

Regular Meeting of the Town Board
July 12, 2023 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 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

Councilman Daniel R. Price: Present

Code Enforcement Officer Richard Osbourne: Present

Highway Superintendent Michael Kithcart: Present

Attorney Mark Spinner: Present

Also, present were: Don & Elizabeth Einstein, Windsor Standard; Khristine Breeding, Garrett Road; Evelyn Klie, Hargrave Road; David Brown, Ostrander Road; John Mastronardi, Griffiths Engineering; Amanda Jackson, Bearhouse Road; Fred & Fran Barrett, Blatchley Road; Jason Colwell, Piper Hill Road; Rhea Deyo, Treadwell Road; Jeremie Rounds, State Route 79; Stacie Congdon, East Windsor Road; Ruth Seward, Main Street

PUBLIC COMMENTS:

Evelyn Klie, Hargrave Road – She contacted Supervisor Odell about noise coming from a stone quarry/saw shop on Macallitster Road that has started sawing early mornings, late evenings and all weekend. She contacted the D.E.C. and spoke with Tom Rigley who is going to investigate and get back to her. She drove up to the quarry to try to speak with someone only to find a large stone saw running, sawing a big block of stone with no person around monitoring it. She would like for there to be a harmonious agreement for the residents and the business.

APPROVAL OF MINUTES:

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Harting

Motion to approve the minutes of the June 14, 2023 Regular Meeting as submitted.

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

FINANCIAL REPORT:

Motion By: Councilman Harting

Sec. By: Councilman Hupman

Motion to approve July 2023 Bills for Payment.

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

The Board was given the June 2023 Financials to review, there were no questions

Supervisor Odell went over with the Board the Goals for the 2024 Budget and the Calendar

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Amend the 2023 Budget to Reflect Insurance Fund Allocations
RESOLUTION #18-2023

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

At a Regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 12th day of July, 2023, the following resolution was:

Offered By: Deputy Supervisor Colwell
Second By: Councilman Hupman

WHEREAS, the Town has \$100,000 in earmarked fire replacement funds held in the unreserved A Fund Balance.

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following budgetary adjustment in the A fund to cover fire replacement expenditures incurred to date and anticipated through CY2023.

ACCOUNT	ACCOUNT NAME	DEBIT	CREDIT
A909	FUND BALANCE: UNRESERVED	\$20,000.00	
A5132.2	GARAGE - EQUIPMENT		\$20,000
	<i>TRANSFER EARMARKED FIRE CONTENT REPLACEMENT FUNDS</i>		

IT IS HEREBY RESOLVED, by the Town Board of the Town of Windsor that the following budgetary adjustment be made for expenditures incurred.

ACCOUNT	ACCOUNT NAME	DEBIT	CREDIT
A9010.8	EMPLOYEE BENEFITS	\$6,536.00	
A1010.4	TOWN BOARD: CONTRACTUAL		36.00
A1910.4	UNALLOCATED INSURANCE		6,500.00
	<i>TO FUND OVERDRAWN ACCOUNTS</i>		

BE IT FURTHER RESOLVED that this resolution take effect immediately.

Vote of the Board:

Supervisor Mark Odell - Aye
 Deputy Supervisor Daniel Colwell – Aye
 Councilman Gary M. Hupman – Aye
 Councilman Timothy Harting - Aye
 Councilman Daniel R. Price – Aye

Motion Approved

Resolution Adopted: July 12, 2023

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 12th day of July 2023.

 Elizabeth Pfister, Town Clerk Town of Windsor

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Amend the 2023 Budget to Reflect Federal ARPA Revenue/Expenditures & Modifications
RESOLUTION #19-2023

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

At a Regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 12th day of July, 2023, the following resolution was:

Offered By: Councilman Harting
Second By: Deputy Supervisor Colwell

WHEREAS, the Town expects to spend \$28,034.22 for security improvements and renovations of the Town Clerk’s office space to improve interactions with the public. Motion was made and approved at the Regular Meeting of the Town of Windsor Town Board, held at the Town Hall on the 10th day of May and 14th day of June 2023 to use APRPA funds for this project.

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following budgetary adjustment in the A fund be made to cover the cost of this purchase and installation;

ACCOUNT	ACCOUNT NAME	DEBIT	CREDIT
A688	OTHER LIABILITIES - ARPA	\$28,034.22	
A4089	OTHER AID FROM ARPA		\$28,034.22
	<i>REVENUE RECOGNITION FOR ARPA TOWN HALL</i>		
A4089	OTHER AID FROM ARPA	\$28,034.22	
A1110.46	BUILDINGS: CONTRACTUAL		\$28,034.22
	<i>ARPA FUNDS TO NAT'L FLOORING & GREG PITCHER LLC, STAPLES</i>		

BE IT FURTHER RESOLVED that this resolution take effect immediately.

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 12th day of July, 2023. Said resolution was adopted by the following roll call vote:

- Supervisor Mark Odell - Aye
- Deputy Supervisor Daniel Colwell – Aye
- Councilman Gary M. Hupman - Aye
- Councilman Timothy Harting - Aye
- Councilman Daniel R. Price - Aye

Motion Approved
Resolution Adopted: July 12, 2023

Town of Windsor Seal

Elizabeth Pfister, Town Clerk Town of Windsor

Motion By: Councilman Hupman Sec. By: Councilman Harting
Motion to Set a Public Hearing on Local Law #3-2023 to Exceed the Local Tax Cap for August 9, 2023 at 7:05 P.M. and Authorize Publication

Vote of the Board:
Supervisor Odell- Aye
Deputy Supervisor Colwell- Aye
Councilman Hupman- Aye
Councilman Harting- Aye
Councilman Price - Aye

Motion Passed
Discussion: Supervisor Odell stated for the public that this is procedural and has to be done every year but the Board always strives to not exceed the tax cap.

COMMITTEE REPORTS:

ASSESSOR:

The Board reviewed the Assessors June 2023 report, there were no comments

CEMETERIES:

DOG CONTROL:

ECONOMIC DEVELOPMENT:

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

Motion to Ratify the Approval of the Supervisor or his Designee to Sign a Contract with Broome Tioga BOCES for the Summer Youth Employment Program Effective June 23, 2023

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

Discussion: The Clerk shared that two Windsor seniors started at the Town Hall on Monday July 10th. They have been helping in the history room as well as with some record retention projects. The Clerk also stated that BOCES has asked if the Town to continue to partner with them in the future. Councilman Price said the gentleman he spoke with from Assemblyman Angelino's office was Don Petrie and has given the information to the Clerk to send a thank you from the Town for connecting them with this program.

ENERGY:

ENGINEER:

John Mastronardi from Griffiths Engineering updated the Board on the progress for the Highway Garage project to begin, noting that the revised mechanical and electrical bids are due at the end of the week. John will review them for all the specs and have the professional estimator review to make sure the cost adjustments for the change order are not out of reason. Supervisor Odell asked if John had heard back from NYSEG about the service upgrade to the building being necessary with the change in electrical services, John stated he is still waiting for NYSEG to confirm the last he heard from the contact she was going to have the new load numbers reviewed, John said he would stay on her to get the information. Deputy Supervisor Colwell asked when the project might start and John said he was hopeful that if everything is good with the new bids that a prestart meeting can happen by the end of next week.

HIGHWAY:

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

Motion to Enter Into Executive Session to Discuss the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, or Removal of a Particular Person or Persons at 7:18 P.M.

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell-Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

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

Motion to Return from Executive Session for Matters Regarding the Employment of Particular Persons and Legal advice at 7:45 PM

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

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

Motion to Ratify the Appointment of Joseph Driggs as Motor Equipment Operator at \$18.50 per Hour in the Highway Department Effective July 10, 2023

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

Motion By: Councilman Hupman Sec. By: Councilman Harting

Motion to Accept the Resignation of Gerard McNally as Motor Equipment Operator Effective July 20, 2023

Vote of the Board:

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

Motion Passed

HISTORY:

Town Historian, Rita Saunders updated the Board on the activities of the History room. Rita has been spending a lot of time this summer working in the cemeteries in Windsor. One project has been updating the listing of Veterans Graves in Windsor cemeteries, she has been working with Gail Bagg from Riverside cemetery. Rita recognized resident Jeremy Rounds for cleaning up the leaves and branches at Doolittle cemetery on Route 79 as well as creating a listing of all the names on the graves that were in there that could be read. Rita has also been to the Mountainview Cemetery where the Fiore's have been working on repairing stones of their family members and she said the work is amazing that they do. The bulk of this year she has been working on going through 148 years of Windsor Standards and has them in order in archival boxes so they can be digitized next. Councilman Price asked if there was funding for this, the Town Clerk responded that they had already looked into a few avenues and there are quite a few organizations that fund this.

This week with the assistance of the summer interns she has gotten all the photographs sleeved and the metal clips replaced with plastic ones in all of the family files in the history room and thanked Councilman Price for his efforts in finding out about this program with the youth.

SENIOR CITIZENS:

TOWN CLERK/REGISTRAR:

The Town Clerks June 2023 report was given to the Board there were no questions, the Clerk said there was nothing of interest to mention. The office renovations are currently underway and things are going smooth.

TOWN HALL:

Supervisor Odell informed everyone that Judge Dadamio from the Town of Fenton has been assigned to assist with the Court caseload until the end of the year.

WASTEWATER TREATMENT PLANT:

John Mastronardi from Griffith Engineering told the Board he has been looking into another option for the sludge removal that may not be as costly. John found where this has been done without disturbing the reeds or damaging the membrane, he is still researching it but thinks it may work and we be a large cost savings for the Town. The first thing that has to be done is have a sample tested to see if it meets the requirements for hauling to the local landfill or if it will require a specialized hauler from further away, so he and Donnie are going to get that taken care of so the Town knows what type of hauler to go out to bid for. John said he thinks it will be two fees that will need to be paid, one for the hauling to the hauler and the tipping fee to the landfill because the weight will be unknown.

YOUTH & RECREATION:

Rhea Deyo from WYSR gave an update on the Spring/Summer sports season, stating they have had the largest numbers ever and they continue to grow. The annual Easter egg hunt and Opening Day were both successful events. The Opening Day parade route was changed from commencing down Route 79 and closing traffic for a significant amount of time, they chose to walk from the middle school up Grove Street to the park, Rhea said both parents and players were very happy. There are currently a few summer baseball, softball and lacrosse teams playing now, and the fall football practices have begun.

Amanda Jackson, Stacie Congdon and Jason Colwell gave an update on the Windsor Town Fair. Amanda shared they have 20 sponsors for this year's event and had \$12,000 profit from last year going into this year. There are 5 more fundraisers before the fair still and they are in need of an additional \$5,600 to go into this year to break even. They have added more events this year and expanded the locations of the events to the mud flats on Bridge Street and behind the middle school. The Parade will have some new additions as well as a float contest with cash prizes and they have 3 mystery judges for this event. There is a possibility of a Nashville recording artist coming to perform as well but they are not sure yet. Councilman Hupman asked if they have been doing a lot of out area advertising to pull people in. Amanda said they have some PR events coming up. Amanda also wanted to share with the Board that, Michael's Sensory Space, which was created for last years fair was invited to come this year to both the Conklin and Kirkwood Town Fairs.

ZONING, PLANNING & CODE ENFORCEMENT:

The Board reviewed the Code Officers June 2023 report, there were no questions. Code Officer Osbourne wanted to give the Board some information that he has been tracking about where his time is spent when he is working for the Town. In the month of June 43% of his time was spent dealing with issues with stone quarries.

Code Officer Osbourne also wanted to bring to the Board an issue the Fire Departments brought to him. Often times when fire crews are fighting fires, they need to have someone come knock part of the building down so they can ensure the fire is out. Last week they responded to a garage fire on Hoadley Hill Road that they were called to return to four times that evening because it reignited. The fire chief told Code Officer Osbourne that other municipalities will have a contractor on call for this situation and wanted the Town to look into. Councilman Harting said he would contact the County Emergency Services and ask what they suggest and get back to the Board with the information.

Code Officer Osbourne also submitted his completed service training hours are complete through 2024

PUBLIC SAFETY:

The Board received the February 2023 transport revenues, along with June 2023 operations update and call log, there were no questions or comments

UNFINISHED BUSINESS:

NEW BUSINESS:

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Hupman

Motion to Change the Date of the Regular October Meeting from October 11, 2023 to October 4, 2023 at 7:00 PM

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

Discussion: Supervisor Odell stated this and the next resolution are procedural in order to meet the deadlines of the budget calendar

Motion By: Councilman Hupman

Sec. By: Councilman Harting

Motion to Change the Date of the Regular November Meeting from November 8, 2023 to November 1, 2023 at 7:00 P.M.

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

The Board discussed a petition that was received from residents of Beaver Lake in regards to a pending quarry permit on Beaver Lake Road. Councilman Harting asked Attorney Spinner if there is a set number of petitions that can come to the Town before they have to act or not. Attorney Spinner stated that there is actually no required action that has to be taken with any petition. Deputy Supervisor Colwell stated that the facts are that in the Town mining is a permitted use of land however he does feel that it can be more closely regulated as part of the SEQR process. Code Officer Osbourne stated that the Town laws are not in existence that would allow the Town to have more control over this situation and that is where the frustration occurs for residents. Code Officer Osbourne feels that the Town is not being served by the D.E.C. and they help to excuse the violations of the quarry owners. Attorney Spinner said that with mines the D.E.C. handles all quarries and mining permits, in order to make this more restrictive the Town needs to change its zoning law to prohibit mining in an agricultural district so that every applicant would have to go before the ZBA for a variance, when they do that then conditions can be set forth by the Town for the business and there is something for the Code Officer to enforce. Attorney Spinner said at this time the only thing that can be done for the quarry on Beaver Lake Road at this time is to respond to the D.E.C.'s notification that they are to lead agency on the SEQR review that the Town has concerns and wants input before the mine permit is issued. Councilman Harting asked if the Town could require a Special Use Permit and Attorney Spinner said that is exactly what the Town can do, lay out their concerns and request that the D.E.C. establishes a point of contact for complaints that will be accountable to the Town.

The Board also addressed an email that Supervisor Odell received over the weekend from Evelyn Klie over the weekend about a stone cutting shop that was sawing nonstop all weekend long on Mcallistor Road. Mrs. Klie had stated in her email that the sawing began early Saturday morning and continued until 7:30 P.M. on Sunday she drove up into the quarry looking to speak with someone and found this large stone saw running with no one around at all. Supervisor Odell attempted to go to the quarry on Sunday and found the gate locked and no one around. Code Officer Osbourne reported that he had issued a stop work order because they do not have a quarry permit and stone sawing is manufacturing which is not allowed in an agricultural zone. If they continue, he contacts the Sheriffs office to issue a summons to court. Supervisor Odell appointed Councilman Harting and Councilman Hupman along with Code Officer Osbourne to review the zoning and determine where the changes need to be made for so the Town can have more recourse for these situations and protect its residents. Deputy Supervisor Colwell asked to be able to consult with the committee as a quarry owner/operator himself he could add some insight.

Motion By: Councilman Harting

Sec. By: Councilman Hupman

Motion to Acknowledge the Receipt of Petition from Beaver Lake Residents to Prevent the Permitting of the Beaver Lake Road Quarry and Letter from the New York D.E.C. and application for Bluestone Exploration Authorization-Beaver Lake Road Quarry

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

Motion By: Councilman Harting

Sec. By: Councilman Hupman

Motion to Respond to the Letter and application from the New York DEC regarding Bluestone Exploration Authorization-Beaver Lake Road Quarry detailing Town determinations and concerns including those of Beaver Lake resident petitioners

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell- Aye

Councilman Hupman- Aye

Councilman Harting- Aye

Councilman Price - Aye

Motion Passed

Discussion: Mrs. Klie thanked the Board for working so hard on this issue

Councilman Price wanted to bring up a few items that should be reviewed that went along with the quarry permitting issue. First is increasing the fees that are charged for permits in the zoning office, they should be increased. The second item is a Road Use Agreement for these quarry trucks as well as other companies that are hauling large loads on Town roads. The last two items were ensuring that local apartments and trailer parks have a property manager if the owner doesn't live in Broome County and being more restrictive with our laws on the placement of political signage. Supervisor Odell said much of this will be addressed by the committee

**Town of Windsor, County of Broome, State of New York
RETIREMENT OF ANNE STAPLETON, COURT CLERK
Resolution #20-2023**

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

**Offered, With Deepest Regret, By: Supervisor Odell
Second By: Councilman Harting**

WHEREAS, Anne Stapleton has served the Town of Windsor faithfully and continuously since February 24, 2016, as Court Clerk; and

WHEREAS, Anne Stapleton has submitted her intention to retire effective at the end of the day July 28, 2023; and

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

BE IT FURTHER RESOLVED that the Town of Windsor Board extends to Anne Stapleton its sincere thanks and the thanks of the community for her efforts on behalf of the residents of the Town; and

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

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 Windsor Town Hall, 124 Main Street, Windsor, NY on 12th day of July, 2023. Said resolution was adopted by the following vote:

Supervisor Mark Odell - Aye
Deputy Supervisor Daniel Colwell - Aye
Councilman Gary M. Hupman - Aye
Councilman Timothy Harting - Aye
Councilman Daniel R. Price - Aye

Motion Approved
Resolution Adopted: July 12, 2023

Elizabeth Pfister Town Clerk, Town of Windsor

Motion By: Deputy Supervisor Colwell **Sec. By: Councilman Harting**
Motion to Advertise for the Position of Court Clerk and Authorize Publication

Vote of the Board:

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

Motion Passed

UPCOMING MEETING: Planning Board Meeting July 26, 2023 7:30 PM Windsor Town Hall
Public Hearing & Regular Board Meeting August 9, 2023 7:00 P.M. Windsor Town Hall

PUBLIC COMMENTS: None

ADJOURNMENT:

Motion By: Deputy Supervisor Colwell **Sec. By: Councilman Harting**
Motion to Adjourn Meeting at 9:29 PM

Vote of the Board:

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

Motion Passed

Respectfully Submitted,

Elizabeth Pfister
Town Clerk