

**Public Hearing & Regular Meeting of the Town Board
September 13, 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: Absent

Councilman Timothy Harting: Absent

Councilman Daniel R. Price: Present

Code Enforcement Officer Richard Osbourne: Present

Highway Superintendent Michael Kithcart: Present

Attorney Mark Spinner: Present

Also, present were: June White, Beaver Lake; Don & Elizabeth Einstein, Windsor Standard; David Cox, Passero Assoc.; Steve Trobe, Passero Assoc.; Linda Burghardt, Lisle; Holly Gruskay, Vestal; Sue Baron, Beaver Lake; Mark Ponzi, Endicott; David Brown, Ostrander Road; John Mastronardi, Griffiths Engineering; Karen K. Madsen, Beaver Lake; Fred & Fran Barrett, Blatchley Road; Ruth Seward, Main Street

Supervisor Odell began the meeting with a moment of silence for former Town Justice Frederic Stapleton, III and gave sentiments.

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Price

Motion to Motion to Donate \$150.00 to St. Jude's Hospital in Memoria of the Honorable Frederic Stapleton, III

Vote of the Board:

Supervisor Odell- Aye

Deputy Supervisor Colwell-Aye

Councilman Hupman- Absent

Councilman Harting- Absent

Councilman Price - Aye

Motion Passed

PUBLIC HEARING:

Supervisor Odell reopened the adjourned hearing for Local Law to Exceed the Tax Cap at 7:02 P.M. there were no public comments, Supervisor Odell made residents aware the Town would not be exceeding the tax cap the hearing was closed at 7:03 P.M.

Supervisor Odell reopened the adjourned public hearing for The Hills of Windsor Proposed Project at 7:03 P.M. David Cox from Passero Associates gave the Board an update from last month on changes that were requested. They decreased the grade of the access driveway as recommended, they have also made changes to the storm water pond and verified that all roads have passable turning abilities for firetrucks. Town Engineer, John Mastronardi voiced concern due to an incomplete SWPP report that has been submitted and the Geotech report is missing infiltration or percolation testing that has been asked for. Deputy Supervisor Colwell asked when it was expected to be completed, David Cox said that it is on the list for the Geotech to get done he is hopeful that it will be soon. Code Officer Osborne asked what was happening with the request from NYS DOT with the access driveway. Cox stated he had inquired with DOT and they do not foresee an issue as there was an existing driveway which they were told could be reused. Supervisor Odell adjourned the Public Hearing until the October 4, 2023 Regular Meeting.

Supervisor Odell invited Holly Gruskay & Linda Burghardt to present on behalf of New York Citizens Audit. This is a grass roots campaign seeking support from localities across the State to prevent voter fraud. New York Citizens Audit is asking that the State Board of Elections to make voter rolls accurate and ensure that the number of votes counted equals the number of voters voting. Mark Ponzi of Endicott shared that he had run for office in the Village of Endicott and lost by 5 votes, small municipalities are where these errors can make a difference and it is also diluting the votes in larger elections. The Board supported their efforts and applauded them for the work they are doing.

Motion By: Deputy Supervisor Colwell Sec. By: Councilman Price
 Motion to Sign Resolution #26-2023 Supporting New York Citizens Audit

Vote of the Board:

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

Motion Passed

Discussion: Supervisor Odell read aloud the supplied resolution from New York Citizens Audit.

Be it Resolved That the Town Board of Windsor, NY stands in support with the concerns and remedies presented here. We implore the Broome County Legislature, NYS Legislature, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both State and County Boards of Elections to cooperate and fulfill these firm requests of the people.

RESULTS OF THE VOTE	YEA	NAY	SIGNATURE
Supervisor Mark Odell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Mark L Odell</u>
Deputy Supervisor Daniel Colwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Daniel H Colwell</u>
Councilman Gary M. Hupman	<input type="checkbox"/>	<input type="checkbox"/>	<u>ABSENT</u>
Councilman Timothy Harting	<input type="checkbox"/>	<input type="checkbox"/>	<u>ABSENT</u>
Councilman Daniel R. Price	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Daniel R. Price</u>

As recorded on the 13th of September, 2023.

- 4 - Resolution for an Audit of the New York State 2022 General Election

PUBLIC COMMENTS:

June White – Beaver Lake Road – Thanked the Board for their support with the quarry and asks that the Board continue to pursue this and ensure that the quarry owner is liable for the mitigation to take care of the silt coming into the lake also. She also wanted to comment on the condition of Beaver Lake Road, she noticed the street sweeper come through and is wondering if this is an indication that the road will be paved soon. Highway Superintendent Kithcart confirmed that it is on the schedule to be paved. Attorney Spinner let the Board know that earlier this week a follow up letter was sent to the D.E.C. on this since no response has been received by the Town. Code Officer Osborne let everyone know that the D.E.C. reached out to him today and they received the Town’s follow up letter with the photos.

Ruth Seward – Main Street – Questioned why she is paying tax twice for emergency service, once through the Town and once through the Village. Supervisor Odell shared that as soon as he heard about this question being raised at the Village Board meeting, he looked into it and the Town is taxing appropriately according to direction of the Town’s CPA.

Frank Barrett – Blatchley Road – Thanked the Highway Department for repairing the potholes on Blatchley Road. He asked if a sign could be posted on the sharp corner of Bush Hill Road and Blatchley.

APPROVAL OF MINUTES:

Motion By: Deputy Supervisor Colwell Sec. By: Councilman Price
Motion to approve the minutes of the August 9, 2023 Public Hearing & Regular Meeting as submitted.

Vote of the Board:

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

Motion Passed

FINANCIAL REPORT:

Motion By: Deputy Supervisor Colwell Sec. By: Councilman Price
Motion to approve September 2023 Bills for Payment.

Vote of the Board:

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

Motion Passed

The Board was given the August 2023 Financials, there were no comments.

The Board was given the 2024 Tentative Budget to Review and discussion will take place at the October 4, 2023 meeting. Supervisor Odell thanked bookkeeper, Khristine Breeding and Deputy Supervisor Colwell for helping him keep the budget within the tax cap.

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Amend 2023 Highway-Townwide DA Fund Budget to Pay-Off Bridge Bond with Fund
Balance
RESOLUTION #24-2023**

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

At a Regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 13th day of September, 2023, the following resolution was:

Offered By: Deputy Supervisor Colwell
Second By: Councilman Price

WHEREAS, \$23,462.96 is the pay-off amount for BOND TIOGA4769_4786 with Tioga State Bank. Pay-off amount is valid through September 18, 2023. There are no early termination fees associated with the early pay-off; and

WHEREAS, the Town will realize a net savings of \$337.03 in avoided interest fees; and

WHEREAS, the Town has \$350,708 in unreserved DA fund balance.

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following budgetary amendment be made in the DA fund to cover the pay-off of the Bridge Bond with Tioga State Bank:

Account	Account Name	Debit	Credit
DA599	APPROPRIATED FUND BALANCE-UNRESERVED	\$23,462.96	
DA201	CASH-SAVINGS		\$23,462.96
DA909	FUND BALANCE: UNRESERVED	\$23,462.96	
DA9720.6	INSTALLMENT BOND-PRINCIPAL		\$23,333.33
DA9720.7	INSTALLMENT BOND-INTEREST		\$129.63
<i>Pay-off BOND Tioga4769 4786</i>			

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

CERTIFICATION

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 13th day of September, 2023. Said resolution was adopted by the following roll call vote:

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

Motion Approved

Resolution Adopted: September 13, 2023

Elizabeth Pfister, Town Clerk
Town of Windsor

Discussion: Deputy Supervisor Colwell explained that when the BOND payoff was looked into, there was a savings for the Town to pay the BOND off using fund balance will save the Town \$337.03

COMMITTEE REPORTS:

ASSESSOR: None

CEMETERIES: None

DOG CONTROL:

Code Officer Osborne made the Board aware of some upcoming dog court cases that have been hanging around, they are going through the process.

ECONOMIC DEVELOPMENT: None

ENERGY:

Supervisor Odell shared that ADLS lighting was approved for this project, which is the lighting that will not stay on constantly.

The Town Clerk had seen this Facebook post because the Town of Sanford Clerk had shared it from the Bluestone official page, stating that the turbines are scheduled to be powered on by the end of the month. The Clerk said she checked the Bluestone website; no update has been made and there has been no correspondence to the Town in regards to this.

ENGINEER:

John Mastronardi from Griffiths Engineers gave an update on the new highway building. All contracts have been returned signed, and he has the contractor's calendar. The contractors, Engineer and Highway Superintendent Kithcart had a meeting today and they will be breaking ground tomorrow. Supervisor Odell asked how this would work when winter comes and the ability for the Highway Department to still operate while construction is going on. John said that was discussed in the meeting and everyone is aware this will be essential. Deputy Supervisor Colwell asked when the building was scheduled to be delivered, and asked if the January 1st date that was originally set in the contract would be met. John Mastronardi shared that at this time the building delivery is expected December 4,

2023, however when the redesign for the heat system was done that set the January 1st deadline back quite a bit. At this time the contractors anticipate completion in April or May of 2024. Deputy Supervisor Colwell requested that Griffiths watch for change orders that might cost taxpayers more to have the work done through the winter. John stated that footings and most concrete work should be done prior to any heavy frost according to the calendar.

Supervisor Odell asked about the reed bed project at the Waste Water Treatment Plant, John said he had reached out to Don Sherwood to see if the sample testing results had been returned. The materials need to be classified before Griffiths can get an estimate for this project.

Town of Windsor, County of Broome, State of New York
RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT WITH NEW YORK STATE ELECTRIC AND GAS FOR THE TOWN OF WINDSOR
Resolution # 25-2023

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

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 13th day of September 2023, the following resolution was

OFFERED BY: Deputy Supervisor Daniel Colwell
SECONDED BY: Councilman Daniel R. Price

WHEREAS, the Town has duly approved a Highway Garage Capital Project and in conjunction therewith, said Project requires new and/or upgraded electrical service, and

WHEREAS, the service provider, New York State Electric and Gas (NYSEG) requires the granting of rights by virtue of an easement agreement from the Town, to enter and install the electric facilities for the Highway Garage Capital Project at 174 Chapel Street, Windsor, New York, 13865, Tax Parcel ID # 182.12-1-29, and

WHEREAS, said easement agreement is necessary to ensure adequate and appropriate electric capacity for the Town Highway Garage, now, therefore, be it

RESOLVED by the Town Board of the Town of Windsor that the Town Supervisor, Mark Odell or his designee, on behalf of the Town Board, is expressly authorized to execute an easement agreement with NYSEG, and

RESOLVED, such authority is subject to the recommendation of the Town Engineer and any such agreements, documents or papers approved as to form by the Attorney for the Town, and

RESOLVED, this resolution shall take effect immediately.

CERTIFICATION

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 13th day of September, 2023. Said resolution was adopted by the following vote:

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

Motion Approved
Resolution Adopted: September 13, 2023

Elizabeth Pfister, Town Clerk
Town of Windsor

Discussion: This is permission for NYSEG to enter the property and install the necessary equipment for electric service for the new highway garage building.

HIGHWAY:

Supervisor Odell read a letter that the Union Highway Employees sent to the Town Board thanking them for their decision last month increase pay to a competitive wage.

There were no bids received for the 2008 Ford F150 Pickup Truck that was declared surplus from the Highway Garage.

Motion By: Deputy Supervisor Colwell **Sec. By: Councilman Price**
Motion to Send 2008 Ford F150 Pickup Truck to the 2023 Broome-Tioga Surplus Auction Since No Bids Were Received at Town Hall

Discussion: Deputy Supervisor Colwell asked why not just take the truck to the scrap yard and get the scrap price for it instead of taking it to the auction. Highway Supervisor Kithcart felt the Town should try to send the truck to the auction but agreed to find out what the scrap price would be for the truck and let the Board know at the next meeting.

Deputy Supervisor Colwell withdrew his motion and Councilman Price withdrew his second.

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Price

Motion to Authorize the Purchase of 2024 John Deere 624P-Tier Wheel Loader on NYS OGS Contract: PC69403 with a Purchase Price of \$235,538.48 with the Trade In of 2022 John Deere 624 P Loader at a Value of \$213,000.00 for a Price Difference of \$22,538.48 from Five Star Equipment

Vote of the Board:

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

Motion Passed

Discussion: The highway department has been trading in the loader every two years in order to keep a well-maintained machine in the fleet. This has been working out very well for them and has kept the cost down.

Highway Superintendent Kithcart wanted to let everyone know that the highway crew has been busy with debris clean up along roadways from all the storms which is putting them behind on the intended blacktop patching schedule.

Highway Superintendent Kithcart let the Board know that the highway department spent a day patching the holes in the parking lot at Town Hall after the Code Officer received notification from the owner of the Barton Block building had received a letter from their insurance company about the condition of the parking lot.

HISTORY: None

SENIOR CITIZENS: None

TOWN CLERK/REGISTRAR:

The Clerk made the Board aware that this week is Suicide Prevention & Awareness week and they are participating in the BC Safe, Chalk the Walk program for the second year.

The Board was given the Clerk's August 2023 report, there were no questions.

Motion By: Councilman Price

Sec. By: Deputy Supervisor Colwell

Motion to Approve the Purchase of Dell OptiPlex Micro-i5 8GB 256GB SSD Windows 10, 1 Year Warranty, Dell 23" LCD Monitor and Wall Mount in an Amount Not to Exceed \$1,139.97 from the Clerk Contractual Account from The Computer Shop

Vote of the Board:

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

Motion Passed

Discussion: The Clerk explained this would be a work station for the new window in their office to wait on residents. The other reason is currently the check deposit machine, which is used by others in the building requires that the Deputy give up her workstation for others to use the machine.

TOWN HALL:

Code Officer Osborne asked if the Board wanted to address the Town Hall parking lot and agreements with the neighboring Barton Block building. To this point there is no written agreement and anything that was put in writing previously is very old and were with former owners of the building. Attorney Spinner said it is up to the Board if they want to move forward with something. The Board decided that at this time everything seems to be working alright and they will leave as is.

WASTEWATER TREATMENT PLANT: None

YOUTH & RECREATION: None

ZONING, PLANNING & CODE ENFORCEMENT: None

The Board received the August 2023 Zoning Report, Supervisor Odell asked Code Officer Osborne if there was anything to note. Code Officer Osborne said it has been busy he issued 18 permits this month.

Supervisor Odell shared a copy of the Letter that was sent out to all the Zoning and Planning Board members thanking them for their hard work and requesting the updating of the Town Code as discussed previously.

Motion By: Councilman Price

Sec. By: Deputy Supervisor Colwell

Motion to Approve the Purchase of Dell Latitude 12 Rugged Extreme Tablet i5 8GB 256 GB SSD FHD Touch in an Amount Not to Exceed \$699.99 from the Zoning Contractual Account from The Computer Shop

Vote of the Board:

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

Motion Passed

Discussion: This would be for the Code Officer to use in the field with him to access the Town Code, permit documents and be able to make notes and take photos also. Deputy Supervisor Colwell asked if there would be Wi-Fi capability out in the field, at this time no because the Town would have to pay for that but has capability if decided to do in the future.

PUBLIC SAFETY:

The Board received the EBES April & May 2023 Revenues, and the August 2023 Operation Update there were no comments.

NEW BUSINESS:

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Price

Motion to Approve the Hiring of Brittany Finkle as Clerk to the Justice Effective October 2, 2023 at an Hourly Rate of \$17.50

Vote of the Board:

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

Motion Passed

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Price

Motion to Ratify the Appointment of Joseph Woodruff as Motor Equipment Operator Effective September 5, 2023 at an Hourly Rate of \$21.50

Vote of the Board:

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

Motion Passed

Motion By: Councilman Price

Sec. By: Deputy Supervisor Colwell

Motion to Ratify the Appointment of Joseph Woodruff, Jr. as Motor Equipment Operator Effective September 5, 2023 at an Hourly Rate of \$21.50

Vote of the Board:

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

Motion Passed

UPCOMING MEETING: Planning Board Meeting September 27, 2023 7:30 P.M.

Regular Meeting October 4, 2023 7:00 P.M. Windsor Town Hall

PUBLIC COMMENTS: None

ADJOURNMENT:

Motion By: Councilman Price

Sec. By: Deputy Supervisor Colwell

Motion to Adjourn Meeting at 8:15 PM

Vote of the Board:

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

Motion Passed

Respectfully Submitted,

Elizabeth Pfister, Town Clerk