

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

APRIL 25, 2024

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 Tal Rappleeya by phone, Delaware Engineering John Brust, Sue Kowalski, Samantha Cummings, Jon Licurse, Marianne Brigham, Jonathan Gross, Ellen Schorsch, Aresta Fedum, Liz Saunier & Mike Ryan Mountain Eagle

Absent: Ambulance Administrator Davia Montie

The Supervisor called the public hearing meeting to order at 6:50 p.m. and opened with the Pledge of Allegiance.

PUBLIC HEARING @ 6:50 pm: *NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board of the Town of Windham at 371 State Route 296, Hensonville, NY on Thursday, April 25, 2024 at 6:50 pm. The Town Board has elected to hold a public hearing on the Noise Local Law #4 of 2022 for a revised change to be made. All persons wishing to speak upon this matter shall be heard at this time. By Order of the Town Board, Bonnie Poehmel Town Clerk, Dated: April 11, 2024. See Noise Local Law #4 of 2022 page 2, "Unreasonable Noise...Any noise which occurs continually for more than 15 minutes or intermittently for more than 30 minutes with a sound level reading above 75 dBA as measured from the property line boundary shall be considered prima facie evidence of an unreasonable noise." The Supervisor would like to see the change made to **60 dBA**. Supervisor Hoyt went around the room asking for anyone in audience to speak with their comments and concerns. Everyone was for the change.*

Supervisor asked for a motion to close the public hearing and open the regular town board meeting. A motion was made at 7:04 pm by Councilman Peters, 2nd by Councilman Walker, with all in favor.

THE MINUTES OF THE APRIL 11, 2024, TOWN BOARD MEETING were approved as typed on a motion by Councilman Walker, 2nd by Councilman Peters, with 4 in favor, Councilman Van Valin abstained as he was absent from this meeting.

1. INVITATION FOR BIDS sealed bids for water & maintenance AND sealed bids for the installing & supplying of annual flowers at town signs, Hensonville Park fountain and garden beds will be received by the Town of Windham at the office of the Town Clerk, 371 State Route 296, PO Box 96, Hensonville, New York 12439 until 12:00 noon local time on Thursday, April 25, 2024 and will be opened and read aloud at the Town Board meeting at 7:00 pm on April 25, 2024. Copies of bid specs may be obtained by contacting the Town Clerk at 518-734-4170. The

Town Board reserves the right to reject any and all bids. By Order of the Windham Town Board,
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Bonnie Poehmel Town Clerk, Dated: March 14, 2024. Two bids were received at the Town Clerk's office. SD Landscapes and Design LLC received on April 11, 2024 @ 2:03pm and Jaeger Lawn Care & Landscaping received on April 25, 2024 @ 11:46 pm. SD Landscapes and Design LLC **sealed bid for water & maintenance \$4,850.00** and **sealed bid for the installing & supplying \$13,450.00**. Jaeger Lawn Care & Landscaping **sealed bid for water & maintenance \$6,750.00** and **sealed bid for the installing & supplying \$16,686.00**. Supervisor Hoyt would like the Board to review the bids during the meeting before awarding; making sure that both bids make the specifications.

2. DELAWARE ENGINEERING: John Brust was present. His company is currently working on the two ball fields at the Windham Path (they will be visiting other ball fields), Septage Receiving Station Feasibility Study continues and there is a brewery interested in Main Street. John Brust will be meeting with Liz Saunier Fourth Dimension Architecture to discuss the water and sewer needed.

3. RESCHEDULE TOWN BOARD MEETING from Thursday, May 9th to Wednesday, May 8th @ 7:00 pm. A motion to approve was made by Supervisor Hoyt, 2nd by Councilman Walker with all in favor.

4. WINDHAM LUXURY SUITES BH LLC (Haus Windham/Jordan Sakis) is requesting two-additional residential multi-unit dwelling Sewer EDU's located at 218 State Route 296, Hensonville; tax map #96.00-1-41. The \$50.00 application fee has been paid. Their engineer is Dan Crandall. Supervisor Hoyt has already had a lengthy conversation with Dan Crandall. A motion to approve has been made by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor. **RAGNAR CAPITAL LLC (Mountain King Brewing Company)** Samantha Cummings from Taconic Engineering, DPC and Liz Saunier Fourth Dimension Architecture were present. Ragnar Capital LLC is requesting three-additional commercial Sewer EDU's located at 5351 State Route 23, Windham; tax map #78.19-1-21. The \$50.00 application fee has been paid. The Supervisor will approve with **"a conditional approval as long as they meet all the requirements that the Planning Board is also going to put on this project; along with town's engineer."** The Sewer Board will review this property to make sure that the new owner has enough EDU's to meet

Sewer Board will review this property to make sure that the new owner has enough LDC's to meet the WWTP requirements. Application is currently at site plan with the planning board and the town engineers. A motion to approve with the condition as stated above was made by Supervisor Hoyt, 2nd by Councilman Walker, with all in favor.

5.VFW POST 1545 seeking permission to hold Tag Day on May 25, 2024 from 9:00 am to 1:00 pm at the intersection of State Route 23 and State Route 296. A motion to approve was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor.

6.SEQRA for Noise Law Modification, Local Law #1 of 2024: Town Attorney Tal Rappleyea provided the SEQRA findings. A motion to approve the SEQRA findings as prepared was made by Supervisor Hoyt, 2nd by Councilman Goettsche, with all in favor. The Supervisor would like to make a motion to approve Local Law #1 of 2024 with the noise level changed; from 75 dBA to **60 dBA after 10:00 pm**, 2nd by Councilman Goettsche, with all in favor. The Town Clerk's office will have the law filed with the State.

7.TOWN JUSTICE REPORT March 2024: Justice McCarthy \$193.00 was noted by the Board.

8.TOWN BOARD RESOLUTION #50 OF 2024: to decrease the Sewer District Billing for 2024 in the amount of \$300.00 due to a property (S667) no longer having a commercial unit. It is now just a two-family. A motion to adopt this resolution was made by Councilman Peters, 2

nd by Councilman Van Valin, with all in favor. TOWN BOARD RESOLUTION #51 OF 2024: to accept the Sidewalk District Billing for the winter season of 2023-2024 in the amount of \$9,798.00. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #52 OF 2024: WHEREAS, appoint Robert Rhoades, a Temporary member of the Town of Windham Board of Assessment Review for a period of 5-years, May 1, 2024 through April 30, 2029. Mr. Rhoades will be able to participate, hear testimony and make recommendations to the actual B.A.R., but not be allowed to cast a ballot. This is a 5-year renewable Temporary assignment. NOW, THEREFORE BE IT RESOLVED, for a period of 5-years, May 1, 2024 through April 30, 2029,
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Robert Rhoades will be a temporary member of the Town of Windham Board of Assessment Review. This is a 5-year renewable Temporary assignment. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #53 OF 2024: the following resolution was proposed to transfer funds to balance the Sewer District accounts. A motion to adopt this resolution was made by Councilman Van Valin, 2

nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #54 OF 2024: to authorize the Supervisor to reinvest the sum of \$100,000.00 plus the interest earned of Street Lighting Fund Money in a Certificate of Deposit for 90 days at the National Bank of Coxsackie, Cairo, New York. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Goettsche, with all in favor. TOWN BOARD RESOLUTION #55 OF 2024: to

authorize the Supervisor to reinvest the sum of \$350,000.00 plus the interest earned of Sewer District #2 Crystal Pond Fund Money in a Certificate of Deposit for 90 days at the National Bank of Coxsackie, Cairo, New York. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #56 OF 2024; to authorize the Supervisor to reinvest the sum of \$350,000.00 plus the interest earned of Capital EDU Fund Money in a Certificate of Deposit for 90 days at the National Bank of Coxsackie, Cairo, 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 #57 OF 2024; to authorize the Supervisor to reinvest the sum of \$35,000.00 of Library Fund Money in a Certificate of Deposit for 90 days at the Bank of Greene County, Catskill, New York. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #58 OF 2024; to authorize the Supervisor to reinvest the sum of \$40,000.00 plus the interest earned of Sidewalk Maintenance Fund Money in a Certificate of Deposit for 90 days at the Bank of Greene County, Catskill, New York. A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. TOWN BOARD RESOLUTION #59 OF 2024; to authorize the Supervisor to withdraw the sum of \$180,000.00 plus the interest earned of Water Improvement Fund Money of the matured CD and deposit it back to the Water Improvement Fund Money which is held at the Bank of Greene County, Catskill, New York. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #60 OF 2024; to authorize the Supervisor to invest the sum of \$150,000.00 of the Water Improvement Fund Money in a Certificate of Deposit for 90 days at the National Bank of Coxsackie, Cairo, New York. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #61 OF 2024; to authorize the Supervisor to reinvest the sum of \$60,000.00 plus the interest earned of UDAG Fund Money in a Certificate of Deposit for 90 days at the Bank of Greene County, Catskill, New York. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #62 OF 2024; to authorize the Supervisor to reinvest the sum of \$50,000.00 plus the interest earned of Sewer District O & M Contingency Fund Money in a Certificate of Deposit for 90 days at the Bank of Greene County, Catskill, New York. A motion to adopt this resolution was made by Councilman Peters, 2nd by Councilman Van Valin, with all in favor. TOWN BOARD RESOLUTION #63 OF 2024; to authorize the Supervisor to reinvest the sum of \$750,000.00 plus the interest earned of General Fund Money in a Certificate of Deposit for 90 days at the Key Bank, Windham, New York. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Goettsche, with all in favor. TOWN BOARD RESOLUTION #64 OF 2024; to authorize the Supervisor to reinvest the sum of \$100,000.00 of Highway Fund Money in a Certificate of Deposit for 90 days at the Key Bank, Windham, New York. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #65 OF 2024; to authorize the Supervisor to reinvest the sum of \$100,000.00 of Library Fund Money in a Certificate of Deposit for 90 days at the Key Bank, Windham, New York. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor. TOWN BOARD RESOLUTION #66 OF 2024; to authorize the Supervisor to reinvest the sum of \$250,000.00 of Water District Fund Money in a Certificate of Deposit for 90 days at the Key Bank, Windham, New York. A motion to adopt this resolution was made by Councilman Walker, 2nd by Councilman Peters, with all in favor. AMBULANCE FUND RESOLUTION #7 OF 2024; 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. GENERAL FUND RESOLUTION #10 OF 2024; the following resolution was proposed to

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transfer funds to balance the General Fund accounts. A motion to adopt this resolution was made

transfer funds to balance the General Fund accounts. A motion to adopt this resolution was made by Councilman Van Valin, 2nd by Councilman Peters, with all in favor. HIGHWAY FUND RESOLUTION #4 OF 2024: the following resolution was proposed to transfer funds to balance the General Fund accounts. A motion to adopt this resolution was made by Councilman Goettsche, 2nd by Councilman Peters, with all in favor.

9.AMBULANCE REPORT: Ambulance Administrator Davia Montie was not present. Supervisor Hoyt stated that Ambulance Administrator Davia Montie did a training for the eleven-Little League Coaches and T-ball Coaches on how to use the AED as this is a new state law into effect. Greene County EMS has passed a resolution for their policy team. There are four Mountaintop Supervisors, a River town Supervisor and a valley town Supervisor. This policy team will be reviewing collected data, call out times, ambulance staffing, policies and budgets. This should all help at budget time for the ambulance services provided.

10.HIGHWAY REPORT: Highway Superintendent Gary Thorington was present. Auction International as received a bid for \$11,600.00 for the surplus ambulance rig. A motion to accept the bid was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor. Next week paving will start on State Route 23, Main Street, Windham. Road work will be from Old Road west to Hickory Hill Road. A streetlight by the Windham Firehouse was damaged and not has been repaired. The cost of \$6,200.00 has been sent to the motorist insurance to be paid. The New York State Budget passed and was only 21 days late. Increases for the highway funding did not come through; the funding numbers are flat and we will be at the same as last year 2023. A current case in the courts with the Dept of Labor; the Judge has made a final ruling on the NYS Prevailing rates; this will into effect on July 1, 2024 for all truck drivers. A revised final copy for “Resolution Adopting Specifications for the Dedication of Town Roads and Streets” has been reviewed again by the Town Attorney with the Supervisor. A motion to approve this final revision was made by Supervisor Hoyt, 2nd by Councilman Van Valin, with all in favor. Last time this same Resolution was adopted was on March 23, 1989. The Board will need to start looking at a new ploy truck for the highway dept. Specs for a new ploy truck are available for the Board’s review. A new ploy truck now will cost \$293,000.00. Highway Superintendent Gary Thorington would like permission to purchase a second lawn mower, one similar to last years’ purchase. A motion to approve the purchase of a second lawn mower for \$11,809.00 was made by Supervisor Hoyt, 2nd by Councilman Peters, with all in favor.

11.POLICE REPORT: Supervisor Hoyt stated that Chief Selner was at a training conference in Lake George, New York. The training was to help keep our Police Officers stay up to date on equipment i.e. radar and how to process arresting people.

12.COMMITTEE REPORT: **Councilman Walker** the CWT Meeting was cancelled due to the Passover holiday, the meeting has been rescheduled for April 29, 2024. Councilman Walker did not attend the SWAC Meeting this week due to family issues. **Councilman Van Valin** has asked Highway Superintendent Gary Thorington to look at the foundation at the town hall building. There is an issue with water and it needs to be brought away from the building. Rainfall comes down the driveway and into the basement window. The Board has approved for the Police Dept to be moved into the basement area where the Golden Agers once occupied. An outside agency was in to check on the moisture in the basement area of where the Police Dept will be occupying. A local contractor has been in the basement to do the work and has removed a 4x12 area of sheetrock and insulation. Councilman Van Valin would like to look at bidding out the painting this

season for the outside of the Centre Property building. **Councilman Goettsche** has been updating the town's website. **Councilman Peters** has nothing to report on at this time. **Supervisor Hoyt** the water is on at CD Lane Park; however our permit to sample the water is required by the State starting in May through the end of October. John Wolf park employee may not be back this year. The Lifeguards returning will have to do his job. We have submitted all the paperwork for the Crest Grant and we will be received the amount of \$300,000.00 for the construction of the ambulance building. The municipal parking lot behind the Masonic Temple is an oil and stone semi-hard surface. The town highway maintains the municipal parking lots year round. The town currently rents the driveway entrance from the Masonic Temple and NYS DOT owns the rest of the parking lot area.

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GENERAL FUND WARRANT #8-G contained vouchers #254-288, totaling \$30,074.66 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

HIGHWAY FUND WARRANT #8 contained vouchers #94-103, totaling \$7,320.30 was audited

and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor.

SEWER DISTRICT FUND WARRANT #8 contained vouchers #115-126, totaling \$2,488.77 was audited and approved on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

AMBULANCE FUND WARRANT #8 contained vouchers #86-94, totaling \$4,013.60 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 #8-P for **General** contained 8 claims, totaling \$8,386.26 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor. **Ambulance** payroll contained 15 claims, totaling \$18,874.34 was audited and approved for payment on a motion by Councilman Van Valin, 2nd by Councilman Goettsche, with all in favor. **Police** payroll contained 7 claims, totaling \$7,834.91 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

HIGHWAY PAYROLL WARRANT #8-P contained 6 claims, totaling \$11,817.56 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 #8-P contained 2 claims, totaling \$832.42 was audited and approved for payment on a motion by Councilman Goettsche, 2nd by Councilman Van Valin, with all in favor.

13.PUBLIC COMMENT: Liz Saunier Fourth Dimension Architecture was present to speak on behalf of her client Ragnar Capital LLC (Mountain King Brewing Company), regarding the parking lot behind the Masonic Temple. Her client would like permission to use the parking lot. Supervisor Hoyt this is a public municipal parking lot for all to use. The client was hoping to have the lot surfaced hard, with extra lighting placed and parking lines and more signage for the business to use this lot. Supervisor Hoyt, the lot will remain just like it is.

The meeting adjourned at 7:55 p.m. on a motion by Councilman Walker, 2nd by Councilman Goettsche, with all in favor.

The Water District meeting adjourned at 8:12 pm. Supervisor Hoyt needs to award the flower bid. The Town Board meeting was re-opened at 8:12 pm by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

The Flower bid goes to the lowest bidder SD Landscapes and Design LLC bid for water & maintenance \$4,850.00 and bid for the installing & supplying \$13,450.00. A motion to approve was made by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

The meeting adjourned at 8:13 p.m. on a motion by Councilman Peters, 2nd by Councilman Goettsche, with all in favor.

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SUPERVISOR

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

TOWN CLERK
