to set aside funds towards the Ambulance Building project. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor.

10.GREENE COUNTY RESOLUTION #291-23: Awarding Bid For Abrasives (Dry Screened and Washed Used In Snow & Ice Control GREENE COUNTY RESOLUTION #305-23: Amounts Due To County Treasurer Be Respective Towns

11.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. The new ambulance rig is being stripped and there will be a punch list of supply items. The Estoppel Notice will be listed for 3 more days per our Town Attorney, Tal Rappleyea. The ambulance radio still needs to be installed in the new rig. The ambulance rig that will need to go to surplus and will need the Board's approval to be advertised for the surplus sale. A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

12.HIGHWAY REPORT: Highway Superintendent Gary Thorington was not present. Highway Superintendent Gary Thorington is at a highway conference this week. The highway guys are working on the annual mowing of the soccer fields, Windham Path and the old dump landfill. The weather continues to be wet. Mowing is slow but will get down for the season.

13.POLICE REPORT: Sergeant David Sherman was present. The Board has received a letter of retirement from Officer David W. Sherman, Sr. His effective date is September 28, 2023. Sgt. David Sherman would like to make a recommendation to hire Officer David Sherman back on October 1, 2023. NYS Retirement System has calculated and has agreed to allow Officer Sherman to return back to work on October 1, 2023; as there is a time of separation of duties that has to be preformed. A motion to approve retirement and to return back to work was made by Councilman Walker, 2nd by Councilman Van Valin, with all in favor.

14.COMMITTEE REPORT: **Councilman Walker** attended the CWT Meeting in person. While the Mountaintop Supervisors and Mayors attended by zoom. The discussions for the Land & Stream Acquisitions are moving forward. NYS has changed the definitions of "Wet Lands". **Councilman Van Valin** is working on minor repairs at the Centre Property and Library. He will be making calls with the fuel company to make sure these properties do not run out of fuel during the coming winter months as they have done in the past. Bob Pelham, Pelham Electric has fixed the outside problem at the Centre Property; everything should be good to go for the Autumn Affair. **Councilman Goettsche** has received an email from Town Clerk Bonnie Poehmel regarding our website host KathodeRay Media Inc. will have an increase that may affect our town budget? **Councilman Peters** ambulance staffing is going well, shifts are being filled. John Brust stated that the ambulance building has a one-year warrantee on different items. **Supervisor Hoyt** a small committee has been formed from the Mountaintop Supervisors to evaluate the EMS Ambulance on the mountaintop. The following members are: Town Windham Thomas Hoyt; Town of Ashland Richard Tompkins; Town of Hunter Sean Mahoney and Greene County EMS Mr. Hotalling, the ambulance coordinator. The committee will have a caucus to be approved. They will start work November 2023. CD Lane Park the boats are still there till Columbus Day weekend. After that the pavilion, restrooms and water will be shut off. The boats will be put away. Anyone with their own boat can still use the park. The little league building will need to be winterized too. October 11, 2023 @ 6:00 pm is a special budget meeting for 2024.

GENERAL FUND WARRANT #18-G contained vouchers #591-613, totaling \$10,174.56 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

TOWN BOARD MEETING (CON'T)

SEPTEMBER 28, 2023

HIGHWAY FUND WARRANT #18 contained vouchers #173-180, totaling \$3,075.15 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 #18 contained vouchers #233-245, totaling \$36,820.69 was audited and approved on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

AMBULANCE FUND WARRANT #17 contained vouchers #179-188, totaling \$4,296.24 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

CAPITAL AMBULANCE BUILDING WARRANT #20 contained vouchers #52-55, totaling \$177,287.80 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 #19-P for **General** contained 13 claims, totaling \$13,408.37 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Ambulance** payroll contained 19 claims, totaling \$17,765.83 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY PAYROLL WARRANT #19-P contained 4 claims, totaling \$7,476.48 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

SEWER DISTRICT FUND PAYROLL WARRANT #19-P contained 4 claims, totaling \$935.21 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: Supervisor Hoyt asked if anyone had any questions. No comments were made.

The meeting adjourned at 7:22 p.m. on a motion by Councilman Walker, 2nd by Councilman Peters, with all in favor.

SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
