

**Regular Meeting of the Town Board  
May 14, 2014 7:00pm  
West Windsor Fire Hall  
8 Karla Drive  
Windsor, NY 13865**

Supervisor Price pointed out the exits in the room.

**MEETING CALLED TO ORDER** by Supervisor Carolyn Price, at 7:00pm.

**PLEDGE OF ALLEGIANCE** was recited.

**MOMENT OF SILENCE IN MEMORY OF GEORGE BURT WEST.** Supervisor Price stated that Mr. West was a member of the Town Highway Department for 26 years, also serving as foreman in that department. For 15 years, he served on the Town Board.

**ROLL CALL** by Clerk:

Supervisor Carolyn Price: Present  
Councilman Timothy J. Bates: Present  
Councilwoman Lesa Hawk-Shuler: Present  
Councilman William J. McIntyre: Present  
Highway Superintendent Rocky Kohlbach: Present  
Attorney Cheryl Sacco: Present  
Engineer Ron Lake: Present  
Town Clerk Barbara Rajner Miller: Present

Also present were: Jerry Henehan, Jerry Launt, Tony Stracuzzi, Eileen Ruggieri, Peter Ruggieri, Sue Rambo, Ron Rambo, Sr., Alexis Green, Amy Green, Scott Green, Scott B. Clarke, Sue Kohlbach, Gary Hupman, Floyd Bronson, Cheryl Bronson, Scott Baker and one other.

**RECOGNITION:**

Supervisor Price and the Town Board recognized Alexis Green for creating and expanding the outstanding Knight Pack Program.

**PUBLIC COMMENT:**

(Supervisor Price outlined the guidelines of public comment.)

\* Jerry Henehan, Dunbar Rd, noticed that the resolution in support of the casino is back on the Agenda. Still has the question of what approving this resolution really means, and who it is that really supports whatever the action is. Supervisor Price mentioned that more research has been done on this resolution since it was tabled at last month's meeting. She told Mr. Henehan that when it is addressed later on tonight's Agenda, she hopes that all of his concerns are addressed at that time.

**APPROVAL OF MINUTES:**

**Motion By: Councilwoman Hawk-Shuler      Sec. By: Councilman Bates**

To approve the minutes of the April 2, 2014 Public Hearing & Regular Meeting, as submitted.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

**Motion By: Councilwoman Hawk-Shuler      Sec. By: Councilman McIntyre**

To approve the minutes of the May 7, 2014 Special Meeting, as submitted.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

**FINANCIAL REPORT:**

- Supervisor Price encouraged the Board to thoroughly review the Annual Financial Report for 2013. Any questions may be brought up at the next Board Meeting.
- Supervisor Price pointed out some key points on the April Financial Report.
- Reviewed letter from Broome County Office of Management and Budget regarding sales tax.

Supervisor Price recognized the presence of County Legislator Scott Baker.

**Motion By: Councilman McIntyre**

**Sec. By: Councilwoman Hawk-Shuler**

To approve bills for payment:

- General Fund Vouchers #171 through #243, totaling \$68,897.22;
- Sewer Operating Vouchers #26 through #32, totaling \$6,925.61;
- Highway Fund Vouchers #118 through #156, totaling \$68,526.04(not paying Highway Voucher #157 for \$18,049.20 at this time, as further research was needed regarding the bidding of sand);
- Trust and Agency Vouchers #19 through #25, totaling \$898,788.54.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

**At 7:15pm:**

**OPENING OF BIDS – 8’ FIBERGLASS CONTRACTORS CAP (ADVERTISED FOR 7:15PM)**

Town Clerk informed Town Board when/where the ad was run/placed. Two bids were received:

\* Charles Sickmon, Afton, NY – Bid of \$127.51

\* Mark Lippolis, Windsor, NY - Bid of \$26.00

**Motion By: Councilman McIntyre      Sec. By: Councilman Bates**

To accept the high bid of \$127.51 by Charles Sickmon, for the above 8’ fiberglass cap.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

**COMMITTEE REPORTS:**

**ASSESSOR:** Report submitted.

**DOG CONTROL:** None.

**HIGHWAY:**

- Applications were received for the posting of: Motor Equipment Operator. However, due to the over-budget expenditures from the harsh winter and the potential loss of sales tax, Supervisor Price is asking the Board to consider filling this position in October.

**Motion By: Councilman McIntyre      Sec. By: Councilwoman Hawk-Shuler**

To purchase either a 350, 450 or 550, not to exceed \$37,000.00, off state contract bid.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

**NATURAL GAS:**

Supervisor Price mentioned, regarding PSC Case #13-T-0538 Natural Gas Pipeline:

- Filed 4/18/14 Letter to Kathleen Burgess, PSC Secretary, from Sam Laniado Regarding Road Permits, Revised Exhibit C and Exhibit I, and NYSDOT Interim Permit Submission, Broome County Permits.
- Sound Testing Protocol, Dated 4-29-14

**TOWN CLERK/TAX COLLECTOR/REGISTRAR:** Report submitted.

**HISTORY:**

- \* Time of the meetings has changed to the first Wednesday of the month. Next meeting will be June 4<sup>th</sup>.
- \* The theme for Window On The Arts Windsor during the Civil War.

**TOWN HALL:**

- Supervisor Price won a \$25.00 Home Depot gift card, which she is donating to the Town of Windsor, to be used toward the purchase of flowers for in front of the Town Hall.

**WASTEWATER TREATMENT PLANT:**

- Supervisor Price mentioned that we received a check in the amount of \$996.76. The Town of Windsor filed an application to get a refund of sales tax that was paid on utility bills in 2012. The State returned that money to the Town. The money is going to be put into the utility account for the Waste Water Treatment Plant.
- Councilman Bates gave a report regarding the Working Group for the WWWTP area. They will be taking a closer look at:
  - \* EDU's;
  - \* talking about renting out the garage at the WWWTP area;
  - \* if there is truly a need to keep all three generators;
  - \* possibly making garden plots to rent out;
  - \* the insurance and liability involved with some proposed thoughts.

**YOUTH & RECREATION:** Report submitted.

**ZONING, PLANNING & CODE ENFORCEMENT:**

- 4-30-14 Planning Board minutes submitted.
- Letter dated 5-1-14 to Michael Spadafore, NYSDEC, from Bruce Cameron, Secretary, Town of Windsor Planning Board.
- 3-19-14 ZBA minutes submitted.

**UNFINISHED BUSINESS:**

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK  
 Resolution Of Support For A Casino In Broome County  
 RESOLUTION #13-2014**

**PRESENT:** Supervisor Carolyn W. Price  
 Councilman William J. McIntyre  
 Councilman Timothy J. Bates  
 Councilwoman Lesa Hawk-Shuler  
 Vacant Council Seat

**Offered By:** Councilman McIntyre  
**Second By:** Councilman Bates

**WHEREAS**, the citizens of the State of New York voted in the affirmative to amend Section 9 of Article 1 of the Constitution to allow the authorization for up to seven Class III casinos in New York State; and  
**WHEREAS**, the Governor announced that the first four casinos will be built in Upstate New York, including at least one in the Southern Tier/Central Region; and  
**WHEREAS**, it is projected that there may be an economic benefit to the Town of Windsor in the event that a Broome County site was selected, now  
**THEREFORE BE IT RESOLVED**, that in furtherance of the above goals, the Windsor Town Board hereby declares its support for locating one of the proposed casinos within Broome County, and  
**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be sent to the New York State Gaming Commission, Governor Andrew Cuomo, and Broome County state-elected officials: Senator Thomas Libous, Assemblymember Donna Lupardo, Assemblymember Clifford Crouch and Assemblymember Christopher Friend.

**Vote of the Board:**  
 AYE - Supervisor Carolyn W. Price  
 AYE - Councilman William J. McIntyre  
 AYE - Councilman Timothy J. Bates  
 AYE - Councilwoman Lesa Hawk-Shuler  
 Vacant Council Seat

**Motion Approved.**  
**Resolution Adopted: May 14, 2014**

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK  
 Adoption of The Town of Windsor Disaster Emergency Preparedness Plan  
 Resolution # 19-2014**

**PRESENT:** Supervisor Carolyn W. Price  
 Councilwoman Lesa Hawk-Shuler  
 Councilman Timothy J. Bates  
 Councilman William J. McIntyre  
 Vacant Council Seat

**Offered By: Councilperson Hawk-Shuler**

**Second By: Councilperson Bates**

**IT IS HEREBY RESOLVED**, by the Town Board of the Town of Windsor, Broome County, State of New York that Pursuant to Section 23, Article 2-B of the Executive Law of the State of New York, that the Supervisor of the Town of Windsor, may proclaim a local state of emergency within any part of, or all of the territorial limits of the Town of Windsor, and

**IT IS RESOLVED**, that the Supervisor of the Town of Windsor is authorized and empowered to use any and all facilities, equipment, supplies, personnel, or other resources of the Town of Windsor to cope with any disaster or emergency which may arise, and

**IT IS RESOLVED**, that the Supervisor of the Town of Windsor will be responsible for the interpretation of the procedures set forth in this Plan in responding to natural or man-made disasters within the Town of Windsor, and

**IT IS FURTHER RESOLVED**, that a copy of this Disaster Emergency Preparedness Plan is on file in the Office of the Town Clerk, a copy of which is attached to and made a part of these minutes, and

**IT IS FURTHER RESOLVED**, that The Town of Windsor Disaster Emergency Preparedness Plan shall be reviewed on an annual basis to insure the continuity, updating or revising of the plan, and

**IT IS THEREFORE RESOLVED**, by the Town Board of the Town of Windsor that this Disaster Emergency Preparedness Plan is enacted effective **May 14, 2014**.

**Vote of the Board:**

Supervisor Carolyn W. Price - AYE

Councilman William J. McIntyre - AYE

Councilwoman Lesa Hawk-Shuler - AYE

Councilman Timothy J. Bates - AYE

Vacant Council Seat

**Motion Approved.**

**Resolution Adopted: May 14, 2014**

**Introduction:**

Section 23, Article 2-B of the New York State Executive Law authorizes the Town of Windsor to develop and implement a disaster preparedness plan. The Town of Windsor has therefore developed the following disaster preparedness plan designed to function in concert with the Broome County Emergency Disaster Plan.

The Supervisor of the Town of Windsor will be responsible for the interpretation of the procedures set forth in this plan in responding to natural or man-made disasters within the Town of Windsor.

**Purpose:**

This plan is intended to provide information necessary to enable town officials to effectively prevent, respond to, and recover from the effects of a disaster, either natural or man-made, within the Town of Windsor.

- Section 1** - Scope of Plan
- Section 2** - Disaster Response
- Section 3** - Recovery Phase
- Section 4** - Key Personnel
- Section 5** - Assigned Duties
- Section 6** - Organization Chart
- Section 7** - Inventory of Resources
- Section 8** - Reporting
- Section 9** - Revisions / Amendments
- Section 10** - Appendix (Executive Law, Article 2-B )
- Exhibit A** - Town of Windsor, Emergency Declaration
- Exhibit B** - Chronology of Disaster Response Activities
- Exhibit C** - Disaster Activities Log

## 1. Scope of Plan

To the extent possible the Town of Windsor will undertake the following:

- A. **Prevent or minimize hazards to life and health and to mitigate damage to property caused by a disaster.** Prevention refers to those short or long term activities which eliminate, or reduce the number of occurrences of disasters. Mitigation refers to all activities which reduce the effects of disasters when they do occur.

Such pre-planning includes:

- 1) The development of plans and the conduct of training to save lives and minimize disaster damage.
- 2) Identification of potential disasters and disaster sites.
- 3) Recommended disaster prevention projects, priorities and programs, with suggested implementation schedules which outline federal, state and local roles.
- 4) Suggested revisions and additions to building and safety codes, zoning and other land use programs.

- B. **Facilitate a coordinated response between all agencies involved.** Response activities follow the initial impact of an emergency or disaster. Generally they are designed to minimize casualties and protect property to the extent possible through emergency assistance. They also seek to reduce the probability of secondary damage and to speed recovery operations. Such activities include the following:

- 1) Coordination of resources, manpower and services, utilizing existing organizations and lines of authority.
- 2) The location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution or use of materials, facilities and services.
- 3) A system for warning those who may be endangered.
- 4) Arrangements for activating state, municipal and volunteer forces, through normal chains of command so far as possible and for continued communication and reporting.
- 5) A plan for coordinating evacuation including the establishment of temporary housing and other necessary facilities.
- 6) A plan for establishing priorities with respect to the restoration of vital services and debris removal.
- 7) A plan for providing information to the public.
- 8) A plan to care for the injured and needy and the identification and disposition of the dead.
- 9) Control of ingress and egress to and from a disaster area.
- 10) A system for obtaining and coordinating disaster information including the centralized assessment of disaster effects and resultant needs.

- C. **Expedite recovery.** Recovery activities continue until infrastructure returns to previous levels or better. Short term recovery returns vital life support systems to minimum operating standards. Long term recovery may continue for many years after a disaster. Recovery activities include measures to prevent or mitigate a recurrence as follows:

- 1) Recommendations for replacement, reconstruction, removal or relocation of damaged or destroyed public or private facilities, proposed new or amendments to zoning, subdivision, building, sanitary or fire prevention regulations and recommendations for economic development and community development in order to minimize the impact of any future disasters on the community.
- 2) Provision for cooperation with state and federal agencies in recovery efforts.
- 3) Provisions for training and educating local disaster officials in the preparation of applications for federal and state disaster recovery assistance.

## 2. Disaster Response

In the event of a disaster or emergency requiring mobilization of Town of Windsor personnel or resources, the Supervisor or acting Supervisor, shall be notified immediately.

- A. If, in the judgement of the Supervisor a state of emergency does exist, a **State of Emergency Declaration** shall be issued and the Broome County Office of Emergency Services notified.

- B. A Command center shall be set up in the Windsor town Hall, or in such other place as the Supervisor may designate.
- C. The Town Clerk shall maintain a chronological log of disaster response activity until such time as the emergency is terminated.
- D. The Supervisor shall direct and control the utilization of personnel and Town resources in cooperation with other agencies to accomplish the following:
  - 1) Maintain law and order.
  - 2) Provide fire and rescue services.
  - 3) Provide emergency medical services.
  - 4) Maintain traffic control and integrity of streets, roads and highways.
  - 5) Evacuate endangered population.
  - 6) Conduct inspections and prepare damage assessments.
  - 7) Issue public statements.

**3. Recovery Phase**

Recovery activities shall immediately be undertaken to restore the infrastructure as follows:

- A. Restore integrity of Streets, roads and highways.
- B. Return services to normal.
- C. Deactivate congregate care, feeding and reception facilities.
- D. End Command Center operations.
- E. Complete reports.

**4. Key Personnel [Updated 3-6-2013, 5-14-2014]**

The following key personnel have been designated to assist the Supervisor in implementing the disaster recovery plan.

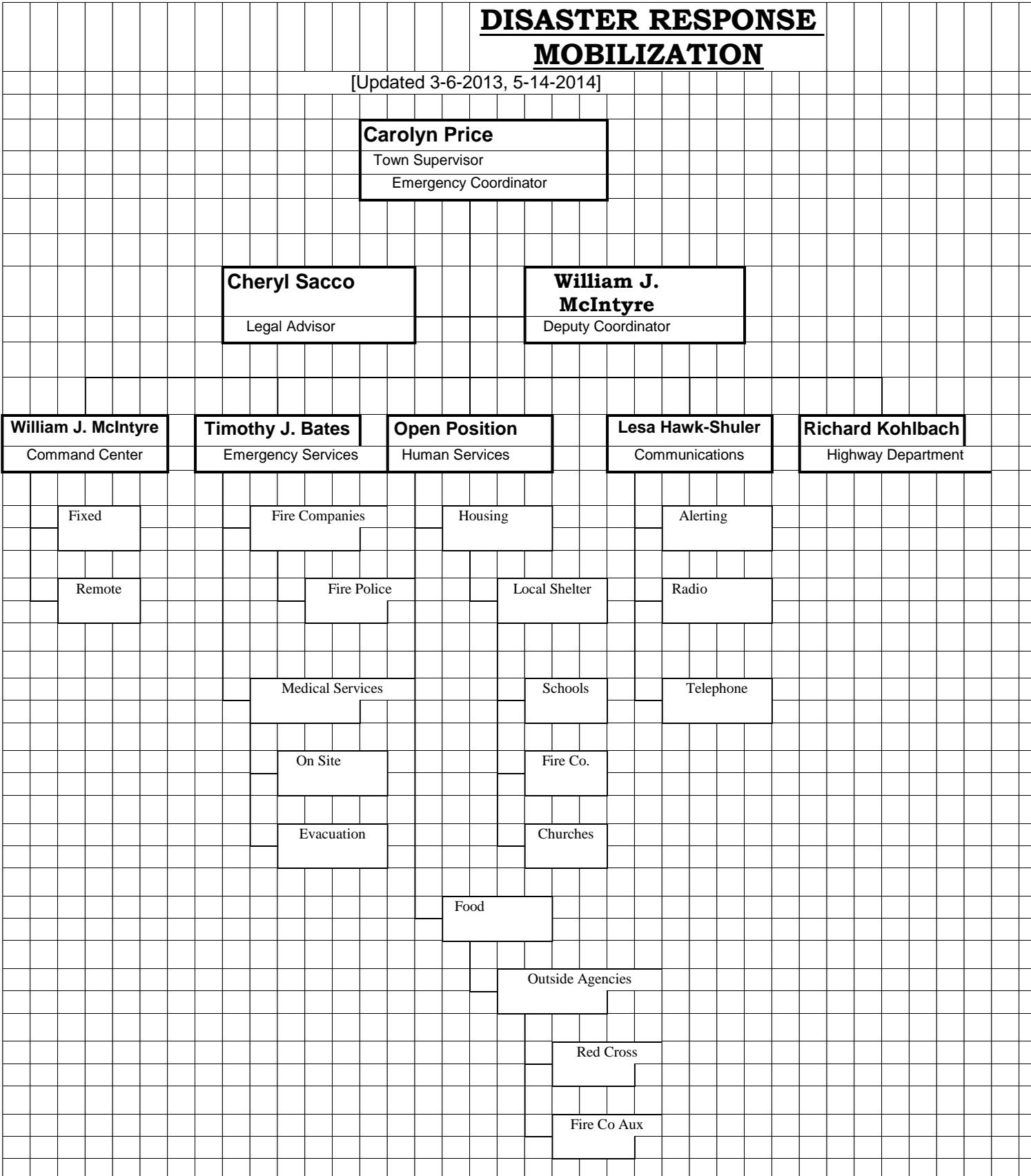
<b>Position</b>	<b>Name</b>	<b>Work Phone</b>	<b>Home Phone</b>	<b>Cell Phone</b>
<b>Supervisor</b>	Carolyn Price	655-2026	655-1921	624-5712
<b>Deputy Supervisor</b>	William McIntyre	655-2026	655-1524	
<b>Board Member</b>	Timothy J. Bates	763-1243	775-0529	
<b>Board Member</b>	Lesa Hawk-Shuler	724-3914	655-1081	
<b>Board Member</b>	Open Position			
<b>Town Attorney</b>	Cheryl Sacco	723-9511		584-4179
<b>Highway Superintendent</b>	Richard Kohlbach	655-1615	655-2637	624-2089
<b>Town Engineer</b>	Ronald Lake	343-8937	797-0438	
<b>Town Clerk</b>	Barbara Rajner Miller	655-2023	655-3748	727-6703
<b>Code Enforcement</b>	David Brown	655-3118	655-2800	

**5. Assigned Duties [Updated 3-6-2013, 5-14-2014]**

<b>Individual</b>	<b>Position</b>	<b>Responsibility</b>
Carolyn Price	Town Supervisor	Declare emergency, Oversee and coordinate operations. Inform media.
William McIntyre	Deputy Supervisor	Relieve Supervisor as necessary, operate Command Center, assess road damage, assist in hazard removal, Transportation.
Timothy J. Bates	Board Member	Coordinate with emergency services, evacuation

Open Position	Board Member	Human Services, housing, food.
Lesa Hawk-Shuler	Board Member	Coordinate Communications Center, radio and Telephone, alert public of disaster and evacuation.
Cheryl Sacco	Town Attorney	Legal advisor.
Richard Kohlbach	Highway Supt.	Assist hazard removal, assess road damage and repair, drainage coordinator.
Ronald Lake	Town Engineer	Provide engineering resources on systems, buildings, and infrastructure.
Barbara Rajner Miller	Town Clerk	Maintain chronological log of disaster response activities.
David Brown	Code Enforcement	Clean-up, reconstruction and permits.

Note: Supervisor Price will call Councilwoman Hawk-Shuler to start phone calls.



**6. Inventory of Resources [Updated 5-1-2013, 5-14-2014]:**

Partial listing of primary resources available for use during a disaster, from The Town of Windsor Highway Department.

**Qty: Trucks:**

- 1 International 2003 #1HTWZAXR53J071139 (1) Head Plow (1) 11' Wing Spreader built in box Md. 7600SFA 4x2, with driver
- 1 International Paystar Mdl. 5600 2010 #1HTXHAPT3AJ235472 (Viking stainless steel spreader), with driver
- 1 Mack 10 Wheeler 1997 #1M2P267C9VM029164 w/snow plow attachment (1) 12' head plow (1) 11' viking wing, with driver
- 1 Mack 10 Wheeler 1996 #1M2P267C8TM026687 w/snow plow attachment (1) 12' head plow (1) 11' viking wing, with driver
- 1 Mack 10 Wheeler 2000 #1M2P267C6YM052292 w/snow plow attachment (1) 12' head plow (1) 11' viking wing, with driver
- 1 Mack 1978 #DM685S35734 Water Truck
- 1 Chevrolet Step Van 1995 1GBHG31Y4SF157622
- 1 Chevrolet S10 1993 1GCCS14Z2P8153531

**Qty: Equipment:**

- 1 John Deere Backhoe 2008, with operator
- 1 Ford Tractor 1989, with operator
- 1 Case Dozer 850E 1993, with operator
- 1 John Deere 772BH All Wheel Drive Grader 1997 #DW772BH560612, with operator
- 1 John Deere 624K 4 Wheel Loader 2010 #1DW624KZSEBD637409, with operator
- 1 Gradall XL3100 2002, with operator
- 1 Bandit Woodchipper 1997 Model 200
- 1 John Deere 544E #531267 1991

**Qty: Radios:**

- 8 KG-UV2D 350-470 HT Handheld Radios & Mics 2010, priority for Town Officials

**Qty: Saws:**

- 1 Partner K700 Cut Off Saw #368323400
- 1 Husquvarna 272K #1240083
- 1 Husquvarna 137 Saw 2007 0900518
- 1 Dolomar PS-6400 Chain Saw 2006 #0501078284
- 1 Husquvarna H261 #965 5209-00
- 1 Dolmar PS 5100sa 18" saw #0801112416
- 1 Husquvarna 272 #1240083
- 1 Husquvarna 235 #9528022 33
- 1 Husquvarna 142 #20054300489
- 1 Husquvarna Cut Off Saw 272XP #5520040

**7. Reporting:**

- A. In the event a State of Emergency is declared over an area which includes the Town of Windsor, the Town of Windsor shall prepare a local recovery and redevelopment plan, unless the legislative body of the Town of Windsor shall determine such plan to be unnecessary or impractical.
- B. Within fifteen days after the declaration of a State Disaster the Town of Windsor shall report to the commission whether the preparation of a recovery and redevelopment plan has been commenced, and if not, the reasons for not preparing such a plan.
- C. A local recovery and redevelopment plan shall include, but need not be limited to: Plans for replacement, Reconstruction, Removal or relocation of damaged or destroyed facilities; proposed new or amended regulations such as zoning, sub-division, building or sanitary ordinances and codes; and plans for economic recovery and community development. Such plans shall take into account and to the extent practicable incorporate relevant existing plans and policies and such plans shall take into account the need to minimize the potential impact of any future disasters on the community.

**8. Revisions – Amendments [Updated 5-1-2013, 5-14-2014]:**

The Supervisor of the Town of Windsor shall cause this plan to be reviewed on a yearly basis to make revisions, or include amendments, as necessary. These changes shall be documented in the following record of amendments:

on Date	n Revised	ption of Change	rized By (Signature)
	Key Personnel	ed Phone Numbers & Names	

	Assigned Duties	ed Names	
	Inventory of Resources	ed and Organized by Category	
	t B	y Clerk and New York State Added	
	ts D,E,F	xhibits Added	
	dix	ng Corrections & Made Gender Neutral	
4	ersonnel	d Names	
4	ed Duties	ed Names	
4	Inventory of rces	ed	
4	ts D, F	ed Names & Phone Numbers	

**9. Appendix:**

**Executive Law – Article 2-B**

**Legislative Findings:** “The legislature hereby finds and declares that a wide variety of disasters, often caused or compounded by mankind’s own acts, cause loss of life, property and income, disrupt the normal function of government, communities and families, and cause great human suffering. The legislature further finds that it must provide for preparations to prevent, meet, defend against, and recover from, dangers and problems arising from these emergencies with the least possible interference with the existing division of the powers of the government.

The legislature finds that a joint effort, public and private, is needed to mobilize the resources of individuals, business, labor, agriculture, and government at every level, federal, state and local, for effective organizations to prepare for and meet natural and man-made disasters of all kinds.

The legislature finds that the state must give leadership and direction to this important task of establishing an emergency disaster preparedness program for the protection of each person in the state.

The legislature finds that a mutual benefit can be derived by the state and its political subdivisions by the integration of their natural disaster and peacetime emergency response functions with the civil defense program, thus utilizing local government and emergency services organizations for response to both natural and man-made disaster and to attack.

The legislature finds that local disaster preparedness plans are essential in order to minimize potential disasters and find their effects, provide for effective local responses when disasters occur, and facilitate local recovery. The legislature further finds that local plans constitute an essential part of the statewide disaster preparedness program and that without local disaster planning, no state disaster program can be fully effective,”

**Article 2-B**

**State and Local, Natural, and Man-made Disaster Preparedness**

Section

- 20 Natural and man-made disasters; policy; definitions.
- 21 Disaster preparedness commission established; meetings; powers and duties.
- 22 State disaster preparedness plans.
- 23 Local disaster preparedness plans.
- 24 Local state of emergency, local emergency orders by chief executive
- 25 Use of local government resources in a disaster.
- 26 Coordination of local disaster preparedness forces and local civil defense forces in disasters.
- 27 Continuity of local governments.
- 28 State declaration of disaster emergency.
- 28-a Post disaster recovery planning.

29 Direction of state agency assistance in a disaster emergency.

29-a Suspension of other laws.

29-b Use of civil defense forces in disasters.

## **Section 20. Natural and man-made disasters; policy; definitions.**

1. It shall be the policy of the State that:
  - a. .. local government and emergency service organizations continue their essential role as the first line of defense in times of disaster, and that the State provide appropriate supportive services to the extent necessary,
  - b. ..local chief executives take an active and personal role in the development and implementation of disaster preparedness programs and be vested with authority and responsibility in order to insure the success of such programs;
  - c. ..state and local natural disaster and emergency response functions be coordinated in order to bring the fullest protection and benefit to the people;
  - d. ..state resources be organized and prepared for immediate effective response to disasters which are beyond the capability of local government and emergency service organizations; and
  - e. ..state and local plans, organizational arrangements, and response capability required to execute the provisions of this article shall at all times be the most effective that current circumstances and existing resources allow.
2. As used in this article the following terms shall have the following meanings:
  - a. **“disaster”** means occurrence or imminent threat of wide-spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemics, air contamination, blight, drought, infestation, explosion, radiological accident or water contamination;
  - b. **“State disaster emergency”** means a period beginning with a declaration by the governor that a disaster exists and ending upon the termination thereof;
  - c. **“municipality”** means a public corporation as defined in subdivision one of section sixty-six of the general construction law and a special district as defined in subdivision sixteen of section one hundred two of the Real Property Tax Law;
  - d. **“commission”** means the disaster preparedness commission created pursuant to section twenty-one of this article.
  - e. **“emergency services organization”** means a public or private agency, organization or group organized and functioning for the purpose of providing fire, medical, ambulance, rescue, housing, food, or other services directed toward relieving human suffering, injury or loss of life or damage to property as a result of an emergency, including non-profit and governmentally-supported organization, but excluding governmental agencies.
  - f. **“chief executive”** means:
    - (1) ..a county executive or manager of a county;
    - (2) ..in a county not having a county executive or manager, the chairman or other presiding officer of the county legislative body;
    - (3) ..a mayor of a city or village, except where a city or village has a manager, it shall mean such manager;
    - (4) ..a supervisor of a town, except where a town has a manager, it shall mean such manager.

## **Section 21. Disaster preparedness commission established; meetings; powers and duties**

1. There is hereby created in the executive department a disaster preparedness commission consisting of the commissioners of transportation, health, state emergency office, division of criminal justice services, education, social services, commerce, agriculture and markets, housing and community renewal, general services, and environmental conservation, the superintendent of state police, the secretary of state, the state fire administrator, the chairman of the public service commission, the industrial commissioner, the chief of staff to the governor, and three additional members, to be appointed by the governor, two of whom shall be chief executives. The governor shall be chief executives. The governor shall designate the chairman of the commission. The members of the commission, except those who serve ex-officio, shall be allowed their actual and necessary expense incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.
2. The commission, on call of the chairman, shall meet at least twice each year and at such other times as may be necessary. The agenda and meeting place of all regular meetings shall be made available to the public in advance of such meetings and all such meeting shall be open to the public. The commission shall establish quorum requirements and other rules and procedures regarding conduct of its meetings and other affairs.

The chief of staff to the governor shall serve as secretariat to the commission and provide such staff services as may be necessary.

3. The commission shall have the following powers and responsibilities:
  - a. ..study all aspects of man-made or natural disaster prevention, response and recovery;
  - b. ..request and obtain from any state or local officer or agency any information necessary to the commission for the exercise of its responsibilities;
  - c. ..prepare state disaster preparedness plans, to be approved by the governor, and review such plans and report thereon by March, thirty-first of each year to the governor and the legislature. In preparing such plan; the commission shall consult with federal and local officials, emergency service organizations, and the public as it deems appropriate;
  - d. ..prepare, keep current and distribute to chief executives and others an inventory of programs directly relevant to prevention, minimization of damage, readiness, operations, during disasters, and recovery following disasters;
  - e. ..direct state disaster operations and coordinate state disaster operations with local disaster operators following the declaration of a disaster emergency.
  - f. ..unless it deems it unnecessary, create, following the declaration of a state disaster emergency, a temporary organization in the disaster area to provide for integration and coordination of efforts among the various federal, state, municipal and private agencies involved. The commission, upon a findings that a municipality is unable to manage local disaster operations, may, with the approval of the governor, direct the temporary organization to assume direction of the local disaster operations of such municipality, for a specified period of time, and in such cases such temporary organization shall assume direction of such local disaster operations, subject to the supervision of the commission. In such event, such temporary organization may utilize such municipality's local resources, provided, however, that the state shall not be liable for any expenses incurred in using such municipalities resources.
  - g. ..assist in the coordination of federal recovery efforts and coordinate recovery assistance by state and private agencies.
  - h. ..provide for periodic briefings, drills, exercises or other means to assure that all state personnel with direct responsibilities in the event of a disaster are fully familiar with response and recovery plans and the manner in which they shall carry out their responsibilities, and coordinate with federal, local or other state personnel. Such activities may take place on a regional or county basis, and local and federal participation shall be invited and encouraged.
  - i. ..submit to the governor and the legislature by March, thirty-first of each year an annual report which shall include but need not be limited to:
    - (1) ..a summary of commission and state agency activities for the year and plans for the ensuing year with respect to the duties and responsibilities of the commission;
    - (2) ..recommendations on ways to improve state and local capability to prevent, prepare for, respond to, and recover from disasters;
    - (3) ..the status of the state and local plans for disaster preparedness and response, including the name of any locality which has failed or refused to develop and implement its own disaster preparedness plan and program, and
  - j. ..coordinate and, to the extent possible and feasible, integrate commission activities, responsibilities and duties with those of the civil defense commission.

## **Section 22. State disaster preparedness plans**

1. The commission shall prepare a state disaster preparedness plan and submit such plan to the governor for approval no later than one year following the effective date of this act. The governor shall act upon such plan by July, first of that year. The commission shall review such plans annually.
2. The purpose of such plans shall be to minimize the effects of disasters by: (i) identifying appropriate measures to prevent disasters, (ii) developing mechanisms to coordinate the use of resources and man-power for service during and after disaster emergencies and the delivery of services to aid citizens and reduce human suffering resulting from a disaster, and (iii) provide for recovery and redevelopment after disaster emergencies.
3. Such plans shall be prepared with such assistance from other agencies as the commission deems necessary, and shall include, but not be limited to:
  - a. **Disaster prevention.** Plans to prevent and minimize the effects of disasters shall include, but not be limited to:
    - (1) ..identification of potential disasters and disaster sites;

- (2) ..recommended disaster prevention projects, policies, priorities and programs, with suggested implementation schedules, which outline federal, state and local roles;
  - (3) ..suggested revisions and additions to building and safety codes, and zoning and other land use programs;
  - (4) ..suggested ways in which state agencies can provide technical assistance to municipalities in the development of local disaster prevention plans and programs;
  - (5) ..such other measures as reasonably can be taken to prevent disasters or mitigate their impact.
- b. **Disaster response.** Plans to coordinate the use of resources and manpower for service during and after disaster emergencies and to deliver services to aid citizens and reduce human suffering resulting from a disaster emergency shall include, but not be limited to:
- (1) ..centralized coordination of resources, manpower and services, utilizing existing organizations and lines of authority and centralized direction of requests for assistance;
  - (2) ..the location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution or use of materials, facilities and services;
  - (3) ..a system for warning populations who are or may be endangered;
  - (4) ..arrangements for activating state, municipal and volunteer forces, through normal chains of command so far as possible and for continued communication and reporting;
  - (5) ..a specific plan for rapid and efficient communication, and for the integration of state communications facilities during a state disaster emergency, including the assignment of responsibilities and the establishment of communications priorities, and liaison with municipal, private and federal communications facilities;
  - (6) ..a plan for coordinated evacuation procedures, including the establishment of temporary housing and other necessary facilities;
  - (7) ..criteria for establishing priorities with respect to the restoration of vital services and debris removal;
  - (8) ..a plan for the continued effective operation of the criminal justice system;
  - (9) ..provisions for training state and local government personnel and volunteers in disaster response operations;
  - (10) ..providing information to the public;
  - (11) ..care for the injured and needy and identification and disposition of the dead;
  - (12) ..utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, the handicapped, and other groups which may be especially affected;
  - (13) ..control of ingress and egress to and from a disaster area;
  - (14) ..arrangements to administer federal disaster assistance;
  - (15) ..a system for obtaining and coordination disaster information including the centralized assessment of disaster effects and resultant needs.
- c. **Recovery.** Plan to provide for recovery and redevelopment after disaster emergencies shall include, but not be limited to:
- (1) ..measures to coordinate state agency assistance in recovery efforts;
  - (2) ..arrangements to administer federal recovery assistance;
  - (3) ..such other measures as reasonably can be taken to assist in the development and implementation of local disaster recovery plans.

### **Section 23. Local disaster preparedness plans**

1. Each county, except those contained within the City of New York, and each city is authorized to prepare disaster preparedness plans. The disaster preparedness commission shall provide assistance and advise for the development of such plans.
2. The purpose of such plans shall be to minimize the effect of disasters by (i) identifying appropriate local measures to prevent disasters, (ii) developing mechanisms to coordinate the use of local resources and manpower for service during and after disasters and the delivery of services to aid citizens and reduce human suffering resulting from a disaster, and (iii) providing for recovery and redevelopment after disasters.

3. Plans for coordination of resources, man-power and services shall provide for a centralized coordination and direction of requests for assistance.
4. Plans for coordination of assistance shall provide for utilization of existing organizations and lines of authority.
5. In preparing such plans, cooperation advice and assistance shall be sought from local government officials, regional and local planning agencies, policy agencies, fire departments and fire companies, local civil defense agencies, commercial and volunteer ambulance services, health and social services officials, community action agencies, organizations for the elderly and the handicapped, other interested groups and the general public. Such advice and assistance may be obtained through public hearings held on public notice or through other appropriate methods.
6. All plans for disaster preparedness developed by local governments or any revisions thereto shall be submitted to the commission by December thirty-first of each year to facilitate state coordination of disaster operations.
7. Such plans shall include, but not be limited to:
  - a. **Disaster prevention.** Plans to prevent and minimize the effects of disaster shall include, but not be limited to:
    - (1) ..identification of potential disasters and disaster sites;
    - (2) ..recommended disaster prevention projects, priorities and programs, with suggested implementation schedules, which outline federal, state and local roles;
    - (3) ..suggested revisions and additions to building and safety codes and zoning and other land use programs;
    - (4) ..such other measures as reasonably can be taken to prevent disasters or mitigate their impact.
  - b. **Disaster response.** Plans to coordinate the use of resources and man-power for service during and after disasters and to deliver services to aid citizens and reduce human suffering resulting from a disaster shall include, but not be limited to:
    - (1) ..centralized coordination of resources, man-power and service, utilizing existing organizations and lines of authority and centralized direction of requests for assistance;
    - (2) ..the location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution or use of materials, facilities and services which may be required in time of disaster;
    - (3) ..a system for warning populations who are or may be endangered;
    - (4) ..arrangements for activating municipal and volunteer forces, through normal chains of command so far as possible, and for continued communications and reporting;
    - (5) ..a specific plan for rapid and efficient communications and for the integration of local communication facilities during a disaster including the assignment of responsibilities and the establishment of communication priorities and liaison with municipal, private, state and federal communication facilities;
    - (6) ..a plan for coordinating evacuation procedures including the establishment of temporary housing and other necessary facilities;
    - (7) ..criteria for establishing priorities with respect to the restoration of vital services and debris removal;
    - (8) ..a plan for the continued effective operation of the criminal justice system;
    - (9) ..provisions for training local government personnel and volunteers in disaster response operations;
    - (10) ..providing information to the public;
    - (11) ..care for the injured and needy and identification and disposition of the dead;
    - (12) ..utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, the handicapped, and other groups which may be especially affected;
    - (13) ..control of ingress and egress to and from a disaster area;
    - (14) ..arrangements to administer state and federal disaster assistance;
    - (15) ..procedures under which the county, city, town, village or other political subdivision and emergency organization personnel and resources will be used in the event of a disaster;
    - (16) ..a system for obtaining and coordinating disaster information including the centralized assessment of local disaster effects and resultant needs;

(17) ..continued operation of governments of political subdivisions.

c. **Recovery.** Local plans to provide for recovery and redevelopment after disasters shall include, but not be limited to:

- (1) ..recommendations for replacement, reconstruction, removal or relocation of damaged or destroyed public or private facilities, proposed new or amendments to zoning, subdivision, building, sanitary or fire prevention regulations and recommendations for economic development and community development in order to minimize the impact of any potential future disasters on the community.
- (2) ..provision for cooperation with state and federal agencies in recovery effort.
- (3) ..provisions for training and educating local disaster officials or organizations in the preparation of applications for federal and state disaster recovery assistance.

#### **Section 24. Local state of emergency; local emergency orders by chief executive**

1. Notwithstanding any inconsistent provision of the law, general or special, in the event of a disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any county, city, town or village, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive thereof that the public safety is imperiled thereby, such executive may proclaim a local state of emergency within any part or all of the territorial limits of such local government. Following such proclamation and during the continuance of such local state of emergency, the chief executive may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. Such orders may, within any part or all of the territorial limits of such local government, provide for:

- a. ..the establishment of a curfew and the prohibition and control of pedestrian and vehicular traffic, except essential emergency vehicles and personnel;
- b. ..the designation of specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;
- c. ..the regulation and closing of places of amusement and assembly;
- d. ..the suspension or limitation of the sale, dispensing, use or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;
- e. ..the prohibition and control of the presence of persons on public streets and places;
- f. ..the suspension within any part or all of its territorial limits of any of its local laws, ordinances or regulations, or parts thereof subject to federal and state constitutional, statutory and regulatory limitations, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery therefrom whenever;

(1) ..a request has been made pursuant to subdivision seven of this section, or

(2) ..whenever the governor has declared a state disaster emergency pursuant to section twenty-eight of this article. Suspension of any local law, ordinance or regulation pursuant to this paragraph shall be subject to the following standards and limits:

- (i) ..no suspension shall be made for a period in excess of five days, provided, however, that upon reconsideration of all the relevant facts and circumstances, a suspension may be extended for additional periods not to exceed five days each during the pendency of the state of emergency;
- (ii) ..no suspension shall be made which does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;
- (iii) ..any such suspension order shall specify the local law, ordinance or regulation, or part thereof suspended and the terms and conditions of the suspension;
- (iv) ..the order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such law, ordinance or regulation suspended, and may include other terms and conditions;
- (v) ..any such suspension order shall provide for the minimum deviation from the requirements of the local law, ordinance or regulation suspended consistent with the disaster action deemed necessary;
- (vi) ..when practicable, specialists shall be assigned to assist with the related emergency actions to avoid effects resulting from such suspension.

1. A local emergency order shall be effective from the time and in the manner prescribed in the order and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast. Such orders may be amended, modified and rescinded by the chief executive during the pendency or existence of the state of emergency.

Such orders shall cease to be in effect five days after promulgation or upon declaration by the chief executive that the state of emergency no longer exists, whichever occurs sooner. The chief executive nevertheless, may extend such orders for additional periods not to exceed five days each during the pendency of the local state of emergency.

2. The local emergency orders of a chief executive of a county shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of the governing board of the county, the office of the county clerk and the office of the secretary of state. The local emergency orders of a chief executive of a city, town or village shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of such municipal corporation, the office of the county clerk and the office of the secretary of state.
3. Nothing in this section shall be deemed to limit the power of any local government to confer upon its chief executive any additional duties or responsibilities deemed appropriate.
4. Any person who knowingly violates any local emergency order of a chief executive promulgated pursuant to this section is guilty of a class B misdemeanor.
5. Whenever a local state of emergency is declared by the chief executive of a local government pursuant to this section, the chief executive of the county in which such local state of emergency is declared, or where a county is wholly contained within a city, the mayor of such city, may request the governor to remove all or any number of sentenced inmates from institutions maintained by such county in accordance with section ninety-three of the correction law.
6. Whenever a local state of emergency has been declared pursuant to this section, the chief executive of the county in which the local state of emergency has been declared, or where a county is wholly contained within a city, the chief executive of the city, may request the governor to provide assistance under this chapter, provided that such chief executive determines that the disaster is beyond the capacity of local government to meet adequately, and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
7. The legislature may terminate by concurrent resolution, such emergency orders at any time.

#### **Section 25. Use of local government resources in a disaster**

1. Upon the threat or occurrence of a disaster, the chief executive of any political subdivision is hereby authorized and empowered to and shall use any and all facilities, equipment, supplies, personnel and other resources of his/her political subdivision in such manner as may be necessary or appropriate to cope with the disaster or any emergency resulting therefrom.
2. Upon the threat or occurrence of a disaster, a chief executive may request and accept assistance which is coordinated and directed by the county chief executive as provided in section twenty-six of this article.
3. A chief executive may also request and accept assistance from any other political subdivision and may receive therefrom and utilize any real or personal property or the service of any personnel thereof on such terms and conditions as may be mutually agreed to by the chief executive of the requesting and assisting political subdivisions.
4. Upon the receipt of a request for assistance made pursuant to subdivision two or three of this section, the chief executive of any political subdivision may give, lend or lease, on such terms and conditions as he/she may deem necessary to promote the public welfare and protect the interests of such political subdivision. Any lease or loan of real or personal property pursuant to this subdivision, or any transfer of personnel pursuant hereto, shall be only for the purpose of assisting a political subdivision in emergency relief, reconstruction, or rehabilitation made necessary by the disaster.
5. A political subdivision shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of any officer or employee in carrying out the provisions of this section.
6. The chief executive, when requesting assistance pursuant to this section may request assistance from the civil defense and disaster preparedness forces of any other political subdivision, but only if the civil defense and disaster preparedness forces of the type being requested have already been activated within the political subdivisions requesting assistance. The chief executive of any political subdivision receiving such a request is hereby authorized and empowered, subject to the provisions of section twenty-six of this article, to respond thereto.
7. Any power or authority conferred upon any political subdivision by this section shall be in addition to any not in substitution for or limitation of any powers or authority otherwise vested in such subdivision or any officer thereof.

#### **Section 26. Coordination of local disaster preparedness forces and local civil defense forces in disasters**

1. Upon the threat or occurrence of a disaster, the chief executive of a county may coordinate responses for request for assistance made by the chief executive of any political subdivision within the county.
2. Coordination of assistance shall utilize existing organization and lines of authority and shall utilize any disaster preparedness or civil defense plans prepared by the affected municipality.
3. A chief executive or any elected or appointed county, city, town or village official shall not be held responsible for acts or omissions of disasters preparedness forces for civil defense forces when performing disaster assistance.

## **Section 27. Continuity of local governments**

1. Every county, except those wholly contained within a city, every city, every town and every village shall have power to provide by local law, and every other public corporation, district corporation or public benefit corporation shall have power to provide by resolution for its continuity and that of its elective and appointive officers, including members of its legislative or governing body when, in the event of a disaster and the emergency conditions caused thereby, any of such officers is unable to discharge the powers and duties of his/her office or is absent from the political subdivision. In any such local law or resolution, provision may be made that the removal of a disability or the termination of an absence from the political subdivision of an officer higher on a list or order of succession provided therein to an office shall not terminate the service in such office of an individual lower on such list or order of succession who is temporarily filling such office. Notwithstanding the provisions of any general or special law or city or village charter, a local law or resolution adopted pursuant to this section may be made effective without approval at a mandatory or permissive referendum but in no case shall such local law or resolution become effective until one certified copy thereof has been filed with the clerk of the political subdivision or other appropriate official designated for such purpose by the respective legislative or governing body, one certified copy thereof has been filed in the office of the state comptroller and three certified copies thereof have been filed in the office of the secretary of state.

No provision of this subdivision shall be construed or interpreted as affecting the validity of any ordinance, local law or resolution enacted prior to April first, nineteen hundred seventy-nine or action taken thereunder by the government of any county, city, town or village.

2. The provisions of this section shall not be applicable in any case where the continuity of the government of a political subdivision or that of any of its elective or appointive officers is otherwise provided for by or pursuant to law.
3. This section shall be construed liberally. The powers herein granted shall be in addition to and not in substitution of any power granted, procedure provided or provision made in any other law.

## **Section 28. State declaration of disaster emergency**

1. Whenever the governor, of his/her own initiative or pursuant to a request from one or more chief executives, finds that a disaster has occurred or may be imminent for which local governments are unable to respond adequately, he/she shall declare a disaster emergency by executive order.
2. The executive order shall include a description of the disaster, and the affected area. Such order or orders shall remain in effect for a period not to exceed six months or until rescinded by the governor, whichever occurs first. The governor may issue additional orders to extend the state disaster emergency for additional periods not to exceed six months.
3. Whenever the governor shall find that a disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected jurisdictions, he/she shall make an appropriate request for federal assistance under federal law, and may make available out of any funds provided under the governmental emergency fund or such other funds as may be available, sufficient funds to provide the required state share of grants under any federal program for meeting disaster related expenses including those available to individuals and families.

### **Section 28-a. Post disaster recovery planning**

1. Whenever a state disaster emergency has been declared, any county, city, town or village included in such disaster area shall prepare a local recovery and redevelopment plan, unless the legislative body of the municipality shall determine such plan to be unnecessary or impractical. Prior to making such determination, the municipality shall notify the commission of its intent to forego preparation and provide an opportunity to comment to the commission. Within fifteen days after the declaration of a state disaster, any county, city, town or village included in such disaster area shall report to the commission whether the preparation of a recovery and redevelopment plan has been commenced, and if not, the reasons for not preparing such plan. Within sixty days after the declaration of a state disaster, the commission shall report to the governor and the legislature the status of the local recovery and redevelopment plans, including the name of any municipality which has failed or refused to commence the development of a recovery and redevelopment plan.
2. The commission shall provide technical assistance in the development of such plans upon the request of such county, city, town or village.
3. A local recovery and redevelopment plan shall include, but need not be limited to: plans for replacement, reconstruction, removal or relocation of damaged or destroyed facilities; proposed new or amended regulations such as zoning, subdivision, building or sanitary ordinances and codes; and plans for economic recovery and community development. Such plans shall take into account and to the extent practicable incorporate relevant existing plans and policies and such plans shall take into account the need to minimize the potential impact of any future disasters on the community.
4. Proposed plans shall be presented at a public hearing upon five days notice published in a newspaper of general circulation in the area affected and transmitted to the radio and television media for publication and broadcast. Such notice shall state the time and place of the hearing and indicate where copies of the proposed plan may be inspected or obtained. Any county, city, town or village preparing a recovery and redevelopment plan pursuant to this subdivision may, upon mutual agreement with any other such county, city, town or village, hold a joint hearing to consider such recovery and redevelopment plan.

5. Such plans shall be prepared within forty-five days after the declaration of a state disaster and shall be transmitted to the commission. The commission shall provide its comments on the plan within ten days after receiving such plan.
6. A plan shall be adopted by such county, city, town or village within ten days after receiving the comments of the commission. The adopted plan may be amended at any time in the same manner as originally prepared, revised and adopted.
7. The adopted plan shall be the official policy for recovery and redevelopment within the municipality.
8. Nothing in this section shall preclude any municipality from applying for or accepting and receiving any federal funds.

**Section 29. Direction of state agency assistance in a disaster emergency**

Upon the declaration of a state disaster emergency the governor may direct any and all agencies of the state government to provide assistance under the coordination of the disaster preparedness commission. Such state assistance may include:

- a. ..Utilizing, lending, or giving to political subdivisions, with or without compensation therefore, equipment, supplies, facilities, services of state personnel, and other resources other than the extension of credit;
- b. ..Distributing medicine, medical supplies, food and other consumable supplies through any public or private agency authorized to distribute the same;
- c. ..Performing on public or private lands temporary emergency work essential for the protection of public health and safety, clearing debris and wreckage, making emergency repairs to and temporary replacement of public facilities of political subdivisions damaged or destroyed as a result of such disaster;
- d. ..Making such other use of their facilities, equipment, supplies and personnel as may be necessary to assist in coping with the disaster or any emergency resulting therefrom.

**Section 29-a. Suspension of other laws**

1. Subject to the state constitution, the federal constitution and federal statutes and regulations, and after seeking the advice of the commission, the governor may by executive order temporarily suspend specific provisions of any statute, local law, ordinance, or orders, rules or regulation, or parts thereof, of any agency during a state disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster.
2. Suspensions pursuant to subdivision one of this section shall be subject to the following standards and limits:
  - a. ..No suspension shall be made for a period in excess of thirty days, provided, however, that upon reconsideration of all of the relevant facts and circumstances, the governor may extend the suspension for additional periods not to exceed thirty days each;
  - b. ..No suspension shall be made which does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;
  - c. ..Any such suspension order shall specify the statute, local law, ordinance, order, rule or regulation or part thereof to be suspended and the terms and conditions of the suspension;
  - d. ..The order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such statute, local law, ordinance, order, rule or regulation suspended, and may include other terms and conditions;
  - e. ..Any such suspension order shall provide the minimum deviation from the requirements of the statute, local law, ordinance, order, rule or regulation suspended consistent with the disaster action deemed necessary;
  - f. ..When practicable, specialists shall be assigned to assist with the related emergency actions to avoid needless adverse effects resulting from such suspension.
3. Such suspensions shall be effective from the time any in the manner prescribed in such orders and shall be published as soon a practicable in the state bulletin.
4. The legislature may terminate by concurrent resolution executive orders issued under this section at any time.

**Section 29-b. Use of civil defense forces in diasters**

1. The governor may, in his/her discretion, direct the state civil defense commission to conduct a civil defense drill, under its direction, in which all or any of the civil defense forces of the state may be utilized to perform the duties assigned to them in a civil defense emergency for the purpose of protection and preserving human life of property in a disaster. In such event, civil defense forces in the state shall operate under the direction and command of the state director of civil defense, and shall possess the same powers, duties, rights, privileges and immunities as are applicable in a civil defense drill held at the direction of the state civil defense commission under the provisions of the New York State Defense

Emergency Act.

2. Local use of civil defense forces.

- a. Upon the threat or occurrence of a disaster, and during and immediately following the same, and except as otherwise provided in paragraph “d” of this subdivision, the county chief executive may direct the civil defense director of a county to assist in the protection and preservation of human life or property by holding a civil defense drill and training exercise at the scene of a disaster and at any other appropriate places within the county, in which all or any civil defense forces may be called upon to perform the civil defense duties assigned to them.
- b. The civil defense forces of the county civil defense director upon the direction of the county chief executive when the county chief executive, in his/her discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient to adequately cope with the disaster.
- c. Except as provided in paragraph “d” of this subdivision, the county chief executive may exercise the power conferred upon him/her in paragraph “a” of this subdivision or may deactivate the civil defense forces of the county in whole or in part, on his/her own motion or upon the request of the chief executive officer of the village, town or city located within the county of which he/she is an officer.
- d. Where the local office of civil defense in a city, is independent of the county office of civil defense and is not consolidated therewith, the county chief executive may direct the civil defense director of the county to render assistance within such city only when the chief executive officer of such city has certified to him/her that the civil defense forces of the city have been activated pursuant to the provisions of subdivision three of this section and that all resources available locally are insufficient to adequately cope with the disaster.
- e. When performing disaster assistance pursuant to this section, county civil defense forces shall operate under the direction and command of the county civil defense director and his/her duly authorized deputies, and shall possess the same powers, duties, rights, privileges and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the civil or political subdivision in which they are enrolled, employed or assigned civil defense responsibilities.
- f. The chief executive officer of a city shall be responsible for the conduct of disaster operations with in the city, including the operations directed by the county civil defense director when rendering disaster assistance within a city pursuant to this section.
- g. Outside of a city, the sheriff of the county, and in Nassau County the commissioner of police of the County of Nassau shall supervise the operations of the civil defense director when rendering peace officer duties incident to disaster assistance. The sheriff and such commission may delegate such supervisory power to an elected or appointed town or village official in the area affected.
- h. Neither the chief executive officer of a city, nor the county chief executive, nor any elected or appointed town or village official to whom the county chief executive has delegated supervisory power as aforesaid shall be held responsible for acts or omissions of civil defense forces when performing disaster assistance.

3. City use of civil defense forces,

- a. Upon the threat or occurrence of a disaster, and during and immediately following the same, and except as otherwise provided in paragraph “d” of this subdivision, the chief executive of a city may direct the civil defense director of the city to assist in the protection and preservation of human life of property by holding a civil defense drill and training exercise at the scene of the disaster and at any other appropriate place within the city, in which all or any civil defense force may be called upon to perform the civil defense duties assigned to them.
- b. The civil defense forces of the city shall be regarded as a reserve disaster force to be activated, in whole or in part, by the city civil defense director upon the direction of the chief executive officer of the city when the latter, in his/her discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient to adequately cope with the disaster.

- c. Except as provided in paragraph “d” of this subdivision, the chief executive officer of a city may exercise the power conferred upon him/her in paragraph “a” of this subdivision, or may deactivate the civil defense forces of the city in whole or in part, on his/her own motion or upon the request of the head of the city police force.
- d. Where the local office of civil defense in a city is under the jurisdiction of a consolidated county office of civil defense as provided in the New York State Defense Emergency Act, the chief executive officer of such city seeking the assistance of civil defense forces in the protection and preservation of human life or property within such city because of such disaster, much request the same from the county chief executive in which such city is located, in the same manner as provided for assistance to towns and villages in subdivision two of this section.
- e. When performing disaster assistance pursuant to this subdivision, city civil defense forces shall operate under the direction and command of the city civil defense director and his/her duly authorized deputies, and shall possess the same powers , duties, rights, privileges, and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the city in which they are enrolled, employed or assigned civil defense responsibilities.
- f. Where the city civil defense forces have been directed to assist in local disaster operations pursuant to paragraph “a” of this subdivision, and the chief executive officer of the city is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance, including local civil defense forces, are insufficient to adequately cope with the disaster, may certify the fact to the county chief executive and request the county chief executive to direct the county civil defense director to render assistance in the city, as provided in subdivision two of this section.
- g. The chief executive officer of a city shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county civil defense director, when rendering disaster assistance within a city pursuant to this subdivision.
- h. Neither the chief executive officer of a city, nor the county chief executive, shall be held responsible for acts or omissions of civil defense forces when performing disaster assistance.

**Exhibit “A”**

**Town of Windsor  
Declaration of Emergency  
124 Main Street, Room 1  
Windsor, NY 13865**

I, \_\_\_\_\_, Supervisor of the Town of Windsor pursuant to Article 2B, Section 24, of New York Executive Law, as of the date and time shown below declare a **State of Emergency** in effect in the Town of Windsor, NY in the area bounded by:


As a result of the following incident:
--

See Reverse for Directives

**Emergency Declared**

Date	/	Time ( 24 hour clock )	/	Supervisor's Signature
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Pursuant to this **State of Emergency**, I hereby order the following:

(Check or use narrative)

- \_\_\_\_\_ 1. The presence of **unauthorized persons** in the affected area is prohibited.
- \_\_\_\_\_ 2. The **ingress and egress of unauthorized vehicles** in the affected area is prohibited.
- \_\_\_\_\_ 3. The sale, distribution, or transportation of alcoholic beverages, firearms, explosives, or liquids in the affected area is prohibited, or subject to the following regulations:

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- \_\_\_\_\_ 4. A **Curfew** is in effect between the hours of \_\_\_\_\_ and \_\_\_\_\_ in the area bounded by:

---



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- \_\_\_\_\_ 5. Occupancy and use of the buildings in the area bounded by:

---

Is prohibited, or subject to the following regulations:

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- \_\_\_\_\_ 6. The following establishments are closed, or subject to the following regulations:

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- \_\_\_\_\_ 7.

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**Emergency Terminated**

/ /

Date

Time ( 24 hour clock )

Supervisor's Signature

**Exhibit "B" [Added 5-1-2013]**

**Chronology of Disaster Response Activities**  
Transaction Log

Date: \_\_\_\_\_ Time State of Emergency was Declared: \_\_\_\_\_

Date: \_\_\_\_\_ Time State of Emergency was Terminated: \_\_\_\_\_

Nature of Emergency: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Town of Windsor Personnel:				
Position	Name	Time Notified	Time Responded	Utilization
Supervisor				
Deputy Supervisor				
Board Member				
Highway Supt.				
Town Attorney				
Town Engineer				
Code Enforcement				
Town Clerk				
Other Services:	<b>Agency</b>	<b>Time Notified</b>	<b>Time Responded</b>	<b>Utilization</b>
	County Executive			
	Office of Emergency Services			
	County Clerk			
	New York State			

**Exhibit "C"**

**Disaster Activities Log**

List all significant activities pertinent to the disaster situation giving date and time accomplished during the STATE OF EMERGENCY. (Such entries include: evacuation orders, special assistance requests, utilization of reception center, congregate care, media communications, curfews, traffic restrictions, suspension of ordinances, various prohibitions, etc.)

Activity	Date	Time



**FIRE DEPARTMENTS**

Five Mile Point Fire Company	775-3322
Michael Kuruc, Jr., Chief	343-1586
Shawn Skinner, 1 <sup>st</sup> Asst. Chief	343-3826
Jarrad Maciak, 2 <sup>nd</sup> Asst. Chief	343-3063
Windsor Fire Company	655-1462
Craig Terrell, Chief	222-5470
John McNulty, Asst. Chief	727-7881
Ouaquaga Fire Company	655-1913
Les Clark	655-1724
	237-9094
Irv Soden, Chief	655-1468
	221-8347
Aaron Smith, Asst. Chief	231-1574
West Windsor Fire Company	775-4430
Jerry Launt, Chief	775-2918
	343-2176
Scott Baker	775-5920
	723-7905
Bob Haskins	775-4497
	799-3233

**TRANSPORTATION SOURCES**

Windsor Central School District	
Jason Andrews, Superintendent	655-8216
Chris Durdon, Director of Operations	222-6984
Bill Hawk, Head Mechanic	775-3637
Windsor Ambulance	911
Broome County Health Dept. Transportation	778-3930
Broome County Transit	763-4426

**Exhibit “E” [Added 5-1-2013]**

**Shelter Operations/Mass Care Facility  
Windsor Central School District**

Administrators and head custodians completed Shelter Operations training under the direction of the American Red Cross (Sept 2006). In the event state or local authorities call upon the Windsor Central School District to serve as a Mass Care Facility or Shelter, the following procedures should be followed:

- Once contacted by local officials to open shelter, the Superintendent or designee should contact:
  - Broome County Emergency Management Center  
Director of Broome Co. Emergency Management Services.....778-1208  
(Notify intent to serve as American Red Cross Shelter Site)
  - Windsor Town Supervisor **Carolyn Price.....Home#: 655-1921**  
**Cell #: 624-5712**
  - Essential employees of shelter site
- Utilize American Red Cross Disaster Relief ID Kit and Shelter Operations Workbook.
  - \* Hang signs
  - \* Utilize ARC registration forms
- The Shelter Operator should survey and lay out space plan for the shelter. If clients are already at the shelter, do the following critical tasks:
  - Ask for volunteers to get things up and running more quickly.
  - Immediately assign people to:
    - \* Get people to safety and set aside area for people to wait.
    - \* Set up registration area
    - \* Establish crowd control and traffic patterns
    - \* Post Red Cross Signs
    - \* Guide media (if present) to waiting area, separate from clients.
    - \* Establish sign-out procedure

Set up areas for:

- Registration
- Children/game/tv area
- Media
- Sleeping
- Eating
- Elderly
- Cell phone use
- Health impaired (until DOH can provide care/shelter)

4. Stay in contact with Broome County Emergency Management Center until American Red Cross personnel arrive to take over shelter.

### **Shelter Supplies delivered to Windsor Central School District by the American Red Cross**

#### **Bell Elementary School**

15 Golden St.  
Kirkwood, NY 13795

- 5 boxes (20 cots)
- 20 blankets
- 1 Shelter Signage Kit

#### **Weeks Elementary School**

440 Foley Rd  
Windsor, NY 13865

- 5 boxes (20 cots)
- 20 blankets
- 1 Shelter Signage Kit

#### **A.F. Palmer Elementary/Middle School**

213 Main St  
Windsor, NY 13865

- 5 boxes (20 cots)
  - 20 blankets
  - 1 Shelter Signage Kit
- \*\*\* Shelter supplies located in old District Office

#### **Windsor Central H.S.**

1191 Route 79  
Windsor, NY 13865

- 20 cots
- 20 blankets
- 1 Shelter Signage Kit

### **Exhibit "F" [Added 5-1-2013, Updated 5-14-2014]**

#### **WINDSOR CENTRAL SCHOOL DISTRICT OFF-CAMPUS SHELTERING SITES & CONTACT INFORMATION**

<b>Sheltering Site</b>	<b>Contact Information</b>	
Five Mile Point Fire Company	Michel Kuruc, Jr.	343-1586
	Jarrad Maciak	343-3063
St. Mary's Church	Office	775-0086
	Pat Wood	775-0086
West Windsor Baptist Church	Pastor Brian King	775-0628
	Curtis Kenyon	775-9374
	Yvonne Woodruff	693-1241
West Windsor Fire Company	Jerry Launt	343-2176
	Scott Baker	723-7905
	Bob Haskins	799-3233
Windsor First United Methodist Church	Rev. Douglas Clark	427-1703
	Bob Bennett	655-3190
	Church Office	655-1791
Masonic Temple, Lodge #442 Free & Accepted Masons	Doug Fuller	655-1899
	Charles Pierson	775-4287

	Bruce Smith	655-2782
Windsor Free Methodist Church	Pastor Kevin Rollo	743-4707
	Helen Raught	655-1244
Windsor Presbyterian Church	Shirley Crowley	765-1705
	Luella English	655-1491
Ouaquaga Fire Company	Irv Soden	221-8347
	Aaron Smith	231-1574
	Les Clark	237-9094
Our Lady of Lourdes Church	Rev. Tom Catucci	775-0086
	Patricia Wood	775-0086
	Church Office	655-8118
Windsor Village Offices	Ron Harting	655-2318
	Pat Harting	760-2795
	Village Office	655-2024
Windsor Fire Company	Craig Terrell	222-5470
	John McNulty	727-7881
Broome County Transportation	Dan Scofield	778-2109

**Update on Insurance Broker:**

Supervisor Price informed the Board that only the current broker, The Partners, submitted a proposal. Last year, the NYMIR proposal came in at \$43,413.00, which was a 6.9% decrease. This year it came in at \$40,133.98, which is a 7.55% decrease. We are also expecting another credit of \$1,684.00.

**Clean Up Day:**

No financial report yet. Very busy at the Highway Garage. Tires were a success. This year is the first year that Taylor is working the Clean Up Day. Everything went smoothly.

**EXECUTIVE SESSION:**

The Executive Session, regarding matter leading to the appointment, employment of particular persons, that was originally on the Agenda, is not needed as the Town of Windsor is still waiting for written confirmation from the DEC on the types of certificates of the employees at the waste water treatment plant.

**NEW BUSINESS:**

**Open Council Position:** Attorney Sacco explained that with the passing of Burt, a vacancy was automatically created. Under Town Law, the Town Board *may* appoint a qualified person to fill the vacancy. She pointed out the pros and cons of filling the vacancy. The Board is not appointing anyone at this time.

**UPCOMING MEETINGS:**

- Regular Meeting: Wednesday, June 11<sup>th</sup>, at 7:00pm, in the Town Hall.

Councilman Bates extended thanks to the West Windsor Fire Department for use of the hall for tonight's meeting.

**PUBLIC COMMENTS:**

None.

**At 8:20pm:**

**Motion By: Councilman McIntyre**

**Sec. By: Councilman Bates**

To enter into Executive Session for Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

**At 9:26pm:**

**Motion By: Councilman McIntyre**

**Sec. By: Councilman Bates**

To return from Executive Session.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

**ADJOURNMENT:**

**Motion By: Councilman Bates**

**Sec. By: Councilwoman Hawk-Shuler**

To adjourn the meeting at 9:27pm.

Vote of the Board:

Supervisor Price - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

**Motion Approved.**

Respectfully Submitted,  
Barbara Rajner Miller, Windsor Town Clerk