

Regular Meeting & Public Hearing of the Town Board
June 8, 2022 7:00 pm
Town of Windsor Town Hall
124 Main Streets, Windsor, NY 13865

Supervisor Odell pointed out the exits in the room.

MEETING CALLED TO ORDER: by Supervisor Mark Odell, at 7:00 p.m.

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: Present
Code Enforcement Officer Richard Osbourne: Present
Highway Superintendent Michael Kithcart: Present
Attorney Cheryl Sacco: Present

Also, present were: Becky Kennedy – Dunbar Road, Daniel R. Price – White Birch Lake Road, Don & Elizabeth Einstein, Renee Conklin – Eastern Broome EMS, Chivas Randall – JBCJ, LLC., James Post – JBCJ, LLC, Brian White – JBCJ, LLC, Dan Griffiths – Griffiths Engineers, Ruth Seward – Main Street, Eileen Ruggieri – Dire Road, Holly Gardineer – Maple Avenue, Dave Brown – Ostrander Road, Ryan Glovich – JBCJ, LLC, Patti Harting – Pine Street, Chris Zacharias – Eastern Broome EMS, Renee Stanke - GHD

Supervisor Odell opened the meeting by presenting Chris Zacharias and Renee Conklin from Windsor Emergency Services, Inc. with 3 – Pediatric kits that the Town purchased with ARPA Funds, so each ambulance on the squad could be equipped with one. Deputy Supervisor Colwell noted that each unit cost \$6000.00 and they were not easy to get.

PUBLIC HEARING:

Supervisor Odell opened the Public Hearing to Renew an Agreement with Windsor Emergency Services, Inc. for Ambulance Services in the Town of Windsor at 7:05 p.m.

Public Comments:

Becky Kennedy – Dunbar Road – Asked what needs to be done to have an ambulance full time in the Town of Windsor her family has had 3 separate serious incidents and has had a significant wait time beyond acceptable. Supervisor Odell asked Chris Zacharias to offer an explanation. Chris Zacharias explained that prior to 2015 Eastern Broome EMS only had one ambulance, currently the on-duty ambulance operates from Windsor Fire Department on Academy Street and they keep an ambulance in Deposit unstaffed for the volunteers, they have a third ambulance but they currently have no where to store it. Supervisor Odell stated that West Windsor Fire Chief Jerry Launt had given the approval for an ambulance to be parked at the station on Karla Drive. Chris Zacharias stated that Eastern Broome EMS will makes those arrangements, noting that staffing shortages are also an issue, if the on-duty ambulance is currently on a call and there is not available staff or volunteers available the next available ambulance company will be out.

Public Hearing Closed at 7:08 p.m.

Town of Windsor, County of Broome State of New York

AUTHORIZING AN AMBULANCE SERVICE AGREEMENT WITH WINDSOR EMERGENCY SERVICES, INC.

Resolution #20-2022

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

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall 124 on the **8th of June, 2022**, the following resolution was

Offered by: Councilman Harting
Seconded by: Councilwoman Kennedy-Tierno

WHEREAS, the Town Board duly held a public hearing on June 8, 2022 to consider a proposed agreement between the Town of Windsor and Windsor Emergency Services Inc. to furnish emergency medical ambulance services within the Town of Windsor, for the period beginning on June 8, 2022 and ending June 1, 2023; and

WHEREAS, the Town Board heard all persons desiring to be heard in the matter and the matter was fully discussed and considered by the Town Board.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Windsor hereby resolves as follows:

Section 1. The Supervisor of the Town of Windsor is hereby authorized to sign and deliver on behalf of the Town of Windsor the Agreement for Ambulance Service for the for the period beginning on June 8, 2022 and ending June 1, 2023 between the Town of Windsor and Windsor Emergency Services Inc.; and

Section 2. Said agreement shall be substantially in accordance with the version thereof which is now on file in the office of the Town Clerk of the Town of Windsor, and shall be subject to the approval of the attorney for the Town of Windsor.

Section 3. 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 the Town Hall on the 8th day of June, 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 AYE

Dated: June 8, 2022
Town of Windsor Seal

Elizabeth Pfister, Town Clerk
Town of Windsor

Discussion: Councilman Harting stated the contract amount of \$3000.00 was incorrect and that the term of the contract should be changed because it does not line up with Windsor Emergency Services, Inc. or Town of Windsor fiscal year. Attorney Sacco stated the contract cannot be changed at this time due to the Public Hearing Notice but the contract can be amended when the Budget is adopted in the fall and the contract amount can be changed.

Supervisor Odell opened the Public Hearing to Approve a Trailer Park License for Tuscarora Mobile Village, 880 Stateline Road, Windsor, NY 13865 (Tax Map No. 199.01-1-42) at 7:21 p.m. there were no Public Comments. Code Enforcement Officer Osborne introduced the gentlemen from JBCJ, LLC. Making the Board aware that he has been working with them since August to get all their permits for the park and they have cleaned it up nicely, also mentioning that they seem willing to work with the Town. Deputy Supervisor Colwell noted that the Planning Board's recommendation letter stated that the Planning Board unanimously approved the application.

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

**A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WINDSOR APPROVING THE
ISSUANCE OF A LICENSE PURSUANT TO CHAPTER 64 OF THE TOWN CODE FOR JBCJ, LLC.
FOR THE TUSCARORA MOBILE VILLAGE, AT 880 STATELINE ROAD, WINDSOR NY 13865
(TAX MAP NO. 199.01-1-42).**

Resolution #21-2022

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

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 8th of June, 2022, the following resolution was

**OFFERED BY: Deputy Supervisor Colwell
SECONDED BY: Councilman Hupman**

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

Section 1. Pursuant to, and in accordance with Chapter 64 of the Town Code, the Town Board

- A. Finds and determines the applicant (JBCJ, LLC.) provided a sufficient written application to seek a license for the Tuscarora Mobile Village, at 880 Stateline Road, Windsor NY 13865 (Tax Map no. 199.01-1-42) and the required fee; that the Broome County Health Department has provided requisite approvals; that the Town Code Enforcement officer and Town Planning Board have provided approvals.
- B. Finds and determines that the application is not seeking any material change in the permit conditions or the scope of the permitted activities as compared to the prior year; but rather the only change is the entity seeking the permit; and the permit is not transferable or assignable.
- C. Finds and determines that the Town Board duly conducted a public hearing on the proposed application at the Windsor Town Hall, 124 Main Street, Windsor, NY, which was opened in and closed on June 8, 2022, and those wishing to speak were given an opportunity; notice of the public hearing was duly published in the official newspaper of the Town; and a copy of the notice of public hearing was duly posted on the Town Clerk’s signboard.
- D. Finds and determines that the action is a Type II action under 6 NYCRR Section 617.5(c) 26, in that it is an action for a license, lease and permit renewals or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities; and thus, no further environmental review of the State Environmental Quality Review Act is necessary or warranted.

Section 2. The Town Board hereby approves the Application, subject to the provisions and conditions set forth hereinafter, and as set forth in law and regulations; including but not limited to chapter 64 of the Town Code. The Town Board hereby authorizes the issuance to Applicant of the requested license, subject to the following provisions and conditions with which Applicant must comply:

- A. Applicant must renew the license annually as required by law; and must not expend or exceed the scope of the license.
- B. Applicant shall obtain, at its own expense, all other permits and licenses required by applicable law, rule, regulations or Law, and must maintain the same, in full force and effect, for as long as required by the Town or other governmental entity or agency having jurisdiction over the Applicant.

Section 3. The Town Clerk is hereby directed to send certified copies of this resolution to the Applicant.

Section 4. This Resolution shall take effect immediately.

Vote of the Board:

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 AYE

Motion Approved

Resolution Adopted: June 8, 2022

STATE OF NEW YORK:
COUNTY OF BROOME: ss
TOWN OF WINDSOR:

I, Elizabeth Pfister, Clerk of the Town of Windsor, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the Town Board of the Town of Windsor, Broome County, New York on the 8th day of June, 2022.

Elizabeth Pfister, Town Clerk
Town of Windsor

Supervisor Odell introduced Mark Parkinson from Adjusters International to give an update on the Highway Garage Fire. Mark Parkinson stated he has been working with Highway Superintendent Kithcart, Cheryl the Highway Secretary and others in the Town and they have completed the inventory and the insurance company has agreed and declared the building a total loss. Councilwoman Kennedy – Tierno asked if a report would be provided to the Board from the fire investigator, she had not seen one to this point, Mark Parkinson stated it was not a document he had received but he can make a request for one. Deputy Supervisor Colwell thanked Mark for the detailed inventory list that he had provided and questioned if it had been turned over to the insurance company yet, Mark stated it had not he was waiting for Highway Superintendent Kithcart to verify the list which they said would be completed by tomorrow. Deputy Supervisor Colwell then asked where Mark would be stepping in with the insurance company on the new building, Mark stated there have not been any dollar amounts provided from the insurance company at this point. The determination had recently been made that repair and cost to bring building to code compliance exceeds the cost for a replacement building, Attorney Sacco clarified that when Mark is stating “code compliant” as a new building, it was code compliant for the age of the building, the Board thanked Mark for the update.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

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

Motion to approve the minutes of the May 11, 2022 Regular Meeting as submitted.

Vote of the Board:

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

Motion Passed

FINANCIAL REPORT:

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

Motion to approve June 2022 Bills for Payment.

Vote of the Board:

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

Motion Passed

May 2022 Financials were distributed to the Board, there were no comments.

COMMITTEE REPORTS:

ASSESSOR:

Supervisor Odell pointed out that no one came in for Grievance Day according the assessors report.

CEMETERIES: None

DOG CONTROL:

Supervisor Odell announced the Broome County Rabies Clinic June 22, 2022 6:00 p.m. – 7:00 p.m. at the Windsor Fire Station

ECONOMIC DEVELOPMENT: None

ENERGY:

Councilman Harting mentioned that at the May 11, 2022 meeting, a resident made a public comment regarding the lights on the wind turbines in the Bluestone Wind Project and he saw on the Public Service Commission Website where Bluestone had submitted a letter making the request about the lights.

HIGHWAY:

Supervisor Odell announced the bids for the Town Highway Garage Demolition on Wednesday June 1, 2022 at 11:00 a.m. by the Town Clerk.

- Empire Dismantlement Company \$98,000.00
- Gorick Construction Co. Inc. \$64,000.00
- Byler Excavating \$69,575.00

Supervisor Odell shared a letter from John Mastronardi at Griffiths Engineering making the recommendation to award Gorick Construction Co. Inc. the contract.

Motion By: Deputy Supervisor Colwell **Sec. By: Councilwoman Kennedy - Tierno**

Pursuant To the Review and Recommendation from Griffiths Engineering Motion to Award the Town of Windsor Highway Garage Demolition Project to The Lowest Responsible Bidder Gorick Construction Co. Inc., In an Amount Not to Exceed \$64,000.00, and Authorize the Supervisor to Sign the Agreement.

Vote of the Board:

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

Motion Passed

Discussion: Randy Williams asked the Board why the bids were not opened at the Board meeting, Deputy Supervisor Colwell explained that the engineer needed to review the bids and approve them so the Board was able to make a decision tonight. Councilman Harting questioned the Clerk who was present at the bid opening the Clerk had the Deputy Clerk as well as the representatives from Gorick Construction Co. Inc. and Byler Excavating present when the bids were opened.

Motion By: Councilman Hupman

Sec. By: Councilman Harting

Motion to Authorize the Town of Windsor to enter into a permit agreement with New York State Department of Transportation through execution of NEW YORK STATE DEPARTMENT OF TRANSPORTATION OFFICE OF RIGHT OF WAY PERMIT FOR USE OF STATE-OWNED PROPERTY for the following occupation of NYSDOT Right of Way:

- Town of Windsor Occupancy of the NYSDOT Region 9 Windsor Sub-Residency ('the site') located at 610 Old Route 17, Windsor NY 13865 by the Town's Highway Department from the effective date of the signed and approved ROW 75 Permit until October 31, 2022, at which time the Town will remove all of its items from, terminate its occupancy of, the site in order to allow for the standard NYSDOT Region 9 occupancy of the site to resume by 12:00 AM on November 1, 2022.
- The approximately 3.0 +/- acre area that comprises the site was acquired under SH 5241, Binghamton – Windsor, Part 4 through Map 20.2, Map 33 Parcel 62, & Map 34 Parcel 65
- The intended uses at the aforementioned location is to support, and increase the capacity of, miscellaneous storage and operations work of the Town of Windsor Highway Department in order to enable the Town to more effectively carry out its essential local highway maintenance responsibilities
- Town of Windsor authorizes its Town Highway Superintendent to sign the NEW YORK STATE DEPARTMENT OF TRANSPORTATION OFFICE OF RIGHT OF WAY PERMIT FOR USE OF STATE-OWNED PROPERTY on its behalf

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell-Aye

Councilman Hupman- Aye

Councilman Harting-Aye

Councilwoman Kennedy-Tierno-Aye

Motion Passed

Discussion: Deputy Supervisor Colwell explained this is an agreement with New York State to use the DOT space on Old Route 17, Windsor until November 1, 2022 at which time the NYS DOT will reoccupy the space. Councilwoman Kennedy – Tierno asked why the highway department would be doing this, Highway Superintendent Kithcart explained that it would provide a space for the Highway workers to work on equipment and allow for modifications to be made to the existing pole barn at the Highway location to prepare for winter to have space to work. Councilwoman Kennedy – Tierno questioned what would happen if the pole barn was not ready by November 1, 2022 would NYS allow us to utilize longer and what the backup plan is. Highway Superintendent Kithcart said NYS would not allow them to stay any longer and there is no other plan. Councilman Harting questioned if there would be a charge associated with the use, there will not be.

HISTORY:

Eileen Ruggieri addressed the Board about considering appointing Rita Saunders as Town Historian at least through the end of the year. Rita's organizational skills and family history as well as her involvement and knowledge in the Town of Windsor community and involvement with past historians.

Eileen shared an event that The Old Onaquaga Historical Society will be putting on Saturday June 13, 2022 at the corner of Fordway and Dutchtown Roads a rededication of the marker for Rebecca Kellogg Ashley, which has had a new kiosk built over it to protect the stone from the elements as it is beginning to crack. Money donated by Bluestone Wind made this possible and there will be members of the D.A.R. (Daughters of the American Revolution) present as well as County Historians and she invited any Board members to join as well.

Eileen asked that the Rebecca Kellogg Ashley panels currently located in the hallway be moved to possibly the stairwell leading to the History room so that a display case that they have acquired can be hung downstairs where pieces of Windsor history can be on display and rotated out for more people to enjoy. Recently former police chief John Gray's daughter brought in a box of memorabilia from his time as police chief and donated to the Town.

SENIOR CITIZENS: None

TOWN CLERK/REGISTRAR:

The Board reviewed the Clerks report, there were no questions

WASTEWATER TREATMENT PLANT:

Supervisor Odell made the Board aware that a batch mixer is needed at the Wastewater Treatment Plant and that we are currently awaiting a third quote from Don Sherwood. Councilman Harting asked Supervisor Odell if he considered or researched using ARPA funds to pay for this, the Supervisor stated he did believe it would be a qualifying use and would look into it.

Supervisor Odell updated the Board that the variable speed drives were currently being installed on the pump station and should be completed soon.

YOUTH & RECREATION:

Councilman Harting wanted to update the Board that the Town Fair committee is going to be receiving a grant from Broome County as well as a donation from Bluestone Wind and the fait is in the final planning stages.

ZONING, PLANNING & CODE ENFORCEMENT:

Code Enforcement Officer Osborne wanted to continue the discussion from May 11, 2022 meeting in regards to stone quarries in the Town. Code Enforcement Officer Osborne requested that the Town be the lead agency on quarries instead of the DEC, he has spoken with code officers from neighboring towns and reviewed their policies which allows the Code Officer and the Town a lot more control over shutting down unpermitted operations as well as making quarry owners bond the roads they are destroying in the Town. Attorney Sacco asked the Board if they would like her to get copies of local laws regarding quarries from neighboring towns and review what local laws they have in place and come back to the Board with her findings.

PUBLIC SAFETY:

Supervisor Odell mentioned that Emergency Services finally brought in checks for the money to flow through the Town and the April 2022 report was also given to the Board to review

UPCOMING MEETING: July 13, 2022 7:00 p.m. Windsor Town Hall

Supervisor Odell introduced Dan Griffiths from Griffiths Engineering to share findings of a feasibility study done on the Town Hall building. Reports of the findings were distributed to the Board and the major issues were reviewed by Dan Griffiths along with cost estimates to make repairs and bring building into code compliance or to consider constructing an inexpensive metal building at the same location as the Highway Garage. Dan Griffiths wanted to recommend that an environmental specialist be called in to look at the rear corner of the basement that has a mold issue due to water issues and court documents are currently stored in that area. Councilwoman Kennedy – Tierno questioned the cost of removing mold and if the Town was to look into selling the building would the mold have to be taken care of prior to that, Dan Griffiths said an environmental specialist would need to assess and make that determination. Councilwoman Kennedy – Tierno asked Code Enforcement Officer Osborne how many findings in the engineering report are not up to code, Code Enforcement Officer Osborne shared that he also just received the report and does not know but building code is based on the era the building was built, if more than a 50% renovation is done then a building would need to be brought up to current code.

PUBLIC COMMENTS:

Holly Gardineer-Maple Avenue-Shared that the Town Hall is a historic building within a Historic District, which was purchased by residents of the Town and that funding is available to assist in repairs of this nature.

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

Motion to Recess for Executive Session for Matters Regarding the Employment of Particular Persons and Legal advice at **8:18 p.m.**

Vote of the Board:

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

Motion Passed

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

Motion to Return from Executive Session for Matters Regarding the Employment of Particular Persons and Legal advice at 9:15 p.m.

Vote of the Board:

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

Motion Passed

Deputy Supervisor Colwell announced that the Board will hold a Work Session on Monday June 13, 2022 7:00 p.m. purpose to discuss plans for the needs of the Highway Garage

ADJOURNMENT:

Motion By: Deputy Supervisor Colwell Sec. By: Councilwoman Kennedy - Tierno

Motion to Adjourn Meeting at 9:17 p.m.

Vote of the Board:

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

Motion Passed

Respectfully Submitted,

Elizabeth Pfister
Town Clerk