

**Public Hearing & Regular Meeting of the Town Board
Town of Windsor, New York
August 13, 2014 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
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: Lucille Swartz, Daniel R. Price, Mike McKilligan, Jerry Henehan, Hazel Brandt, Marcy Crawford, Wendell Crawford, Janet Zapata, James Rosar, Lynn Klumpp, Eileen Ruggieri, Peter Ruggieri, Betsy Majors, Ken Majors, Theresa Benjamin, Brad Chubb, Shirley W. (illegible), Ron Rambo, Sr. Sue Rambo, Marian Szarejko, Pauline Rusciano, Scott Baker, and Fred Stapleton.

PUBLIC HEARING FOR LOCAL LAW#3-2014 – “OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C”:

Supervisor Price mentioned, once again, that the Board does not intend to exceed that, but this must be done procedurally, should something change near the end of the budget process.

Attorney Sacco gave a brief overview of this Public Hearing.

Advertised for 7:05pm

Hearing Opened: 7:05pm

Hearing Closed: 7:05pm

**OPENING OF BIDS - 2011 10'X96" Stake Body w/LR3510 Scissor Hoist 42" Side Rails
(Advertised for 7:10pm)**

- * Charles Sickmon, Afton, NY bid \$777.14
- * George Kutalek bid \$750.00
- * Michael McKilligan, Johnson City, NY bid \$2,091.00

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

To award the bid, for the above 2011 Stake Body, to Michael McKilligan, for \$2,091.00

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

**OPENING OF BIDS - Chassis Trailer Generator - 2-1/2 Ton Ser. #2232 With Diesel Engine 15KW
50/60 HZ Serial #KZO2544**

(Advertised for 7:15pm)

- * George Kutalek bid \$250.00

Discussion regarding value of the generator.

Motion By: Councilman McIntyre Sec. By: Councilman Bates

To reject the only bid, for the above Chassis Trailer Generator.

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Supervisor Price recognized the presence of County Legislator Scott Baker.

APPROVAL OF MINUTES:

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

To approve the minutes of the July 9, 2014 Regular Meeting, as submitted.

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

FINANCIAL REPORT:

* July 2014 Financial Report distributed.

* Supervisor Price gave an update regarding Sales Tax, referencing the 7-18-14 letter from Marie Kalka, Director of Broome County Office of Management & Budget.

PUBLIC COMMENT:

(Supervisor Price outlined the guidelines of public comment.)

* Ken Majors wondered if we could look into having microphones for Board Meetings, as it is hard to hear in the back of the room.

* Sue Rambo reminded the public about the 7th Annual Window on the Arts Festival, which will be on Saturday, September 13, 2014.

* Jim Rosar, submitted a comment sheet to the Board, asking for more time to clean up his burned building on Old Rte 17. Supervisor Price mentioned that this will come up under the Code Enforcement Report.

* Marcella Crawford, Bennett Rd, expressed her thoughts with regards to:

* updating the Town's Comprehensive Plan; and

* a survey of the Townspeople regarding natural gas.

* Betsy Majors, Atwell Hill Rd, volunteered the retired folks of the Town of Windsor to help out with the survey.

* Janet Zapata, Shedd Rd, representing the Wednesday Senior Citizen Group, is looking for entertainment ideas for their upcoming group meetings.

Motion By: Councilman Bates

Sec. By: Councilman McIntyre

To approve bills for payment:

- General Fund Vouchers #336 through #392, totaling \$20,109.92;
- Sewer O&M Vouchers #49 through #56, totaling \$3,896.12;
- Highway Fund Vouchers #241 through #283, totaling \$263,872.87;
- Trust and Agency Vouchers #39 through #43, totaling \$29,099.51.
- Ostrander Road Project Vouchers #1 through #4, totaling \$14,133.38.

Vote of the Board:

Supervisor Price - AYE

Vacant Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Supervisor Price gave an update on the closing for the Ostrander Road Bond Anticipation Notes, referencing the 8-7-14 letter from Fiscal Advisors & Marketing, Inc.

Supervisor Price distributed a handout regarding the 2015 Sewer Budget, and highlighted several key points.

COMMITTEE REPORTS:

ASSESSOR: No report submitted.

DOG CONTROL: None.

HIGHWAY:

Motion By: Councilman McIntyre

Sec. By: Councilman Bates

To declare as surplus: rubber tire roller.

Vote of the Board:

Supervisor Price - AYE

Open Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE
Councilman McIntyre - AYE

Motion Approved.

Motion By: Councilman McIntyre

Sec. By: Councilwoman Hawk-Shuler

To send the generator (that was rejected earlier in this meeting) and the rubber tire roller to the Broome County Surplus Auction.

Vote of the Board:

Supervisor Price - AYE

Open Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Motion By: Councilman McIntyre

Sec. By: Councilman Bates

To declare as surplus: the 2005 MackRD350 Cummings truck.

Vote of the Board:

Supervisor Price - AYE

Open Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Motion By: Councilman Bates

Sec. By: Councilwoman Hawk-Shuler

To attempt to sell the 2005 MackRD350 Cummings truck on Auctions International.

Vote of the Board:

Supervisor Price - AYE

Open Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Motion By: Councilwoman Hawk-Shuler

Sec. By: Councilman McIntyre

To take the Deutz Diesel motor out of the Blaw Knox paver and scrap the remainder.

Vote of the Board:

Supervisor Price - AYE

Open Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

HISTORY:

- Received copies of the Civil War letters of George Hupman.

NATURAL GAS:

- Councilman Bates gave an update on a proposed survey of the Town of Windsor regarding natural gas. Lowest cost was from Thoma Development Consultants. Discussion followed regarding framework of the survey. Cost for the survey would be \$8,550.

Supervisor Price allowed Public Comments before a motion is made regarding the survey.

* Marian Szarejko, Maple Ave: Why are we having a company do the survey for \$8,000 when we can do this ourselves. Supervisor Price responded that doing it through the Town would open us up to questions of validity and the like, and she wasn't going to subject the Town to that route.

* Pauline Rusciano: What is the question? Supervisor Price responded: Do the people want natural gas and oil development, and allow hydraulic fracturing, or not?

* Brad Chubb, Trim St: Once you have the results, what are they intended to inform? Is the information going to lead to changes in the Comprehensive Plan? Supervisor Price answered: Yes, if the survey says "yes."

* Marcella Crawford, Bennett Rd: Until the state comes out with a ruling, you have no choice but to do whatever the state says. That's when you review your Comprehensive Plan.

* Peter Ruggieri, Dire Rd: Disagrees. He sees the survey as an example of popular democracy. If we are a true democracy, you want your individual voice to be heard. This is the only vehicle that will show the feelings of individual landowners. The only way to get some indication of the feelings is to do this sort of

survey.

* Sue Rambo, Old Rte 17: Windsor Partnership did a survey a couple years ago, with several questions. Dr. Thomas Sinclair from BU and his class did the survey for the Partnership. A stipend was paid for a cross-section sampling for the survey. After survey was complete, the Partnership received a report with charts and graphs. A legitimate survey for a fraction of the cost. Supervisor Price mentioned that the big chunk of the cost is the postage, no matter who does the survey.

* Betsy Majors, Atwell Hill Rd: After the survey is done, and let's say it comes back "no," is that for life? That makes my property useless now?

*Brad Chubb: One of the keys to democracy is an informed citizenry. This is not a popularity contest. A great deal of misinformation is out there. We don't have a truly informed and objective citizenry on this issue. A survey is a very ill-advised means for updating our Comprehensive Plan and zoning regulations. The DEC has the expertise and the means to determine where and how this should be done. We should reflect their expertise through our zoning and Comprehensive Plan.

* Janet Zapata: It seems too soon. The state hasn't made up its mind yet. We haven't been educated on this yet. There should be some sort of timeframe associated with the decision of the survey. For example, this decision holds for five years, and then re-evaluate. You don't make it forever.

* Marcella Crawford: If the result of the survey comes back "no," what is the cost going to be to the taxpayers in this town if the Board makes that kind of a decision?

* Terri Benjamin: Isn't that infringing on our rights, if the survey comes back "no" and someone is telling us what we can and can't do with our land?

* Peter Ruggieri: Seems to be a lot of fear of a survey if a certain result came out. I see it as a survey to determine what the people in the town are feeling. It doesn't make it legally binding for the Board to do anything with the results of that survey. Will this be a binding survey? Attorney Sacco responded: No, it doesn't make it legally binding. What the Board has said is that they're interested to represent the taxpayers, and they want to know what the taxpayers are saying.

Motion By: Councilman McIntyre

Sec. By: Councilman Bates

To approve having Thoma Development Consultants do the survey, in an amount not to exceed \$8,550, to assist and administer a non-binding survey, and to provide the Town with the results.

Roll-Call Vote:

Councilwoman Hawk-Shuler - AYE

Councilman Bates - AYE

Councilman McIntyre - AYE

Supervisor Price - AYE

Open Council Seat

Motion Approved.

TOWN CLERK/TAX COLLECTOR/REGISTRAR: Report submitted.

TOWN HALL:

- Councilman McIntyre mentioned that the Justice Department has applied for and received a grant for a security system for this building.

Motion By: Councilman McIntyre

Sec. By: Councilwoman Hawk-Shuler

To receive the JCAP Grant in the amount of \$1,200.

Vote of the Board:

Councilwoman Hawk-Shuler - AYE

Councilman Bates - AYE

Councilman McIntyre - AYE

Supervisor Price - AYE

Open Council Seat

Motion Approved.

WASTEWATER TREATMENT PLANT:

* Meeting next week.

YOUTH & RECREATION: No report submitted.

ZONING, PLANNING & CODE ENFORCEMENT:

- 6-18-14 ZBA Regular meeting minutes submitted.
- 6-18-14 ZBA Public Hearing meeting minutes submitted.
- 7-30-14 Planning Board minutes submitted.
- Letter dated 7-31-14 from Planning Board to Charles Capasso submitted.
- Letter dated 7-31-14 from Planning Board to James Colpitts submitted.
- Letter dated 7-31-14 from Planning Board to Robert P. Coughlin.
- Letter dated 8-8-14 from Town Supervisor to Joseph Dlugolenski, DEC submitted.
- Code Enforcement Monthly Report submitted.

* Code Enforcement Officer Dave Brown reported on an unsafe structure, due to a fire which happened last November at the Rosar property on Old Route 17. Attorney Sacco informed the Board regarding Chapter #81 (Unsafe Buildings) in the Code Book. James Rosar, property owner, spoke regarding his timeframe needed to take the structure down. Engineer Lake questioned if the owner,

who is *not* occupying the building, can do the work himself. Needs to be looked into with the Labor Department.

Town of Windsor, County of Broome, State of New York
RESOLUTION ORDERING REMOVAL OF A STRUCTURE
OWNED BY JAMES D. ROSAR.

Resolution #29-2014

PRESENT: Supervisor Carolyn W. Price
Councilperson-vacant
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 13th day of August, 2014, the following resolution was

OFFERED BY: Councilperson Hawk-Shuler

SECONDED BY: Councilperson McIntyre

WHEREAS, the Code Enforcement Officer of the Town of Windsor has filed his report in writing with the Town Board of the Town of Windsor containing his findings and recommendations regarding a certain structure situated on premises known as 333 Old Route 17, Town of Windsor, Broome County, New York designated by Tax Map No. 181.02-1-8 in which report said Code Enforcement Officer states his opinion that said structure is unsafe and dangerous to the public, that it presents other dangers to health, safety, morals and the general welfare of the public and that it is unfit for the purposes for which it may lawfully be used and recommends its immediate removal, and

NOW, THEREFORE, BE IT RESOLVED, that

- (1) The Town Board of the Town of Windsor after reviewing said report and after hearing said Code Enforcement Officer in regard thereto and after having duly deliberated upon the same, hereby determines that said report warrants that such building is unsafe and dangerous- that the building cannot be safety repaired- and that it requires the removal of said structures,
- (2) The Town Board orders a title search be done to determine the owner and anyone who has a vested or contingent interest in the structure
- (3) The Town Board orders that a notice be served upon James D. Rosar, reputed owner of the structure situated on premises known as 333 Old Route 17, Town of Windsor, Broome County, New York designated by Tax Map No. 181.02-1-8 in the form required by Section 5 of Chapter 81 entitled Unsafe Buildings Law of the Town of Windsor,
- (4) The Town Board orders that the aforementioned notice also be served on those found to have a vested or contingent interest in the structure,
- (5) The Town Board orders that said notice to be served in accordance with Section 6 of Chapter 81, more specifically that the service be made personally upon said individuals or by registered mail to their last known residence(s) as shown by the records of the Tax Collector or of the County Clerk if such persons cannot reasonably be found for such personal service and by affixing a copy thereof upon said structure(s),
- (6) Said notice shall order the structure be removed from the premises, to be commenced within forty-five (45) days of the service of said notice and to be completed within sixty (60) days thereafter,
- (7) A copy of said notice(s) shall be filed in the office of the County Clerk of the County of Broome,
- (8) A public hearing is scheduled on the 6th day of October, 2014 at 7:05 pm at Windsor Town Hall, in relation to such dangerous or unsafe structure, and
- (9) The Town Clerk of the Town Windsor is directed to prepare said notice and arrange for the service thereof in accordance with the requirements of said Local Law and by filing in the office of the County Clerk and be it

FURTHER RESOLVED, this resolution shall take effect immediately

Vote of the Board:

Supervisor Carolyn W. Price - AYE
Councilperson -vacant
Councilperson Timothy Bates - AYE
Councilperson Lesa Hawk-Shuler - AYE
Councilperson William McIntyre - AYE

Motion Approved.

Resolution Adopted: August 13, 2014

UNFINISHED BUSINESS:

* None.

NEW BUSINESS:

* None.

UPCOMING MEETINGS:

- Regular Meeting: Wednesday, September 10, 2014, at 7:00pm, at the Windsor Town Hall.
- Special Meeting Regarding the Budget: Wednesday, September 24, 2014, at 7:00pm, at the Windsor Town Hall.
- Regular Meeting: Wednesday, October 1, 2014, at 7:00pm, at the West Windsor Fire Hall.
- Special Meeting Regarding Rosar Property: Monday, October 6, 2014, at 7:05pm, at the Windsor Town Hall.

PUBLIC COMMENTS:

- * Betsy Majors: The old Lamén house has been run-down and unsafe for years. Code Enforcement Officer said it's on the list.
- * Brad Chubb: Regarding the survey, does the Board intend to do any type of education so that people can make an informed choice?
- * Janet Zapata: For things that the Town has to sell, try selling on Craig's List. Supervisor Price mentioned that we have in the past, and we've had some extreme problems as a result of that.
- * Marian Szarejko: With the survey, regarding our farm, are each one of us going to get a letter or just one to the LLC? The Board responded: just one.
- * Marcella Crawford: Realizes that the Village is a separate government, but the Village pays taxes to the Town. Even though they don't have a voice in the Town business, they really are part of the Town. Attorney Sacco mentioned that the Town can't pass laws that affect the Village. The Village is its own municipality. The Village makes its own laws.
- * Marian Szarejko: What if the Town says "no fracking," but the Village says "yes?" Attorney Sacco stated each controls its own zoning.
- * Brad Chubb: This is an example of the misinformation that is out there. As long as people have misperceptions, they might have a totally different opinion than if they were totally informed.
- * Scott Baker, Colpitts Drive: As far as education goes, Cornell Cooperative Extension of Broome County has a program to deal specifically with information regarding hydraulic fracturing and natural gas development. It's a down-the-middle-of-the-road program, which gives correct information on both sides of the issue, so people can make an informed decision.
- * Marcella Crawford: Extremely disappointed that a Board would not realize and would not wait until the State makes their decision. The other concern is: What are you going to cost us? Regardless of how you make a ruling when you get your survey in, you're going to cost the taxpayers a lot of money. Having a survey does not work. It's not in the best interest of the Town's development. Supervisor Price responded that she respects, but does not agree with, Marcella's opinions. Price stated that this Board has been fiscally responsible and will continue to be. Any action that the Board takes, regarding the survey, will be done in a way that it will do everything possible to ensure that it's not going to cost the taxpayers...She also mentioned that she saw the frustration in people's faces and voices in regards to the six years that have already passed. She felt this issue needed to move forward.

ADJOURNMENT:

At 9:12pm:

Motion By: Councilwoman Hawk-Shuler

Sec. By: Councilman Bates

To adjourn the meeting.

Vote of the Board:

Supervisor Price - AYE

Open Council Seat

Councilman Bates - AYE

Councilwoman Hawk-Shuler - AYE

Councilman McIntyre - AYE

Motion Approved.

Respectfully Submitted,

Barbara Rajner Miller, Windsor Town Clerk