

Public Hearing & Regular Meeting of the Town Board
July 13, 2016 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 Gary M. Hupman: Present
Councilman Timothy J. Bates: Present
Councilwoman Lesa Hawk-Shuler: Present
Highway Superintendent Rocky Kohlbach: Present
Attorney Cheryl Sacco: Present
Town Clerk Barbara Rajner Miller: Present

Also present were: Thomas Eves, Scott B. Clarke, County Legislator Scott Baker, Hazel Brandt, Rick Blythe, Michele Blythe, Jerry Henehan, Betsy Majors, Sue Kohlbach, Sue Rambo, Ron Rambo, Sr., Evan Romer and Floyd Bronson.

Supervisor Price recognized the presence of County Legislator Scott Baker.

RECOGNITION:

The Town Board recognized Broome County Clerk Richard Blythe for bringing the DMV Satellite Office to Windsor.

PUBLIC HEARING – CHAPTER 68 NOISE CONTROL (Advertised for 7:05pm):

Attorney Sacco gave a background on this Public Hearing.

The 239 was received from County, saying that this was not subject to review, but did furnish some informal comments, which were read by the Attorney.

Public Hearing Opened: 7:06pm

No public comments.

Public Hearing Closed: 7:07pm

Attorney Sacco did the SEQRA.

TOWN OF WINDSOR
A RESOLUTION APPROVING THE ADOPTION OF
LOCAL LAW NO. 1-2016 AMENDING CHAPTER 68 “NOISE CONTROL”
RESOLUTION #10-2016
(REVISED)

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

Offered By: Councilmember Hawk-Shuler **Seconded By:** Councilmember Hupman

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 scheduled a public hearing for July 13, 2016, for Local Law No. 1 of the Year 2016 entitled “A Local Law Amending Chapter 68 ‘Noise Control’”; and

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

WHEREAS, said public hearing was duly held at the Windsor Town Hall, 124 Main Street, Windsor, New York on July 13, 2016 at 7:05 p.m., and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed local law, or any part thereof; and

WHEREAS, the Town Board determined that the proposed action adopting this Local Law by the Town of Windsor is an Unlisted Action under the State Environmental Quality Act (SEQRA) regulations 6 NYCRR 617; and

WHEREAS, the Town Board caused a Short Environmental Assessment Form (EAF) to be prepared for assessing the potential adverse environmental impacts that may result from the action; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said local law.

NOW, THEREFORE, BE IT RESOVED that the Town Board of the Town of Windsor does hereby declare itself Lead Agency for the purposes of conducting the environmental review and determines it is not a coordinated review; and

BE IT FURTHER RESOVED that the Town Board does hereby determine that the action of adopting Local Law 1-2016 will have no significant adverse environmental impacts on the environment and adopts a negative declaration in regard to the local law; and

BE IT FURTHER RESOVED that the Town Board of the Town of Windsor hereby adopts Local Law 1-2016 entitled "A Local Law Amending Chapter 68 'Noise Control'"; and

BE IT FURTHER RESOLVED, the Town Clerk be and hereby is directed to enter said local law in the minutes of this meeting and to give due notice of the adoption of said local law to the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution will take effect immediately.

Supervisor Price called for a Roll Call Vote:

Councilman Bates – AYE

Councilwoman Hawk-Shuler - AYE

Councilman Hupman – AYE

Deputy Supervisor McIntyre – AYE

Supervisor Price - AYE

OPENING OF BIDS – 2013 FORD F-150 XL SUPERCAB 4X4 PICKUP (XL 145" Wheelbase, 5.0 L V8 Engine, 6 Speed Automatic O/D Transmission, Air Conditioning, Tilt Steering Wheel, AM/FM Stereo with clock, Cloth 40/20/40 Seat, Electronic Shift-on-Fly 4x4 System, Sterling Gray Metallic, 35560 miles, (minimum bid price of \$17,500.00):

- Dependable Auto Sales, Front St, Binghamton, NY: \$17,600.00

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

To accept the bid of \$17,600.00 from Dependable Auto Sales for the 2013 F-150 Pickup, as described above.

Vote of the Board:

Supervisor Price – AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

PUBLIC HEARING – A LOCAL LAW TO OPT-OUT OF SECTION 487 OF THE NEW YORK STATE REAL PROPERTY TAX LAW" (Was tabled at the previous meeting)

Assessor Becky Ottens reported on what she had learned regarding this topic.

Public Hearing Opened: 7:30pm

- Floyd Bronson, Thompson Rd: "With an improvement on their property, why wouldn't a taxpayer pay their fair share of taxes? We all should pay our fair share."
- Scott Baker, Colpitts Dr.: Wanted clarification on the law, which Attorney Sacco provided.
- Scott Clarke, Dodd Rd.: The solar companies would stay away from the areas where they would be taxed more, when given a choice as to where they will focus on developing.
- Evan Romer, Chestnut St: If the Town would opt-out solar companies would just set their sights elsewhere. Would encourage the Town not to opt out. The future is with renewable energy.
- Thomas Eveses, Bennett Rd: Feels that homeowners who put up solar panels should be re-assessed. I'm for opting out.
- Betsy Majors, Atwell Hill Rd: Do we have solar farms in Broome County already? Attorney Sacco mentioned that there is one in the Hancock area in Delaware County.

Public Hearing Closed: 7:45pm

**Town of Windsor, County of Broome, State of New York
A RESOLUTION APPROVING
THE ADOPTION OF LOCAL LAW NO. #1-2016
BY THE TOWN BOARD OF THE TOWN OF WINDSOR
Resolution #11-2016**

***SEE CERTIFICATION BELOW**

PRESENT: Supervisor Carolyn W. Price

Deputy Supervisor William McIntyre

Councilmember Lesa Hawk-Shuler
Councilmember Timothy Bates
Councilmember Gary M. Hupman

Offered By: Councilmember Hupman

Seconded By: No one

***SEE CERTIFICATION BELOW**

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

WHEREAS, Section 487 of the Real Property Tax Law permits the Town, by local law, to opt out of the automatic exemption provided for solar, wind and farm waste energy systems, and

WHEREAS, the Town Board is desirous of adopting such a local law and therefore a public hearing was set by the Town Board to be held at the Town of Windsor Town Hall, at **7:05 p.m. on June 8, 2016** to hear all interested parties on a proposed Local Law entitled "A Local Law to Opt-Out of Section 487 of the New York State Real Property Tax Law" ("Local Law"), and

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

WHEREAS, said public hearing was duly held at the Town Hall at **7:05 p.m. on June 8, 2016**, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act ("SEQRA"), after consideration of said Local Law it was determined by the Town Board, as lead agency, that adoption of the proposed Local Law constitutes a Non-Action, as defined under said regulations, and no further environmental review is required and

WHEREAS, the Town Board of the Town of Windsor, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts said Local Law as Local Law No. 1-2016 entitled "A Local Law to Opt-Out of Section 487 of the New York State Real Property Tax Law", a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting, enter said Local Law in the Local Law Book of the Town, and file the Local Law with the Secretary of State, the Commissioner of the State Board of Equalization and Assessment and the President of the New York State Energy Research and Development Authority.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately *** SEE BELOW CERTIFICATION**

CERTIFICATION

I, Barbara Rajner Miller, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held at Windsor Town Hall, 124 Main Street, Windsor, New York on June 8, 2016. ***There was no Second Offered on this Resolution, so the Motion died.**

Town of Windsor Seal
Dated: June 8, 2016

Barbara Rajner Miller
Town Clerk of the Town of Windsor

PUBLIC COMMENT:

(Supervisor Price outlined the guidelines of public comment.)
None.

APPROVAL OF MINUTES:

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

To approve the minutes of the June 8, 2016 Public Hearing & 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.

FINANCIAL REPORT:

- The June, 2016 Financial report is not ready, so it will be distributed at the next meeting.

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

To approve bills for payment:

- General Fund Vouchers #288 through #332, totaling \$91,498.77;
- Sewer O&M Vouchers #31 through #34, totaling \$959.63;
- Highway Fund Vouchers #197 through #234, totaling \$86,292.91;
- Highway Townwide Voucher #3, totaling \$2,100.00;
- Trust and Agency Vouchers #35 through #41, totaling \$53,339.00.

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: Councilwoman Hawk-Shuler**
To approve Goals and Calendar for 2017 Budget.

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

- Local Law to Exceed Tax Cap was introduced. Attorney Sacco gave a background on this.

Motion By: Deputy Supervisor McIntyre **Sec. By: Councilman Bates**
To set a public hearing for August 10, 2016 on Local Law to Exceed Tax Cap, which will be at 7:05pm.

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

COMMITTEE REPORTS:

ASSESSOR: Report submitted.

DOG CONTROL:

Motion By: Councilman Hupman **Sec. By: Councilman Bates**
To request renewal of the contract with Broome County for dog shelter services.

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

ECONOMIC DEVELOPMENT: None.

ENERGY:

- The Town received the Code of Conduct Agreement between the NYS Office of the Attorney General and Bluestone Wind, LLC dated June 21, 2016.
- Letter received by Town Supervisor from Eric T. Schneiderman, NYS Attorney General, dated June 23, 2016 regarding solar power.
- Attorney Sacco gave options regarding solar for the waste water treatment plant.

HIGHWAY:

- Next week Suit Kote will begin grinding the Blatchley Rd area.

HISTORY: Last meeting was held at the English Museum.

TOWN CLERK/TAX COLLECTOR/REGISTRAR: Report submitted.

TOWN HALL: None.

WASTEWATER TREATMENT PLANT: None.

YOUTH & RECREATION: None.

ZONING, PLANNING & CODE ENFORCEMENT:

- Code Enforcement Monthly Report submitted.
- ZBA Minutes dated 5-18-16 were submitted.
- ZBA Minutes dated 6-15-16 were submitted.

UNFINISHED BUSINESS:

- Speed limit reduction request for Phillips Road and Bell Road has been approved for 40mph

NEW BUSINESS:

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Retirement of Timothy D. Dodd,
Machine Equipment Operator & Foreman
RESOLUTION #13-2016

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

Offered, With Deep Regret, By: Deputy Supervisor McIntyre

Second By: Councilman Bates

WHEREAS, Timothy D. Dodd has served the Town of Windsor faithfully and continuously since January 9, 1984 as a Machine Equipment Operator; and

WHEREAS, he has also served as Foreman since November, 1994; and

WHEREAS, Timothy D. Dodd has submitted his intention to retire effective at the end of the day July 28, 2016; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Windsor Board does and hereby accepts his request for retirement; and

BE IT FURTHER RESOLVED that the Town of Windsor Board extends to Timothy D. Dodd its sincere thanks and the thanks of the community for his efforts on behalf of the residents of the Town; and

BE IT FURTHER RESOLVED, that the Town of Windsor Board extends to him its sincere best wishes for a long, happy and prosperous retirement.

Vote of the Board:

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

Motion Approved.

Resolution Adopted: July 13, 2016

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Retirement of Floyd A. Bronson,
Machine Equipment Operator & Dog Control Officer
RESOLUTION #14-2016

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

Offered, With Deep Regret, By: Councilman Hupman

Second By: Councilwoman Hawk-Shuler

WHEREAS, Floyd A. Bronson has served the Town of Windsor faithfully and continuously since March 23, 1998 as a Machine Equipment Operator; and

WHEREAS, he has also served as Dog Control Officer since October 27, 2001; and

WHEREAS, Floyd A. Bronson has submitted his intention to retire effective at the end of the day July 28, 2016; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Windsor Board does and hereby accepts his request for retirement; and

BE IT FURTHER RESOLVED that the Town of Windsor Board extends to Floyd A. Bronson its sincere thanks and the thanks of the community for his efforts on behalf of the residents of the Town; and

BE IT FURTHER RESOLVED, that the Town of Windsor Board extends to him its sincere best wishes for a long, happy and prosperous retirement.

Vote of the Board:

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

Motion Approved.

Resolution Adopted: July 13, 2016

Motion By: Deputy Supervisor McIntyre

Sec. By: Councilman Bates

To reinstate Floyd Bronson as Dog Control Officer, effective July 29, 2016.

Vote of the Board:

Supervisor Price – AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

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

**Resolution to accept and to authorize to Supervisor to execute the attached
Memorandum of Understanding.**

Resolution #15-2016

PRESENT: Supervisor Carolyn W. Price
Deputy Supervisor William J. McIntyre
Councilman Timothy J. Bates

Councilwoman Lesa Hawk-Shuler
Councilman Gary M. Hupman

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 13th day of July, 2016, the following resolution was

OFFERED BY: Councilwoman Hawk-Shuler

SECONDED BY: Deputy Supervisor McIntyre

WHEREAS, certain employees of the Town of Windsor Highway Department are represented for collective bargaining purposes by TEAMSTERS LOCAL 317; and

WHEREAS, the attached Memorandum of Understanding (“MOU”) between the Town of Windsor (“Town”) and the members Teamsters Local Union No. 317 (“Union”); and

WHEREAS, representatives from both the Union and the Town have reviewed the attached, which has been presented to both parties for review and adoption; and

WHEREAS, the action contemplated by this Resolution is a type II action under the State Environmental Quality Review Act, 6 NYCRR Section 617.5 (22) and no environmental review is necessary.

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Windsor, after review and discussion, hereby approves the attached Memorandum of Understanding; and be it

FURTHER RESOLVED, the Supervisor is hereby authorized to sign and deliver any documents necessary to effectuate the terms and conditions of this Resolution and implement same on behalf of the Town; and be it

FURTHER RESOLVED, this resolution shall take effect immediately

Vote of the Board:

AYE - Supervisor Carolyn W. Price

AYE - Deputy Supervisor William J. McIntyre

AYE - Councilman Timothy J. Bates

AYE - Councilwoman Lesa Hawk-Shuler

AYE - Councilman Gary M. Hupman

Motion Approved.

Resolution Adopted: July 13, 2016

SETTING DATE, TIME AND PLACE FOR NEXT MEETING:

- Public Hearing & Regular Meeting: 8-10-16-2016 at 7:00pm, in the Town Hall.

Motion By: Councilman Bates

Sec. By: Councilman Hupman

To set Special Meeting for September 28, 2016 at 7:00pm, regarding the 2017 Budget.

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: Councilwoman Hawk-Shuler

To change the Regular Meeting from November 9, 2016 to November 2, 2016 per the Budget Calendar.

Vote of the Board:

Supervisor Price – AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Motion Approved.

PUBLIC COMMENTS:

- Hazel Brandt, Cascade Valley Rd: Is there a weight limit on E. Bosket Rd and Cascade Valley Rd? Supervisor Price stated that she has spoken with both Sheriff Harder and Dan Schofield about this issue and spot-checking.
- Betsy Majors, Atwell Hill Rd: What is the speed limit in the Cascade Valley Rd area? If there is no posting, it's 55mph.
- Scott Baker, Colpitts Dr.: Supports the Board's endeavors looking into solar and cell towers in the West Windsor wastewater treatment area.

At 8:37 pm:

Motion By: Deputy Supervisor McIntyre

Sec. By: Councilman Bates

To enter into Executive Session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law and matters regarding the employment of particular persons.

Vote of the Board:

Supervisor Price – AYE

Deputy Supervisor McIntyre - AYE

Councilman Hupman - AYE

Councilman Bates - AYE
Councilwoman Hawk-Shuler - AYE
Motion Approved.

At 9:14pm:

Motion By: Deputy Supervisor McIntyre

Sec. By: Councilman Bates

To return from Executive Session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law and matters regarding the employment of particular persons.

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 Bates

To advertise for Motor Equipment Operator.

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 Hupman

Sec. By: Councilwoman Hawk-Shuler

To increase the weekly hours of the Code Enforcement Officer, by 6 hours, effective July 15, 2016.

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: Deputy Supervisor McIntyre

To increase the weekly hours of Clerk to Justice Stapleton, by 4 hours per week, effective July 15, 2016.

Vote of the Board:

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

Motion Approved.

Since the above motions (after the Board returned from Executive Session) were not on the Agenda, Supervisor Price asked if there was any public input regarding those motions. There was not.

ADJOURNMENT:

Motion By: Councilwoman Hawk-Shuler

Sec. By: Councilman Bates

To adjourn the meeting at 9:16pm.

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