

**Regular Meeting of the Town Board
May 11, 2022 7:00 pm
West Windsor Fire Station
9 Karla Drive, Windsor, NY 13865**

Supervisor Odell pointed out the exits in the room.

MEETING CALLED TO ORDER: by Supervisor Mark Odell, at 7:00 pm

PLEDGE OF ALLEGIANCE: was recited.

ROLL CALL by Town Clerk Elizabeth Pfister:

Supervisor Mark Odell: Present
Deputy Supervisor Daniel Colwell: Present
Councilman Gary M. Hupman: Present
Councilman Timothy Harting: Present
Councilwoman Christine Kennedy-Tierno: Absent
Code Enforcement Officer Richard Osbourne: Present
Highway Superintendent Michael Kithcart: Present
Attorney Gina Middleton: Present
Planning Board Chair Shelley Johnson – Bennett: Present

Also, present were: Terry Stanley -William Law Road, Don & Liz Einstein – Windsor Standard, Bill Mirch – Edson Road, David E. Brown – Ostrander Road

PUBLIC COMMENTS:

Terry Stanley, Operations Manager for Windfarm that will be staying in the area along with one other employee to oversee day to day operations and they will be working out of the O & M building. The first delivery of turbine equipment is expected the first week of June with the first four, in the Town of Windsor being completed and restoration complete by the end of July. Completed construction and powering on anticipated for late August, early September.

Bill Mirch, Edson Road representing Broome County Concerned Residents, came to ask the Board to push for the lighting on the wind turbines to be the lighting that only turns on when a plane is flying in the air space, not the lighting that is on continuously. Supervisor Odell stated the Board would see what decision was made by the siting Board, Attorney Middleton stated it is regulated by the F.A.A. and it may not be an option. Supervisor Odell stated he already spoke with the Town of Sanford Supervisor, Ken Wist Town of Sanford is working to draft a letter and once the F.A.A. has made its decision the Town will decide then.

APPROVAL OF MINUTES:

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Harting

Motion to approve the minutes of the April 13, 2022 Regular Meeting & Public Hearing as submitted.

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

FINANCIAL REPORT:

Motion By: Councilman Hupman

Sec. By: Councilman Harting

Motion to approve May 2022 Bills for Payment with the removal of Voucher #182 to the Computer Shop for website that is not completed as of yet.

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

The April 2022 Financials were distributed to the Board, Supervisor Odell asked for any questions or concerns, there were none.

COMMITTEE REPORTS:

ASSESSOR:

The Board looked over the Assessor's April report, including the 2022 reassessment list. Supervisor Odell noted Grievance Day is May 24, 2022.

CEMETERIES:

Councilman Hupman reported that all transfers for the South Windsor Cemetery had been completed and that someone is repairing the sign. Councilman Hupman reported that he attended the Riverside Cemetery meeting to see how they run things there and everything looks good.

DOG CONTROL:

Code Enforcement Officer Osborne reported that the year long dangerous dog case was finally coming to an end. Supervisor Odell asked Attorney Middleton if she knew anything about this case, she was the attorney that handled the cases and they are awaiting paperwork from the Front Street Shelter. Rabies Clinic June 22, 2022 6:00 pm – 7:00 pm at the Windsor Fire Station on Academy Street, the price has increased this year from \$5 to \$10

ECONOMIC DEVELOPMENT:

ENERGY:

**Town of Windsor, County of Broome State of New York
RESOLUTION #18-2022
A RESOLUTION IN OPPOSITION TO THE
CLIMATE ACTION COUNCIL'S DRAFT SCOPING PLAN**

PRESENT: Supervisor Mark Odell
Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting
Absent: Councilwoman Kennedy-Tierno

**Offered By: Deputy Supervisor Daniel Colwell
Second By: Councilman Gary M. Hupman**

At a regular meeting of the Town Board of the Town of Windsor, held at Windsor Town Hall, 124 Main Street, Windsor, New York on the 11th day of May, 2022, the following resolution was offered and seconded:

WHEREAS, in 2019, New York State adopted the Climate Leadership and Community Protection Act ("Climate Act"), which set some of the nation's most aggressive targets for reducing greenhouse gas emissions and accelerating renewable energy generation; and

WHEREAS, the Climate Act called for the creation of a Climate Action Council that is charged with developing a Scoping Plan of recommendations to meet these targets; and

WHEREAS, as the Council developed its draft Scoping Plan, it consulted with several Advisory Panels that held sector-specific discussions and provided recommendations for their subject areas; and

WHEREAS, the Land Use and Local Government Advisory Group, which advised on two key sections of the report that will directly impact counties and municipalities and require their partnership, did not include any members who currently work in local government; and

WHEREAS, county and municipal leaders are best positioned to understand local needs and anticipate how meeting the Climate Act's goals could disproportionately impact their communities and economies; and

WHEREAS, the recommendations included in the draft Scoping Plan released in December 2021 do not adequately balance the goal to accelerate renewable energy production with the need for food production; and

WHEREAS, the draft Scoping Plan's recommendations to prohibit new gas service to existing buildings and certain gas/oil equipment in new construction beginning in 2024 will be costly to residents and businesses and could leave New Yorkers in the cold during harsh winters.

NOW, THEREFORE, BE IT RESOLVED that the Town of Windsor expresses frustration with the lack of local government representation on the Climate Action Council and its Advisory Panels and the lack of local input in the development of the draft Scoping Plan; and

BE IT FURTHER RESOLVED counties and other local governments should be engaged as active participants in the review and implementation of the Scoping Plan and provided with technical planning and zoning assistance in all areas where they are relied upon to implement the recommendations of the Scoping Plan; and

BE IT FURTHER RESOLVED the State's timetable for meeting its renewable energy production goals and transitioning away from natural gas is too aggressive and should be extended; and

BE IT FURTHER RESOLVED the State should level the playing field to incentivize landowners to protect productive farmland, which naturally captures carbon dioxide and should be conserved wherever possible; and

BE IT FURTHER RESOLVED that the Town of Windsor shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Commissioner of the Department of Environmental Conservation, the President/CEO of the NYS Energy Research and Development Authority, the Commissioner of Agriculture and Markets, and all others deemed necessary and proper; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth Pfister, 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 Town Hall, 124 Main Street, Windsor, NY on the 11th day of May, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED - AYE
Deputy Supervisor Daniel Colwell	VOTED - AYE
Council Member Gary Hupman	VOTED - AYE
Council Member Timothy Harting	VOTED - AYE
Council Member Christine Kennedy-Tierno	VOTED – Absent

Dated: May 11, 2022
Town of Windsor Seal

Elizabeth Pfister, Town Clerk

Discussion: Supervisor Odell asked Planning Board Chair Shelley Johnson – Bennett to speak in regards to the Climate Act Legislation that she brought to the Boards attention. Planning Board Chair Johnson – Bennett explained that in 2019 New York State Climate Councils Draft Scoping Plan to become emissions free in New York State by 2050. The plan calls for municipal buildings to be converted to complete electric, and by 2030 gas appliances will be obsolete for purchase from retailers in New York. Homeowners would be required to convert homes to electric complete with EV charging stations by 2035 at their own expense at a cost for average home size being \$20,000. The burden to municipalities will lie in having to staff full time Code Enforcement Officers and possibly more than one depending on the size of the municipality, All Board members in attendance were opposed to the legislation and appreciated all the information Planning Board Chair Johnson – Bennett provided.

**Town of Windsor, County of Broome State of New York
RESOLUTION #19-2022**

A RESOLUTION TO SUBMIT COMMENTS ON NEW YORK STATE

CLIMATE COUNCIL'S DRAFT SCOPING PLAN FOR NEW YORK'S CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT (THE "CLIMATE ACT")

PRESENT: Supervisor Mark Odell
Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting
Absent: Councilwoman Kennedy-Tierno

Offered By: Councilman Harting
Second By: Deputy Supervisor Colwell

WHEREAS, in 2019, New York State Legislature enacted New York's Climate Leadership and Community Protection Act (the "Climate Act") that requires the total carbon emissions from New York State population be no more than 60% and 15%, respectively, of the 1990 carbon emissions (the average New Yorker's annual carbon footprint is reduced from 22.7 tons/year to 13.6 by 2030 ("2030 Mandate") and 3.0 tons per year by 2050 ("2050 Mandate"); and

WHEREAS, in the 2030 and 2050 Mandates, the Legislature created an energy rationing system that puts all New Yorkers (and their communities) in competition for the affordable energy needed for a sustainable community and/or "healthful environment" (the state cap is 61.47 million metric tons of carbon dioxide equivalent); and

WHEREAS, in order to enforce the rationing system, the Climate Act Section 7 requires all state agencies to evaluate whether each and every decision (in particular infrastructure decisions) will be inconsistent with the 2030 and/or 2050 carbon footprint mandates and, if inconsistent (or will interfere with the attainment of the mandates), determine whether it is necessary and, if so, require alternatives or greenhouse gas mitigation measures. If not necessary, deny/terminate; and

WHEREAS, the Climate Act Section 12 provides each aggrieved person standing to commence an Article 78 proceeding in the NYS Supreme Court to enforce compliance with the Climate Act including compliance with the mandates and Section 7; and

WHEREAS, the Climate Act has granted to each and every state agency veto power over any and all projects requiring a state agency approval or decision and has granted the wealthy aggrieved person (who may be in competition for those carbon emissions) a tool to kill and/or delay a competitive and/or disliked project including even the renewal of an existing permit; and

WHEREAS, the rationing of carbon emissions will exacerbate the upstate/downstate divide; the urban versus rural divide; the wealthy versus the working-class divide; the divide between municipal officials struggling to provide critical services and the environmental organizations. New York State Department of Environmental Conservation ("DEC") has recently used Section 7 authority to deny the repowering of two natural gas power plants in Orange County. DEC is under pressure to deny a permit renewal to a crypto currency facility because some feel the fossil fuel energy should not be rationed to that product. DEC is holding up numerous Title V air permits due to its inability to make a consistency determination under Section 7; and

WHEREAS, in order to achieve the 2050 Mandate, the Climate Act mandates by 2040 that all the electricity generated by fossil fuels and the anticipated demand growth will have to be provided/replaced by wind (onshore and offshore), solar, hydro from Canada and other renewable sources ("2040 Mandates"). Due to lobbying efforts, biomass is no longer considered a renewable energy source in New York; and

WHEREAS, the New York Independent System Operator ("NYISO") - which manages New York's energy grid - divides the state into two distinct areas - Upstate Energy (Zones A-E) and Downstate Energy (Zones F-K). The Upstate Energy zones currently use about 1/3 of the total electricity generated each year. According to NYISO 2021 Report of 2020 usage, the upstate sources of electricity are 90% zero carbon emission; and

WHEREAS, with respect to the Downstate Energy zones, which represent two-thirds of the state electricity consumed, the story is quite different. According to NYISO 2020 Power Trend Report of 2019 usage and NYISO 2021 Power Trend Report of 2020 usage, the downstate sources of electricity were 69% fossil fuel in 2019 and 77% fossil fuel in 2020 (and are projected to be well over 90% fossil fuel in 2022); and

WHEREAS, the NYISO 2020 Climate Change Impact and Resiliency Study, which analyzed the Climate Acts 2040 zero emission electricity target determined that the 2040 Zero- emission Grid Mandate is not feasible and would result in an unreliable (and thus unsafe) electric grid. In other words, the 2040 Mandate and 2050 Mandate are fantasies; and

WHEREAS, in 2019, the GHG emission sources in New York State breakdown as follows:

Transportation (mostly travel over land)	28%
Buildings (mostly heating buildings)	32%
Electricity	13%
Industry	9%
Agricultural and Forestry (mostly livestock)	6%
Waste (mostly methane from landfills)	12% ; and

WHEREAS, the Climate Act delegates to an appointed council of 22 individuals' responsibility to develop a draft plan by December 31, 2021 to reduce the average New Yorker's carbon footprint to near zero. The Draft Scoping Plan was issued in December, 2021 and this resolution and its attachments constitute the initial comments of the Town Board of the Town of Windsor; and

WHEREAS, the Draft Scoping Plan mandates over a hundred (if not several hundred) different measures affecting all aspects of our daily lives and community activities. The following four prohibitions are responsible for the majority of the reductions:

1. Elimination of the use of fossil fuels for land travel;
2. Elimination of the use of fossil fuels for all aspects of residential living including heating, cooking, outdoor equipment, hot water, and clothes dryer;
3. Conversion of the electric grid to all renewable and zero emission sources;
4. Transformation of the solid waste management system; and

WHEREAS, the prohibition on the use of gas, propane or home heating oil in our daily activities is schedule to occur over the next 13 years (in 2024 for new homes; starting in 2030 for existing homes); and

WHEREAS, the prohibition of the use of fossil fuels for land travel is more gradual and includes the following measures:

1. Provide direct rebates on zero emission vehicles supported by new fees on **purchase of fossil fuel vehicles**;
2. Adopt mechanisms to discourage vehicle use and generate funds for public projects, including congestion pricing, variable cost parking, **increased registration fees on carbon intensive vehicles, adoption of a per mile vehicle user fee system**, and increase municipal use of special assessment districts to fund public transportation investments;
3. Adopt California's Advanced Clean Car 2 Regulations, expected to require one hundred percent light-duty zero emission vehicle sales by 2035;
4. Adopt California Advanced Clean Truck Regulations requiring increase percentage of zero emissions Micro Hybrid Drives through 2035; and

WHEREAS, in 2018, DEC issued an order to close Indian Point Nuclear Power Plant due to the aquatic impacts from the withdrawal of non-contact cooling water from the Hudson River. In April, 2020, Indian Point was required to shut down Unit 2, and in April, 2021, Indian Point was required to shut down Unit 3. In 2019, when Indian Point was in full operation, it provided 25% of the downstate annual electric load (**16.7 million** megawatt-hours of zero-emission power); and

WHEREAS, in an April 29 press statement marking the closure of Indian Point, NYSERDA CEO **Doreen Harris** implied that the zero-emission electricity lost from Indian Point would be addressed stating that "New York State's electric grid is undergoing a transformative evolution in pursuit of the nation-leading goals of the Climate Leadership and Community Protection Act" including "developing a tremendous renewable energy project pipeline." As a follow up to that press statement, in November 2021, NYSERDA submitted a petition to the PSC seeking approval and ratepayer funded subsidies for two massive transmission projects to bring non-fossil fuel electricity to NYC. The Petition states that "[t]he selected projects are expected to deliver **18 million** megawatt-hours of renewable energy per year to Zone J (i.e., New York City), more than a third of New York City's annual electric consumption, from a diverse generation portfolio including onshore wind, solar and hydroelectric power from Upstate New York and Quebec. Total investment into both projects is expected to amount to **nearly \$24 billion.**" Under NYSERDA's Petition, ratepayers throughout New York State (both upstate and downstate) are being required to fund two transmission projects; and

WHEREAS, the Town of Windsor supports the Climate Council objective of promoting the transition to electric heating from fossil fuel heating. The Town of Windsor does not support (and vigorously object) to the mandate approach selected by the Climate Council to require all homes to install electric heating regardless of cost and feasibility. In lieu of a mandate, we suggest and encourage that the Climate Council develop a plan to make electric heat pumps the preferred and affordable technology when the homeowners need to replace their existing heating system. The correct approach is for the Climate Council to take an enabling approach - create the reality where the typical homeowner would select an electric heat pump system over fossil fuel system to heat their home. In the Town of Windsor the average low temperature during December, January, February, and March are 16°F, 9°F, 11°F, and 18°F, respectively- which is at or below the temperature that electric heat pumps provide reliable and efficient heat; and

WHEREAS, the Town of Windsor does not support the mandate approach selected by the Climate Council to require all outdoor equipment to be all electric. Homeowners and users should have the choice whether to use gas fueled equipment and/or electric equipment- each has their own benefits and costs. Homeowners in New York State should have the same rights as homeowners in other states. Gas is mobile and is readily available; it allows a landscaper to move from site to site without stopping to recharge the battery; it allows the work to be performed where it is needed and in different weather. There is a role for both gas and electric power equipment and the decision should be left to the individual that is using the equipment - not to an elected official's political objective; and

WHEREAS, the Town of Windsor does not support the mandate approach selected by the Climate Council to force the consumer to purchase an electric car. The Climate Council should focus on developing a plan/program that makes electric vehicles the

preferred choice because they become affordable, available, and feasible. In the Town of Windsor a car or truck is a necessity- not a luxury. As a necessity, it must be affordable, available, and feasible to the vehicle owner. Affordability will depend, in part, on whether electricity remains affordable. Availability and feasibility will depend on the whether the necessary infrastructure is available and affordable to meet the needs of the vehicle owner. In our cold climate, parents need to know that they will get to their destination, that the car will work in the cold, that there is enough charge to get back home; and that the car can meet the family hauling needs. There needs to be enough electricity in the local grid to handle the additional load; the charging station must be accessible, convenient, and not be inordinately time consuming; and

WHEREAS, the Town of Windsor does not support imposition of a carbon tax, a mileage surcharge, increased registration fee for gasoline powered cars, or any additional tax on gas, propane, natural gas or home heating oil or a tax on solid waste. A carbon tax on the building heating sector and the transportation sector would simply make natural gas, gasoline, fuel oil and propane more expensive and thus make a vital necessity less affordable (transportation and heating) to residents. While the wealthy can afford an all-electric car and home, and second home and third home, the working class will more likely rely on fossil fuel to heat their home or fuel their car. Town of Windsor residents are more likely to have to travel day-to-day long distances and heat a home in a cold climate. The utility bills and gas bills are already too high and not sustainable on the median family income. As the use of fossil fuels decreases, the cost of maintaining the fossil fuel infrastructure will be spread over a smaller base increasing the costs to the remaining users; and

WHEREAS, the Town of Windsor finds that in adopting the Climate Act with its 2030, 2040 and 2050 Mandates, the Legislature made a grave mistake - the Legislature prioritized their goal of being recognized as a world leader in fighting Climate Change over the energy security of the state's residents. Under the recently adopted Green Constitutional Amendment, every New Yorker has a constitutional right to "healthful environment". Available and affordable energy is a critical component (comparable to air, water and food) to a healthful environment. Energy security is a constitutionally protected right. In the Climate Act, the Legislature effectively ordered the cessation of the use of fossil fuels; required all the state agency officials to enforce it the mandate in each and every decision; and empowered every aggrieved well-heeled donor/person the right to go to court to enforce it. The Climate Act mandates are the law and are enforceable in court regardless of whether the alternative energy sources are affordable, achievable, and available. The Climate Council selected its wish list of lofty directives without determining the cost and funding for those directives. The Town of Windsor agrees that reducing the use of fossil fuels for building heating, electric generation and land travel will reduce CO2 emissions and is admirable goal. The Legislature can support that goal by enabling the availability, affordability, and the feasibility of the alternative energy sources so that the public/consumer selects those technologies over fossil fuel powered technology. The Legislature and the Climate Council should focus on enabling carbon reductions; not ordering those reductions against the will and at the expense of its citizens' constitutional rights to choose the technology that protects their families.

NOW, THEREFORE, BE IT RESOLVED the Town Board of the Town of Windsor petitions DEC, DOH and DEP for the following relief:

1. The Town of Windsor adopts this resolution and the attached white paper as its initial comments and directs the Town Clerk to submit these documents as comments on the Draft Scoping Plan; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth Pfister, 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 Town Hall, 124 Main Street, Windsor, NY on the 11th day of May, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED - AYE
Deputy Supervisor Daniel Colwell	VOTED - AYE
Council Member Gary Hupman	VOTED - AYE
Council Member Timothy Harting	VOTED - AYE
Council Member Christine Kennedy-Tierno	VOTED – Absent

Dated: May 11, 2022
Town of Windsor Seal

Elizabeth Pfister, Town Clerk

May 11, 2022

NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

RE: New York State Climate Action Council Draft Scoping Plan – Comments

To whom it may concern:

This letter is in response to the newly released “**New York State Climate Action Council Draft Scoping Plan**”, released in December 2021. After careful review of the plan, we have concluded the goal of the plan to reduce greenhouse gas emissions is certainly commendable, but the process in which this plan proposes to meet the lofty goals outlined is unaffordable, unrealistic and places an insurmountable burden on smaller communities, particularly in the rural upstate regions. The concept of “mandating” change rather than incentivizing and enabling change is both antagonistic and short sighted. New York communities are afforded home rule through the New York State Constitution; these sweeping and swift mandates are a violation of the home rule powers to self-govern, removing any ability of local governments to make decisions impacting their local residents in a manner that best serves them as individual towns and villages.

As a community in the upstate rural areas, it is apparent little to no thought was put into the implementation and consequences of the proposed mandates. The case studies sited in the plan are primarily focused on urban core “disadvantaged neighborhoods” without concern for the low to moderate income communities in the more rural areas of New York State. The concept of ride share and public transportation are not practicable in more rural communities. The cost of operation in relationship to the ridership does not allow the

system to work in a profitable manner. Factors to consider include commute distance; variable job shifts; distance between jobs, medical care, education and shopping; and multiple working members of each household.

The costs and safety associated with household heat conversions is also very different in upstate rural areas than in more urban areas of the state. Most housing stock in rural areas are older wood frame single-family homes that are heated with single source systems. Homeowners do not have the benefits of residual heating from the landscape and neighboring housing to offset heating demand, therefore, heating costs and needs are very independent per household. The average low temperature in Delaware County during December, January, February, and March are 16°F, 9°F, 11°F, and 18°F, respectively—which is below the temperature that heat pumps provide reliable and efficient heat. Many rural homes have unreliable electric services which poses a problem especially in the winter season due to the terrain, limited infrastructure and service providers. Electric service is often interrupted due to heavy snow, ice, wind and even cold, leaving homes without power for hours and even days. The cost burden to upstate homeowners to retrofit heating sources or pay an additional tax could deprive low to moderate income of affordable heating. The mandate would result in an increase in the use of wood and electric space heaters. -- the former posing a health impact and the latter posing a fire safety issue. The critical point is that upstate homeowners/businesses who review their options for heating their home/business could, for a variety of reasons including safety, affordability, and reliability, make a rationale decision to select an efficient fossil fuel system. Depriving our residents and businesses of that decision will only further drive residents and businesses out of our communities putting additional burden on our already struggling local economies.

Industrial, commercial and agricultural businesses require consistent and reliable sources for heat, operations and transportation. Without these basic services businesses cannot function profitably and will ultimately seek refuge in other states taking jobs and people with them. The current tax structure of New York State has already cost our communities hundreds of businesses and jobs; any additional job loss will only exacerbate an already strained economy.

As local leaders we acknowledge that climate change is here - the impacts of a rising temperature to world are known and, for the most part, will continue to the end of this century. Riverine upstate communities have a heightened awareness of the impacts from flooding, heavy winter snow and ice storms and major wind events. It is more likely that heavy precipitation events will intensify and become more frequent. The impacts of these weather-related events have a common thread in that they cause damage not only to private homes and businesses but also to the very fragile electric infrastructure in New York State. Loss of power from these events generally lasts days and even weeks, leaving home owners and businesses at the mercy of the elements. When these events happen during cold wet months a true threat to human life exists. Unlike more urban areas, shelter locations and warming facilities for displaced victims are limited, hot meals are at the mercy of volunteer organizations and repairs to the fragile infrastructure is often delayed due to the location of facilities in outlying, hard to reach areas in our mountainous terrain. A system solely reliant on electrification with no redundancy from other sources creates a threat to public health and welfare.

Efforts to address the impacts of climate change are better served by providing for research and funding to address the impacts of significant weather events. Communities must first be able to address community resiliency that will incorporate measures to reduce impacts from weather related events while reducing the carbon footprint over time. Once a community has the sense that they are secure, they can afford to invest in carbon reduction efforts that do not threaten their ability to support and sustain their homes, businesses and jobs. The ideal situation is a primary source of energy that will replace the use of fossil fuels on a daily basis with an emphasis on redundancy. A solid plan should allow for the use of fossil fuels to address lags in electric service, loss of power due to extreme weather and of course the ability to incentivize and enable homeowners and businesses to convert over time rather than make that decision for them.

Two years after adopting the Climate Act, New York voters approved an amendment to the State's Bill of Rights mandating that all New York State citizens have a basic human right to a "healthful environment." In New York State in 2022, a healthful environment includes access to water, sewer, broadband, cell service, medical service, affordable electricity/energy and emergency medical care. The State's Bill of Rights prioritizes a person's right to a "healthful environment". In the context of the Climate Act, a question now arises whether the Climate Act mandating a reduction in the average New Yorker's carbon footprint to near zero violates the constitutional right of many upstate communities and their residents to a "healthful environment." To answer that question, the Legislature (and the Executive Branch) must evaluate whether the 2040 Mandate and the 2050 Mandate are affordable, achievable, and sustainable. If not, then the mandates are unconstitutional.

The Draft Scoping Plan estimates the net present value of direct costs from the low carbon plan relative to the current energy system for the period 2020 through 2050 is \$500 billion. The Draft Scoping Plan estimates the **annual** net direct costs from the low carbon plan relative to the current energy system is approximately \$20 billion in 2030 and \$70 billion by 2050. The plan estimates these costs will be offset by global benefits from reduced carbon emissions and public health improvements. However, the health benefits related to improved air quality and better health realized from walking or public transportation are only applicable in urban areas where air quality will be slightly improved (from clean to cleaner) and public transport and walkability to services is possible. Therefore, the cost burden and impacts are absorbed by rural communities while urban areas receive the lions' share of the benefits.

Ultimately, local municipalities want the state and developers to respect their home rule and they want the energy sector to pay its full property tax. Below are a few minimum changes that need to be made to the Climate Act and the Draft Scoping Plan to ensure an affordable and fair transition from reliance on fossil fuels.

1. The Legislature should leave the decision in the upstate area whether to change to all electric home or business to the homeowner and business owner.

The upstate rural counties support the Climate Council objective of promoting the transition to electric heating from fossil fuel heating. However, the upstate rural counties do not support (and vigorously object) to the mandate approach selected by the Climate Council requiring all homes to install electric heating regardless of cost and feasibility. In lieu of a mandate and/or penalties, we suggest and encourage that the Climate Council develop a plan to incentivize/enable the installation of heating systems, such as electric heat pumps, as the preferred and affordable technology when the homeowner needs to replace their existing heating system.

2. The Legislature should leave the decision whether to change to all electric equipment to the user.

Similarly, users should have the choice as to whether they use gas fueled equipment and/or electric equipment based on affordability, reliability and need. There is a role for both gas and electric power equipment and the decision should be left to the individual that is using the equipment, and the circumstances of what the equipment is being used for.

3. With respect to Transportation, the Legislature (and/or the DEC) should focus on enabling the transition to electric vehicles rather than trying to force the transition.

The transition to electric vehicles is beyond the control of New York State. The proper role for the State is to develop a plan/program so that electric vehicles become the consumer's preferred technology. Whether it becomes the only technology will depend on the market, the manufacturers, and the national government. The challenge for the electric vehicle transition is similar to the challenge for electric heat pumps. In upstate rural areas, a car or truck is a necessity – not a luxury. As a necessity, it must be affordable, available, and feasible to the vehicle owner. There needs to be enough electricity in the local grid to handle the additional load; the charging station must be accessible, convenient and not be inordinately time consuming. We recommend that the Climate Council focus on developing a plan/program that makes electric vehicles the preferred choice because they become affordable, available, and feasible.

With respect to vehicles miles driven, we recommend that, at least with respect to rural communities, the Climate Council develop a plan to ensure robust cell coverage and broadband coverage in rural areas. The pandemic demonstrated that the key to reducing vehicles miles driven is to avoid the need to travel to remote meetings.

4. The Legislature should not impose a carbon tax, a mileage surcharge, increased registration fee for gasoline powered cars, or any additional tax on gas, propane, natural gas or home heating oil or a tax on solid waste.

In developing its recommendations, we request the Council consider that most rural communities have less access to technologies to reduce GHG emissions and are more reliant on higher carbon fossil fuels to meet energy needs. A carbon tax on the building heating sector and the transportation sector would simply make natural gas, gasoline, fuel oil and propane more expensive and thus make a vital necessity less affordable to our residents. Our residents need to travel day-to-day for work, school and services while also heating a home in a colder climate. The utility bills are already too high and not sustainable on the median family income for most upstate rural communities. Additionally, our communities are being forced to host the land intensive energy renewable projects and provide those projects a real property assessment that is only a fraction of their construction costs. Our communities are also being forced to share the capital transmission cost (\$24 billion) of bringing the upstate renewal energy to NYC to replace the zero-emission electricity lost due to the closing of Indian Point. Even though our communities and their residents are significantly poorer than the typical downstate resident, the 35% to 40% of the carbon tax funds will be directed to disadvantaged communities, which due to the formula/algorithm, are non-existent in rural communities.

The primary behavior impact of the carbon tax on the building heating sector and the transportation sector in rural communities will, most likely be less heat and less vehicles miles (both of which are a basic necessity). As a result, the only justification for the carbon tax on the building heating sector and the transportation sector in rural communities is to raise revenues. If the Legislature needs to raise funds to implement the Climate Act, it should rely on income tax proceeds – not a tax on basic necessities for the working class and poor.

Thank you for your consideration of these comments. We welcome future dialog to help gain a better understanding of the plan and to address these very real issues.

Sincerely,

Mark Odell, Town Supervisor
Town of Windsor
124 Main Street
Windsor, NY 13865
607-655-2026
Supervisor.tow@gmail.com

HIGHWAY:

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Hupman

Motion to Authorize the Purchase of 2022 John Deere 324G Skid Steer NYS OGS Contract: PC69403, Sourcewell Contract: 032119-JDC for \$57,623.65

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

Discussion: Deputy Supervisor Colwell stated this purchase is to replace the Skid Steer that was just delivered in November and was lost in the fire at the Highway Garage noting that the cost has increased \$4,600 since we purchased the last one.

Motion By: Councilman Hupman

Sec. By: Councilman Harting

Motion to Authorize the Purchase of 2023 HX620SBA 6x4 Chassis with Viking Plow Package, Allison Transmission, SS Viking Options, 60-month Extended Warranty, Onondaga County Contract# 8996 for \$268,997.00

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

Discussion: Deputy Supervisor Colwell confirmed that this was also to replace truck lost in fire.

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Hupman

Motion to Approve Purchase Due to The Urgent and Unexpected Fire at The Highway Garage That Resulted in a Complete Loss of All of the Town Vehicles Stored There, the Town Board Hereby Deems That an Emergency Exists Affecting Health and Public Safety, the Town Board Hereby Allows the Emergency Procurement of a Volvo VHD42B300 Daycab, Chassis, Installation of A Plow Equipment and a Dump Box from Burr Truck & Trailer Sales, Inc. With a Total Not to Exceed Amount of \$294,550.00

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye

Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

Discussion: Deputy Supervisor Colwell pointed out that this was to replace the brand-new single axle truck that the Town took delivery of in November 2021. Councilman Harting asked if this took care of the replacement of all the trucks, it is only about half so far per Highway Superintendent Kithcart.

Highway Superintendent Kithcart shared that the late April storm has left Town roads in pretty bad shape with down limbs on the road side and the Highway workers have been working to clean it up however the Town's wood chipper was lost in the fire, Broome County Emergency Services loaned the Town a chipper but it is smaller so it is taking longer to get the road sides cleaned up. Superintendent Kithcart shared that they did manage to get one more mile of Honey Hollow Road paved during though. Supervisor Odell asked Highway Superintendent Kithcart about the cost of blacktop with the cost increases, Supervisor Odell is hopeful that residents are understanding of the situation. Highway Superintendent Kithcart stated that the CHIPS money from the State that is encouraged that municipalities use the full amount given, the Town also has a paving budget but with the rising cost of blacktop as well as fuel the money will not go as far as originally anticipated.

HISTORY:

Supervisor Odell remarked that the position is still vacant at this time.

SENIOR CITIZENS: None

TOWN CLERK/REGISTRAR:

DEC License Sales: \$150.00 Commission: \$8.28 Dog Licenses: New Licenses-7 Renewals-57 April Renewal Letters Sent-44 March Delinquent Letters-23 Accessible Parking Permits Issued: Permanent-13 Marriage Licenses Filed-1
Death Certificates Issued: 5 Certified Copies: Birth-2 Marriage-1 Death-26 Wastewater Treatment Payments: \$13,840.30 Tax Collection: 2022 Final Payment to Supervisor of Penalties and Fees: \$10,479.47 + 2022 Warrant Payment \$1,435,536.22 = 2022 Total \$1,446,005.69 (2021 Payment Total: \$1,418,934.05)
The Clerk reported the new copy machine, printer, scanner has been installed.

TOWN HALL:

Supervisor Odell reported there was another problem with the boiler and he had Apollo Heating come out and service it. The Clerk informed the Board that Francine's Horticulture agreed to care for the flower beds in front of Town Hall. Councilman Harting asked about other things that have been discussed in the past that need repair or replacement at the Town Hall building, Supervisor Odell stated Griffiths Engineering is working on a cost analysis to bring the building up to code in order to help the Board make decisions moving forward.

WASTEWATER TREATMENT PLANT:

Supervisor Odell shared that he received an email from Koester that the variable speed drives are expected around May 23, 2022. Supervisor Odell received an email from Sewer Plant Operator Don Sherwood that there is a pump that will need to be replaced soon as well and he will be providing the Board with price quotes.

YOUTH & RECREATION:

Deputy Supervisor Colwell wanted to acknowledge the Windsor Varsity Baseball Team for being the Eastern STAC Champions, finishing the season 15:1.

ZONING, PLANNING & CODE ENFORCEMENT:

Code Enforcement Officer Osborne went over his March Report-1 Permit for Single Family Home, 2 Permits for Shed/Gazebo, 1 Driveway Permit, 1 Permit for Deck replacement.

Code Enforcement Officer Osborne wanted to bring up a couple of things to the Board, since he has started the job as Code Enforcement Officer Bluestone quarries are the largest source of complaints in his office. Over the winter months Code Enforcement Officer Osborne spent time investigating information in regards to quarries operating in the Town and speaking with the DEC, which everyone is under the assumption controls the quarries Code Officer Osborne has found out that this is not the case and they are only involved when a problem arises that they become aware of. These quarries cause a lot of road damage and are not adhering to any reclamation policy for the land either. Code Officer Osborne proposes that the Town develop an enforceable plan like he has found neighboring townships such as the Town of Kirkwood has instated and is able to enforce. Currently the only enforceable items by the Town are noise, dust and tracking on our highways. The Planning Board would need to look into some aspects of this and Planning Board Chair Johnson-Bennett stated that the DEC is still the deciding authority on mining. Councilman Harting questioned the ability of the Town to place restrictions on quarries to curb some of the complaints and due to mining being a permitted use of land in the Town of Windsor there are very few restrictions that can be enforced. The DEC no longer has any jurisdiction once there is a stone cutting shop and three quarries in the Town do have that.

PUBLIC SAFETY:

Motion By: Councilman Harting Sec. By: Councilman Hupman

Motion to Schedule a Public Hearing for June 8, 2022 at 7:05 pm to Renew an Agreement with Windsor Emergency Services, Inc. for Ambulance Services in the Town of Windsor; and to Authorize Publication

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

Discussion: Councilman Harting stated that himself and Councilwoman Kennedy – Tierno will meet with Eastern Broome EMS before the public hearing to address concern's the Board has regarding their reporting which is in the contract that they have now. Supervisor Odell stated that he is not able to communicate with anyone from Eastern Broome EMS and there are many obligations on their end of the contract that are not being fulfilled by Eastern Broome EMS.

OTHER: None

UNFINISHED BUSINESS:

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

**Adoption of the Town of Windsor Disaster Emergency Preparedness Plan
Resolution #16-2022**

PRESENT: Supervisor Mark Odell
Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting

ABSENT: Councilwoman Kennedy-Tierno

**Offered By: Councilman Harting
Second By: Councilman Hupman**

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 ensure 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 11, 2022.

CERTIFICATION

I, Elizabeth Pfister, 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 the West Windsor Fire Station on the 11th day of May, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED AYE
Deputy Supervisor Daniel Colwell	VOTED AYE
Council Member Gary Hupman	VOTED AYE
Council Member Timothy Harting	VOTED AYE
Council Member Christine Kennedy-Tierno	VOTED ABSENT

Dated: May 11, 2022

Town of Windsor Seal

Elizabeth Pfister, Town Clerk Town of Windsor

Discussion: Councilman Harting questioned why the Board waits to review this plan until June each year when new Board members come on in January

**Town of Windsor, County of Broome, State of New York
Adoption of the NYS Public Employer Health Emergency Plan
Resolution #17-2022**

PRESENT: Supervisor Mark Odell
Deputy Supervisor Daniel Colwell
Councilman Gary M. Hupman
Councilman Timothy Harting

ABSENT: Councilwoman Kennedy-Tierno

**Offered By: Deputy Supervisor Daniel Colwell
Second By: Councilman Timothy Harting**

At a regular meeting of the Town Board of the Town of Windsor, held at West Windsor Fire Station, 9

Karla Drive, Windsor, New York on the 11th day of May, 2022, the following resolution was offered and seconded:

WHEREAS, a Public Employer Health Emergency Plan (the “Plan”) has been developed in accordance with NYS legislation S8617B/A10832 Promulgation, and amended New York State Labor Law section 27-c, requiring public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease; and

WHEREAS, the Plan is pertinent to a declared public health emergency in the State of New York which may impact the Town’s operations, and it is in the interest of the safety of the Town’s residents and employees, and the continuity of the Town’s operations; and

WHEREAS, the Town Board holds the authority to direct the implementation of the Plan should a public health emergency be declared within the territorial limits of the Town of Windsor.

IT IS THEREFORE RESOLVED that the Town of Windsor hereby implements the Public Employer Health Emergency Plan and, pursuant to the Plan, the Supervisor shall be 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 FURTHER RESOLVED that the Supervisor of the Town of Windsor may modify the Plan as reasonably necessary to address the public health emergency and comply with any and all changes in applicable state, federal and local laws, regulations, and guidance within the Town of Windsor; and

IT IS FURTHER RESOLVED that a copy of this 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 Plan shall be reviewed on an annual basis to ensure the continuity, updating or revising of the plan; and

IT IS THEREFORE RESOLVED, by the Town Board of the Plan is enacted effective May 11th, 2022.

CERTIFICATION

I, Elizabeth Pfister, 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 West Windsor Fire Station, 9 Karla Drive, Windsor, New York on the 11th day of May, 2022. Said resolution was adopted by the following roll call vote:

Supervisor Mark Odell	VOTED AYE
Deputy Supervisor Daniel Colwell	VOTED AYE
Council Member Gary Hupman	VOTED AYE
Council Member Timothy Harting	VOTED AYE
Council Member Christine Kennedy-Tierno	VOTED ABSENT

Dated: May 11, 2022
Town of Windsor Seal

Elizabeth Pfister, Town Clerk

NEW BUSINESS:

Motion By: Deputy Supervisor Colwell Sec. By: Councilman Harting

Motion to Schedule a Public Hearing for June 8, 2022 at 7:05 pm to Approve a Trailer Park License for Tuscarora Mobile Village, 880 Stateline Road, Windsor, and to Authorize Publication

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

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

Motion to Approve Hiring of Land Surveyor to Survey the Highway Garage Property at 174 Chapel Street, Windsor, NY 13865 once provided a detailed cost breakdown.

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

Discussion: The Board members reviewed quotes from Paul B. Koerts and William & Edsall Land Surveyor, P.C. given quotes for the work. Deputy Supervisor Colwell stated he spoke with William & Edsall Land Surveyors, P.C. their quote has no payment breakdown for what they will do and what we will need to pay, Board members present agreed that if William & Edsall Land Surveyor, P.C.'s itemized bill shows that they will cover everything that Paul B. Koerts quote had listed they will accept the offer from William & Edsall Land Surveyors, P.C.

Councilman Harting questioned the necessity of the surveyor is, Deputy Supervisor Odell and Highway Superintendent Kithcart stated that a survey is needed to determine land boundaries and there will be new requirements that the existing building does not have. Councilman Harting asked if there are any design drawings at this time, and there is not.

Councilman Hupman asked about the availability of grant funds, Supervisor Odell stated in order to apply for grants the Board needs plans and cost estimates in order to apply for any grants.

UPCOMING MEETING:

Regular Meeting & Public Hearing - June 15th, 2022 7:00 pm Windsor Town Hall 124 Main Street, Windsor, NY 13865

OTHER: Code Enforcement Officer Osborne wanted to mention that the Mobile Home Park for next months Public Hearing has already been approved by the Planning Board.

PUBLIC COMMENTS: None

ADJOURNMENT:

Motion By: Councilman Hupman

Sec. By: Deputy Supervisor Colwell

Motion to Adjourn Meeting at 8:13 p.m.

Vote of the Board:

Supervisor Odell- Aye
Deputy Supervisor Colwell-Aye
Councilman Hupman- Aye
Councilman Harting-Aye
Councilwoman Kennedy-Tierno-Absent

Motion Passed

Respectfully Submitted,

Elizabeth Pfister, Town Clerk