

**Public Hearing & Regular Meeting of the Town Board
Town of Windsor, New York
February 11, 2015 7:00pm
Town of Windsor, Town Hall
124 Main Street, 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.

ROLL CALL by Clerk:

Supervisor Carolyn Price: Present
Deputy Supervisor William J. McIntyre: Present
Councilman Timothy J. Bates: Present
Councilwoman Lesa Hawk-Shuler: Present
Councilman Gary M. Hupman: 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, Mark Lippolis, Scott B. Clarke, Daniel R. Price, Tom Eveges, Code Enforcement Officer Dave Brown, Elizabeth Einstein, Don Einstein, Frank Shaw, Loretta Shaw, Dave Ballard, County Legislator Scott Baker, Fred Stapleton, Preston Baisley, Sue Rambo, Ron Rambo, Sr., Lynn Bowling, Peter Oleszczuk (Midwest Property), Adam Fishel, PE (Marathon Engineering), Mike German (Corning Natural Gas), Bill Mirabito (Mirabito), Matt Cook (Corning Natural Gas), and Windsor Central School District Superintendent Jason Andrews.

Supervisor Price acknowledged and welcomed County Legislator Scott Baker and Superintendent of Windsor Central School District Jason Andrews.

Supervisor Price and the Town Board recognized the taxpayers of the Town of Windsor for their prompt payment of taxes. 66.1% of the dollar amount levied for 2015 Town & County Taxes was paid by the penalty deadline.

Annual report by Leatherstocking Gas Company LLC regarding the natural gas pipeline. Matt Cook, Chief Engineer with Corning Natural Gas, Mike German, President of Corning Natural Gas and Bill Mirabito gave an update as to the status of the project.

PUBLIC HEARING – SITE PLAN REVIEW (PURSUANT TO SECTION 93-21.2 OF THE WINDSOR CODE) TO PERMIT THE CONSTRUCTION OF A RETAIL DEVELOPMENT COMPRISING 9,100 (+/-) SF DOLLAR GENERAL STORE AND ASSOCIATED AMENITIES

29 NORTH RD – Advertised for 7:00pm:

Attorney Sacco gave a brief overview of this Public Hearing.

Hearing Opened: 7:44pm

Dave Ballard stated that we are all looking forward to development in the West Windsor area.

Scott Baker spoke in favor of development at the Exit #77 corridor.

Adam Fishel, PE with Marathon Engineering and Peter Oleszczuk with Midwest Property gave an overview of the plans for the project.

Hearing Closed: 7:53pm

Attorney Sacco mentioned that the Planning Board, as an advisory board, did review the application and made a recommendation of approval. Attorney Sacco reviewed the three recommendations from the Planning Board. A 239 referral was made to the County. County recommended approval. County had recommendations, which are not requirements. Attorney Sacco reviewed these, as well.

Attorney Sacco did the SEQR.

Town of Windsor, County of Broome, State of New York

A RESOLUTION APPROVING THE APPLICATION BY MIDWEST XX, LLC FOR SITE PLAN APPROVAL TO AUTHORIZE CONSTRUCTION OF A RETAIL DEVELOPMENT COMPRISING 9,100 (+/-) SF DOLLAR GENERAL STORE AND ASSOCIATED AMMENITIES, LOCATED AT 29 NORTH ROAD IN THE TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK (TAX MAP NUMBER 164.01-1-25)

Resolution #1-2015

PRESENT: Carolyn W. Price, Supervisor
Timothy J. Bates, Councilman

Lesa Hawk-Shuler, Councilwoman
William J. McIntyre, Councilman
Gary M. Hupman, Councilman

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the **11th day of February, 2015**, the following Resolution was

OFFERED BY: Deputy Supervisor McIntyre

SECONDED BY: Councilman Bates

The Town Board (hereinafter "Town Board") of the Town of Windsor (hereinafter "Town"), duly convened in regular session, does hereby resolve as follows:

WHEREAS, the Town Board of the Town, on the 11th day of February, 2015, commencing at 7:05 p.m. at the Windsor Town Hall, 124 Main Street, Windsor, New York, duly held a public hearing to hear all interested parties on an Application for Site Plan Review of the Town of Windsor filed by Midwest XX, LLC requesting approval to authorize construction of a Retail Development comprising 9,100 (+/-) SF Dollar General Store and associated amenities; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town, and posted on the Town Clerk's sign board; and

WHEREAS, said public hearing was duly held at the Windsor Town Hall at 7:05 p.m. on February 11th 2015, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Site Plan Review, or any part thereof.

WHEREAS, the Town of Windsor Planning Board deliberated and reviewed the site plan application; and the Planning Board recommended that the Town Board approve the Site Plan with the following three conditions

1. The town Board and the town Highway Superintendent review the County Department of Public Work's recommendation regarding the access application;
2. The SWPPP be referred to the Town Engineer for review and
3. The developer use clear coat on the split-face block on the front façade.

WHEREAS, the Board wishes to fully comply with its obligations under the SEQRA and the regulations thereunder with respect to the proposed action and thus requested and received a long form environmental assessment form;

WHEREAS, the Town has requested and received a General Municipal Law Section 239 responses from Broome County. The County recommends the following:

- The site plan should be revised per the enclosed comments from the Binghamton Metropolitan Transportation Study (BMTS) and Broome County Department of Public Works (DPW) regarding the driveway design. The project should be redesigned so that the driveway lines up with one of the McDonald's driveways and it should be designed in accordance with the *NYSDOT Policy and Standards for Design of Entrances to State Highways*.
- The Town should ensure that the project includes appropriate drainage and erosion and sediment control. A Stormwater Management Pollution and Prevention Plan (SWPPP) is required for disturbances of one (1) acre or more. The approvals and specifications should stipulate the party(s) responsible for long-term maintenance of the onsite drainage system.
- The County recommends that the project design and layout be sensitive to and protective of the scenic viewshed and vistas of the hills and rural landscape and to this high-profile gateway entrance to the Town of Windsor. The County recommends that the project Include façade treatments such as wood and stone and a gabled roof line to complement the rural setting. The County recommends that the application describe the building materials, colors and design treatments and include photos or renderings of the proposed project.
- The County recommends that the project Include a landscaping plan and schedule, including the driveway entrance, signage, parking lot perimeter, building perimeter and grounds.
- The County recommends that the landscaping plan include tall trees along the western perimeter and northern perimeter of the property to provide screening for the surrounding residential properties.
- The County recommends that the site plan include the propane tank and the propane tank be screened or blocked from view to the extent feasible.
- The County recommends that site plan include the sign design, dimensions and lighting and that a monument sign be used in place of a pole sign.
- The County recommends that the project include the lighting design and specifications. The Town should ensure that the project would not result in light and glare impacts on the surrounding residential properties

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Windsor, Broome County, New York, as follows:

RESOLVED, the Board hereby declares itself lead agency pursuant to SEQRA.

RESOLVED, that the Board finds and concludes that the proposed action is an action identified as a Unlisted action under 6 NYCRR 617 and therefore is subject to review under SEQRA and the regulations thereunder.

RESOLVED, that based upon the information and analysis in the long form environmental assessment form that the proposed action does not result in any significant adverse environmental impacts.

RESOLVED, the Board, after due deliberation and consideration of the Planning Board's recommendation, the 239 response, Public comments, the public health, safety and welfare concerns, finds it in the best interest of the Town to approve said site plan; and therefore

RESOLVED, that the Town Board does hereby approve the application with the following conditions: The developer use clear coat on the split-face block on the front façade.

RESOLVED, that this resolution will take effect immediately.

Vote of the Board:

Carolyn W. Price, Supervisor - AYE
Timothy J. Bates, Councilman - AYE
Lesha Hawk-Shuler, Councilwoman - AYE
William J. McIntyre, Deputy Supervisor - AYE
Gary M. Hupman, Councilman - AYE
Motion Approved.

Resolution Adopted: February 11, 2015

PUBLIC COMMENT:

(Supervisor Price outlined the guidelines of public comment.)

- Daniel Price, White Birch Lake Rd: Stated that he is very pleased that the Town of Windsor has gained some recognition with the Dollar General Store and Leatherstocking.
- Lynn Bowling, Springsteen Rd: Handed the Town Board a copy of a police report and was wondering if Supervisor Price has spoken to anyone regarding this. Price mentioned that she spoke with the Code Enforcement Officer and with Williams. She stated that natural gas doesn't have an odor, but they put an odor, mercaptan, in. Fire Chief Launt was at the site with a meter which can register if natural gas is present. It did not register that there was natural gas in that area. Ms. Bowling said that she was told that the reason she was smelling the natural gas is because it's wintertime and there are no leaves on the trees.
- Jerry Henehan, Dunbar Rd: (handing a letter from himself to the Town Board) mentioned that he came to the Town Board Work Session held last week, and was disappointed that the public in attendance was not allowed to participate in the discussion. He understands the overall process to update the Comprehensive Plan includes public hearings, but he felt that totally muting those wishing to participate risks the loss of information. He believes the Town's Planning Board should have been included in the initial discussion, and should be included in every part of the process.
- Mark Lippolis, Dunbar Rd: Mentioned that there are 15 families that have filed a complaint with the Broome County Health Department regarding the smell of gas coming from the compressor station. He stated that the families are hopeful that the Health Department, the Town Board and Williams can get to the bottom of this. They are still waiting to hear from Bret Chellis about mercaptan specifics. Many 911 calls have been placed. It's been a long time, and nothing is being accomplished. The CROW (Concerned Residents of Windsor) group is going to the state level.
- Lynn Bowling stated that she has been told to call 911 when she smells gas. She has called 911 a few times and feels badly doing so. She feels like she's crying wolf. She asked if there is any step that she can take instead of calling 911? She didn't want to take time from someone who potentially needs help as well. Supervisor Price says that everyone advises the same thing; if you smell mercaptan, you should call 911. Supervisor Price urged her to not hold back from calling.
- Scott Baker explained to Ms. Bowling that there are processes in place if another emergency comes up. He assured her that when she's calling 911, she's not leaving anyone else abandoned.

APPROVAL OF MINUTES:

Motion By: Councilman Bates Sec. By: Councilman Hupman

To approve the minutes of the January 14, 2015 Regular Meeting, as submitted.

Vote of the Board:

Supervisor Price - AYE
Deputy Supervisor McIntyre - AYE
Councilman Hupman - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE

Motion Approved.

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

To approve the minutes of the February 4, 2015 Public Hearing Meeting, as submitted.

Vote of the Board:

Supervisor Price - AYE
Deputy Supervisor McIntyre - AYE
Councilman Hupman - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE

Motion Approved.

FINANCIAL REPORT:

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Resolution to Amend the 2014 Budget to Reflect Actual CHIPS
Revenue**

RESOLUTION #3-2015

PRESENT: Supervisor Carolyn W. Price
Deputy Supervisor William J. McIntyre
Councilman Timothy J. Bates
Councilwoman Lesa Hawk-Shuler
Councilman Gary M. Hupman

Offered By: Deputy Supervisor McIntyre
Second By: Councilman Hupman

WHEREAS, the Town has received a total of \$319,553.39 in CHIPS reimbursements for the year 2014 when \$150,000 was budgeted; therefore

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following budgetary adjustment be made, effective December 30, 2014:

DB510 – Estimated Revenues..... \$169,553.39
Subaccount: DB3501 – Consolidated Hwy – Gap
DB960 – Estimated Appropriations..... \$169,553.39
Subaccount: 5112.4 – Improvements – CHIPS

Vote of the Board:
Supervisor Price-AYE
Deputy Supervisor McIntyre-AYE
Councilman Bates-AYE
Councilwoman Hawk-Shuler-AYE
Councilman Hupman-AYE

Motion Approved.
Resolution Adopted: February 11, 2015

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
RESOLUTION TO ACCEPT 2014 YEAR END BUDGET ADJUSTMENTS
RESOLUTION #2-2015**

PRESENT: Supervisor Carolyn W. Price
Deputy Supervisor William J. McIntyre
Councilman Timothy J. Bates
Councilwoman Lesa Hawk-Shuler
Councilman Gary M. Hupman

Offered By: Deputy Supervisor McIntyre
Second By: Councilman Hupman

WHEREAS, the 2014 fiscal year has ended; therefore

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following budgetary amendments be made for the fiscal year 2014:

FUND	Cr	Adjustments	Db	Under-expended Amount
	To Accounts Acct. No.	Over-expended Amount	From Acct. No.	
GENERAL-TOWNWIDE	A1420.4	39.31	A1420.41	39.31
	A1620.43	71.57	A1620.4	71.57
	A1620.44	111.12	A1620.4	111.12
TOTAL - A FUND		222.00		222.00

GENERAL – PARTTOWN	B8010.41	96.75	B8010.4	96.75
	B9010.8	295.47	B1990.4	295.47
TOTAL - B FUND		392.22		392.22

COMMITTEE REPORTS:

ASSESSOR: Report submitted.

DOG CONTROL: None.

HIGHWAY:

Motion By: Deputy Supervisor McIntyre Sec. By: Councilman Hupman

To declare as surplus: LED solar portable traffic signal unit (2 pieces).

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

Motion By: Deputy Supervisor McIntyre Sec. By: Councilman Hupman

To advertise the above traffic signal unit.

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

HISTORY: Councilwoman Hawk-Shuler gave a synopsis of what the group is working on.

NATURAL GAS: Supervisor Price mentioned that she spoke with Jim Austin, with the Public Service Commission, about the questions regarding noise. The 2014 Sound Survey that the Town is waiting for will be released when the PSC gets the supplemental from Williams. At that time representatives from the PSC, including Jim Austin, will come to Windsor to meet with representatives from the Town and representatives from CROW.

TOWN CLERK/TAX COLLECTOR/REGISTRAR: Report submitted.

TOWN HALL: Had a sewer leak. Replaced the cast iron pipes with PVC.

WASTEWATER TREATMENT PLANT: No report.

YOUTH & RECREATION: Report submitted.

ZONING, PLANNING & CODE ENFORCEMENT:

- 12-17-14 ZBA Regular meeting minutes submitted.

Motion By: Deputy Supervisor McIntyre Sec. By: Councilwoman Hawk-Shuler

To accept the resignation of Heather Gordon, Zoning Board of Appeals, with regret, effective March 12, 2015.

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

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

To advertise for position on Zoning Board of Appeals for a 3-year appointment which will include secretarial responsibilities. (Due date: 3-9-15. Must be Town of Windsor resident.)

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

- 1-28-15 Planning Board minutes submitted.
- Code Enforcement Monthly Report submitted.

UNFINISHED BUSINESS:

- Supervisor Price gave a report on the work session that was held for amending the 2006 Comprehensive Plan.

Motion By: Deputy Supervisor McIntyre

Sec. By: Councilman Hupman

To hold a Work Session on February 19, 2015, at 7:00pm, at the Town Hall, regarding the Comprehensive Plan.

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

NEW BUSINESS:

Town of Windsor, County of Broome, State of New York

RESOLUTION AUTHORIZING THE TOWN

TO CREATE A GOVERNMENT EFFICIENCY PLAN WITH BROOME COUNTY AND POTENTIALLY OTHER LOCAL GOVERNMENTS;

AS PART OF NEW YORK STATE'S PROPERTY TAX FREEZE CREDIT

Resolution #5-2015

PRESENT: Supervisor Carolyn W. Price
Councilperson- Gary Hupman
Councilperson Timothy Bates
Councilperson Lesa Hawk-Shuler
Councilperson William McIntyre

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 11th of February 2015, the following resolution was

OFFERED BY: Councilperson Hawk-Shuler

SECONDED BY: Councilperson Bates

WHEREAS, Governor Cuomo and the New York State Legislature enacted, as part of New York's 2015 budget, the Property Tax Freeze Credit;

WHEREAS, as part of the Property Tax Freeze Credit, homeowners may be eligible for credit, under certain circumstances, if local governments stay below the property tax cap and develop and implement a Government Efficiency Plan determined to be compliant by the New York State Division of Budget where the local governments save one percent of their tax levies in each of the following three years;

WHEREAS, the Town Board of the Town of Windsor has tried to be conscientious about its budget and, where possible, wants to participate in creating long-term tax relief for Town residents;

WHEREAS, the Town Board desires to participate in the Property Tax Freeze Credit program and the Town Board strives to and desires to stay within the tax cap limits;

WHEREAS, the Town Board wants to put forward and ultimately implement a Government Efficiency Plan that meets the Property Tax Freeze Credit parameters;

WHEREAS, after discussion the Town Board desires to participate with Broome County and other local governments to take those actions necessary to put forth and draft a Government Efficiency Plan, which may include shared services;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor and/or her designee to participate with Broome County and other local governments and to take those actions necessary to put forth and draft a Government Efficiency Plan; and

FURTHER RESOLVED, this resolution shall take effect immediately.

Vote of the Board:

Supervisor Carolyn W. Price - AYE

Councilman Gary Hupman - AYE

Councilman Timothy Bates - AYE

Councilman Lesa Hawk-Shuler - AYE

Councilman William McIntyre - AYE

Motion Approved.

Resolution Adopted: February 11, 2015

UPCOMING MEETINGS:

- Work Session: Thursday, February 19, 2015, at 7:00pm, at the Windsor Town Hall.
- Regular Meeting: Wednesday, March 11, 2015, at 7:00pm, at the Windsor Town Hall.

Motion By: Councilman Bates

Sec. By: Councilwoman Hawk-Shuler

To change the Regular April Meeting to April 1, 2015, at 7:00pm, at the Town Hall.

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - ABSTAIN

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

Motion By: Deputy Supervisor McIntyre

Sec. By: Councilman Hupman

To change the Regular August Meeting to Monday, August 17, 2015, at 7:00pm, at the Town Hall.

Vote of the Board:

Supervisor Price - AYE

Deputy Supervisor McIntyre - AYE
Councilman Hupman - AYE
Councilman Bates – ABSTAIN
Councilwoman Hawk-Shuler - AYE
Motion Approved.

PUBLIC COMMENTS:

None.

At 9:08pm:

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

To enter into Executive Session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law.

Vote of the Board:

Supervisor Price - AYE
Deputy Supervisor McIntyre - AYE
Councilman Hupman - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE

Motion Approved.

Motion By: Councilman Bates Sec. By: Councilman Hupman

To invite Hwy Superintendent Kohlback to the Executive Session.

Vote of the Board:

Supervisor Price - AYE
Deputy Supervisor McIntyre - AYE
Councilman Hupman - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE

Motion Approved.

At 9:43pm:

Motion By: Councilman McIntyre Sec. By: Councilman Bates

To return from Executive Session.

Vote of the Board:

Supervisor Price - AYE
Deputy Supervisor McIntyre - AYE
Councilman Hupman - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE

Motion Approved.

ADJOURNMENT:

Motion By: Deputy Supervisor McIntyre Sec. By: Councilman Bates

To adjourn the meeting at 9:44pm.

Vote of the Board:

Supervisor Price - AYE
Deputy Supervisor McIntyre - AYE
Councilman Hupman - AYE
Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE

Motion Approved.

Respectfully Submitted,
Barbara Rajner Miller, Windsor Town Clerk