

**Work Session of the Town Board
July 16, 2025 6:00 AM
Town of Windsor Town Hall
124 Main Streets, Windsor, NY 13865**

MEETING CALLED TO ORDER: by Supervisor Tim Harting, at 6:00 P.M.

PLEDGE OF ALLEGIANCE: was recited.

ROLL CALL by Town Clerk Elizabeth Pfister:

Supervisor Tim Harting: Present

Deputy Supervisor Eric A. Beavers: Present *as of 6:20 P.M.*

Councilmember Gary M. Hupman: Present

Councilmember Mark Odell: Absent

Councilmember Daniel Colwell: Present

Code Enforcement Officer Richard Osbourne: Present

Highway Superintendent Michael Kithcart: Present

Attorney Mark Spinner: Present

Planning Board Chair Johnson – Bennett: Present

Also, present were: Carolyn Price, Reagan Road; Bob Coughlin, Quarry William Law Road; John & Wendy Evans, Susquehanna; Bryan Dunbar, Seneca; Matthew Ganoung, Route 79; Micheal Fabrizi, Susquehanna; Marty Evans, Kingsley, PA; Bill O'Dell, New Milford; Billy O'Dell, Kingsley; Logan Colwell, Route 79; Alexis Schneider, Hoadley Hill Road; Boedy Lamoreaux, Hoadley Hill Road; Lorina Colwell, Route 79; Kyle Goodspeed, Old Route 17; Eric Archer, Deposit; Don Snow, Harpursville; Lauren & Noah Colwell, Route 79; Norman Colwell, Route 79; Colton Perry, Kent Street; Jim Kohlbach, Williams Road; David Brown, Barton Road; Juli Brink, Barton Road

Supervisor Harting made the announcement that this meeting is a work session so there are no public comments on the agenda but the Board wants input from those in the industry and as the Board has discussion, he may ask those in attendance questions so he can understand their needs.

Supervisor Harting invited Planning Board Chair Shelly Johnson – Bennett to join the Board and introduced her to the public, so she could answer questions and give background about what was put into the draft laws the Planning Board had created.

Supervisor Harting started with the Mining Law; he asked Planning Chair Johnson – Bennett to give background on the draft law, such as when they started working on the draft and the reason for it. Planning Chair Johnson – Bennett explained that it has come up many times over the years and the complaints presented to the Planning Board have been tracking debris on the road, noise from blasting and impacts on aquifers and water sources. Code Officer Osborne receives numerous calls from residents about quarries and it consumes about 40% of his time. Planning Chair Johnson – Bennett clarified that the D.E.C. heavily regulates mining and is the authority in New York State. The Planning Board does get to review all mining permits and they do make recommendations but the D.E.C. is the final authority and without a town law in place they do not have to follow any of the recommendations given and they are the only entity with authority for enforcement. Planning Chair Johnson – Bennett expressed clearly that the law was not written to restrict mining operations, because there are a lot of mines in the town and mining is a large part of the economy, the law is written to allow the town to have input during the permitting process, which currently they do not have.

Planning Chair Johnson – Bennett explained that the Town Board came to the Planning Board asking them to put together a law for mining operations in the Town so that the Code Officer would have some enforcement power with the quarries. Planning Chair Johnson – Bennett said they looked at mining laws from neighboring towns of Kirkwood, Colesville and Sanford to come up with a law that would work for the Town of Windsor and not make the permitting process to overburdensome. Council Member Colwell asked what issues is this law trying to address, Planning Chair Johnson – Bennett stated the complaints brought to the Planning Board have been truck traffic on the roads, the weight of trucks, tracking debris onto road and the impact to the roads, noise on Sunday, noise ordinance enforcement. Attorney Spinner added that anything that is in the permit the D.E.C. is responsible for enforcing and the Town does not have a lot of say in the regulation of mines, the Code Officer would not be able to hamper quarry operation he would only be able to issue citations, this law would require a permit through the Town which would go through the public hearing and site plan review process. Planning Chair Johnson – Bennett added that often the response the town receives from the recommendations on the mining permits is the D.E.C. asking where the local law is that says the recommendation needs to be enforced and this law would eliminate that back and forth.

Council Member Hupman said the biggest complaint he hears from residents is that the companies running heavy trucks on the roads should be paying to use and for the repair of the roads, the burden should not fall on residents. Planning Chair Johnson – Bennett said previously when the town worked on

the road use law it became difficult because in trying to determine how to assess which trucks would have to pay to use the roads and which roads would they be required to pay to use. In rural communities' large trucks are essential for farming, quarrying, fuel deliveries, even school buses become encompassed in the same category and it has always made it too difficult to develop a policy that would determine who would need to pay to use the roads.

Council Member Colwell said he would like to hear from the public on the topic because he knows how he feels as the owner of a business that would be affected by these laws and felt the Board should hear from others in the industry to share their thoughts.

- Bob Coughlin owner of a quarry on William Law Road, said his business already pays road tax on fuel and tires, on top of the assessments being raised last year on quarries he feels the Town already gets enough of his money.
- George Sanford, President of the New York State Bluestone Association, asked for clarification of whether or not the SEQR process reviewed most if not all of these items. Planning Chair Johnson – Bennett confirmed that it does, but the Town can't be lead agency in the SEQR process because the D.E.C. oversees mining. Sanford stated mining is one of the most regulated industries in the state and they do not need anymore regulations put on them. Sanford read all the inspection reports for the quarries in the town of Windsor over the last 12 - months and no one was cited with any major violations.
- Code Officer Osborne shared that he has received complaints in regards to the blasting, most recently 3 neighboring homes had their wells go bad after a nearby quarry blasted and when the D.E.C. was contacted to come out and investigate the quarry their seismic equipment had not been setup the day of the blast.
- Don Snow stated the trucking industry pays a significant amount of road tax when purchasing fuel and tires. Snow pointed out when looking at the weight of trucks on roads school buses and the town and state trucks are heavier than a lot of other trucks.

Supervisor Harting started the discussion on road use he stated it is hard to regulate and impossible to track because everyone uses the roads. Returning to the mining law most complaints are quality of life issues such as noise, dust and tracking on the roadway and the questions he was looking to have answered are these things regulated by the D.E.C and not enforced and what the Town wants to have a say in. Supervisor Harting shared that he spoke with a previous Town Supervisor and this issue has been an issue for years, and as the population in the Town changes the voice gets louder at times.

Council Member Colwell wanted to voice his frustration as a mine owner/operator, that is not in the Town of Windsor it is in the Town of Colesville, the D.E.C. will violate a mining operation for tracking onto roadways but agriculture equipment tracking onto the roadway is acceptable and he feels that is unfair.

Supervisor Harting has looked into some of the complaints and has found that most of the businesses operating within the Town are following the rules but there are a few that do not and that is most likely where the complaints stem from. Supervisor Harting said the D.E.C. heavily regulates the mining industry so he referred back to Planning Chair Johnson – Bennett asking what is it that the Town is trying to do with this law.

Planning Chair Johnson – Bennett stated that the law the Planning Board drafted states in the first section that this shall not be interpreted as a prohibition on mining or excavation in the Town. This law is written with the intent of giving the Town a voice in the permitting process to make recommendations that need to be part of the permit. With the changing population in the Town, they are now calling the Code Officer with complaints about mines and in turn the Code Officer is now spending an excessive amount of time handling these complaints because the D.E.C. is not here for residents to reach out to and speak with. There is no intent for the Town to regulate, inspect or enforce any mining operations it is only to issue a special use permit so the Town can make recommendations in the permitting process.

George Sanford, President of the NYS Bluestone Association stated the number of regulations and red tape required to obtain a permit is so lengthy and costly that they will fight the passing of this or any law that is another hoop to jump through. The process is so cumbersome that the consultants they need to use have walked away from the jobs, they have had two geology consultants walk away and refuse to do anymore mining permits because of all the regulations the State has put into place.

Bob Coughlin, said his concern is the future that this board passes this law and ten to fifteen years down the road when another board is in this position that they begin to utilize the law to place more restrictions on the quarries.

One quarry owner voiced concern that the residents making the complaints have no idea what takes place in a quarry operation and how hard it is to operate a quarry because they have never stepped foot in a mine. Residents are not aware of all of the rules and regulations that the quarries already have to comply with.

Another quarry operator stated he has been doing these twenty years and the cost increase has gone from \$6,500.00 to \$10,500.00 in order to get a mining permit in the last few years. That is on top of the quarries receiving reassessments last year that increased their taxes. It is harder now to make money than ever before and every time there are more and more regulations.

Council Member Hupman wanted to give the perspective of residents that neighbor these quarries, the biggest being the blasting that at times is shaking their homes. Hupman pointed out that the mines 30 years ago were not nearly the size that they are today, these mines are huge.

George Sanford stated that any explosive activity that is heard audibly are small deck blasts that have twenty pounds of explosives or less, the air shots can be heard and felt the same as when a car drives by with a loud bass on. The large blasts that have potential to create seismic activity are not heard and as far as he is aware there has not been one of these blasts done that has even registered on any seismic equipment. Blasters are required to fill out a very thorough log anytime they perform a blast and have to record all conditions of the blast. One of their quarries has a neighbor that uses a wood chipper that sets off their seismograph regularly several times a day.

Code Officer Osborne stated the enforcement for D.E.C. is out of Syracuse and they do not come to Windsor regularly. Osborne shared that he contacted D.E.C. due to a quarry owner operating on an exploration permit for 1-acre, and a neighbor complained about the amount of land the quarry owner had dug up. When Osborne went to that quarry with the D.E.C. representative the quarry owner had mined 8-acres and the D.E.C. representative told the Osborne they were operating within their permit. Osborne said he had to push to finally get him to shut down the quarry but now the quarry owner has \$5,000.00 in reclamation work to be done that they have walked away from.

Several quarry owners asked why all of this falls on Code Officer Osborne and why is it not referred to the government authority that oversees it. Osborne stated because he is the person that is present here when people complain he does make anyone complaining aware that the D.E.C. is the authority over the mining industry but there are times when residents do not accept that and he has to step in and he is involved in much less than he used to be.

Supervisor Harting stopped conversation and said this is the point of this meeting is to have the conversation and understand both sides of the situation. Supervisor Harting stated there are also many in the room that are not affected at all by the mining industry as well. Planning Chair Johnson – Bennett stated that the purpose of this law by giving the Town a voice during the SEQR process is not only to protect the Town but also to protect the mining industry. During SEQR review the Town would be able to make comments that make sense, and the intent of this law was never to be more red tape it was designed to run parallel to the current process that is already in place. Planning Chair Johnson – Bennett also pointed out that when Code Officer Osborne receives a complaint, he doesn't always know what the permit says and whether or not a quarry is in violation of their permit. Supervisor Harting if there are currently any permits that have been issued that the Town wishes had not been issued or that the Town had input in, and at this time there were none. Council Member Colwell and Code Officer Osborne both reached out to Tom Rigley from the D.E.C. to attend this meeting but he was unable to, but Colwell's thought is that the Town needs to direct complaints to the D.E.C. and if there are enough complaints maybe they need to assign another person to this area but as the enforcement agent it is their responsibility. Supervisor Harting stated he is happy that these folks were present at the meeting because he wanted their input and obviously there is a lot of work to do if the Town wants to move forward with the law but he was glad they were present for this conversation so the Board members could understand the industry better.

The Board moved on to the Road Use law that was up for discussion, Supervisor Harting asked Attorney Spinner how road use agreements typically work. Attorney Spinner advised that road use agreements are typically voluntary and generally are associated with a specific project. The idea is to preserve roads within the Town when a large project is under way where the traffic on the roads will increase or carry more weight than what is typically seen by the road that the Town can put the cost of repairs or rehabilitation of the road after use onto the industry that caused the condition of the road.

Council Member Colwell asked if the Town is to pass a road use law what is it regulating – projects or everyday use. Planning Chair Johnson – Bennett stated that has been the ongoing debate for twenty-five years in the Town, how and what to regulate. Supervisor Harting stated it is impossible to point the finger at any one industry for the breakdown of roadways. Johnson – Bennett explained that part of the SEQR review process is traffic analysis for the roads that will be used for a project. Under Federal trade and commerce law it is understood that the roads within a town should support the commerce in the town already and the Town should be aware of what that commerce and need is. This does not necessarily

mean that every road can support the traffic but that is why trucking routes are created and generally the Highway Supervisor knows what roads can and cannot support the traffic. During specific projects you can force a project to pay for the roads that they use but once the project is up and running the understanding is that the road will be maintained at a level that will support the industry. Planning Chair Johnson – Bennett explained that during the SEQR process the Planning Board would request traffic studies that would determine whether or not the roads being utilized would be able to withstand the use or not, and then the Planning Board would suggest that a bond or road use agreement be part of the project. The understanding is that once that project is up and running it is then the Town's responsibility to maintain the road to support that industry.

Beau Kohlbach – Barton Road – stated the Town needs to talk about how the Town is going to pay to fix the roads that are so bad already like Williams Road and Barton Road. Kohlbach stated there are only a few roads that this even affects within the Town.

Supervisor Harting stated that roads are getting paved and Williams and Barton are on the list to be paved this year. What the Board is doing this evening is having this discussion to determine if the Town should tax the quarries for the use of roads or if the money needs to come from another source.

Planning Chair Johnson – Bennett reiterated that the road use law has come up several times in her time on the Planning Board and it always comes down to the same thing, that there is no one way to regulate road use in the Town and there are standards for the maintenance of roads so there is not much more the Town can do. Johnson – Bennett asked Highway Superintendent Kithcart if there were any roads that he knew of that should not have heavy trucks on them and he stated other than McNair Road, because of the bridge that is being replaced there are none.

Supervisor Harting asked those in attendance if there was anything that the Town could do to make things easier on them, and there was no feedback.

Supervisor Harting moved onto the solar law and asked Planning Chair Johnson – Bennett to give an overview of what the Planning Board has come up with so far as the draft law. Planning Chair Johnson – Bennett explained that most of the members of the Planning Board she has been working to bring them up to speed with training so they don't have a completed draft law yet. Planning Chair Johnson – Bennett has reviewed laws of neighboring municipalities and feels the one that is most relevant to the Town of Windsor is the Town of Deposit's solar law which makes it part of the site plan review. It does not regulate solar in agricultural or private and allows Agri-italics. Allows the Town to review a commercial entity that is not quite large enough to be under the Public Service Commission (PSC). Any PSC project the Town would have to apply for intervenor status on the project and in order to do so the Town has to have some regulatory power over the project and that is why making it part of the site plan review is the best solution, that way the Town has more say and control in the project. The Town would have to apply for intervenor so when the PSC is doing the site plan review the Town can bring up potential issues with the project that would require the applicant to pay for studies and research for any concerns the Town may have. Planning Chair Johnson – Bennett was part of working on the law for Deposit and it is slightly based off of the Town of Greene's law as well which still allows solar to come into the Town but does not allow it to take over all farm land in the Town. These laws also include decommissioning agreements, maintenance requirements and report filing with the Code Officer. Council Member Colwell asked if there was any provision for bonding in the law and Planning Chair Johnson – Bennett explained that bonding was not used since she had been advised that often the bonding companies are owned by the solar companies and if one goes defunct the other does as well, this law requires a letter of credit. Council Member Hupman stated he is not for commercial solar but wants to ensure that the Town is able to make comments and have recourse. Planning Chair Johnson – Bennett pointed out that when a project becomes a certain size and the PSC is involved there is not much the Town can do but having a law in place gives the Town some teeth to regulate some of the concerns for the project. Supervisor Harting asked if any of the solar representatives in attendance had any questions or comments.

Martone Varalez – He had reviewed the solar law and asked if the Town would permit Agri-italics in their law, Planning Chair Johnson – Bennett explained that Agri-italics are putting solar panels on pedestals so that the land underneath is still usable and she didn't see where the Town's law would prohibit it. Varalez stated it would be nice to see community solar as a permitted use as it was not in the Town of Deposit law. Questioned when a draft law would be prepared and potentially passed, Planning Chair Johnson – Bennett said she is hopeful that the Planning Board would have it completed in the next couple months but the adopting the law would ultimately be up to the Town Board.

Code Officer Osborne explained that what his office is trying to do is have everything uniform so inspections are done at the same time or within the same time frame for all permits that require inspections. So, if campgrounds are required a yearly inspection, then solar gets a yearly inspection not once every three years, so there is consistency. Attorney Spinner reminded Planning Chair Johnson – Bennett and Code Officer Osborne that the letter of credit amounts needs to be reviewed and they confirmed they were working on that.

Supervisor Harting stated that he felt from a work session stand point the Board covered a lot of good conversation and there was some valuable information received by the board. Supervisor Harting asked the Board members if there was anything else they wanted to go over.

Council Member Hupman asked if Highway Superintendent Kithcart if he had a list of roads that were planned to be paved and asked if there was sufficient funding. Kithcart confirmed yes, he has a list but it would be more than the funds would cover, Colwell asked if he could make a list of the definite roads to be paved so it could be posted for residents and if they get to more than what's on the list great. Clerk Pfister asked if the Highway Supervisor had a spreadsheet showing when the last time was roads were paved and when they were due to be repaved. Kithcart said they do not but they are working on it, however that can change depending on if there is excessive damage to one road or another for some reason.

Norman Colwell – Route 79 – Asked if the Town receives money from traffic tickets issued in the Town, and questioned if that money should be designated to the paving of roads. Supervisor Harting stated that the Town of Windsor receives over \$36, 000.00 from the traffic diversion program which is more than double that of the next highest municipality.

Council Member Hupman asked Attorney Spinner if the Town could sue for slander over the news article in regards to the Comptrollers audit of the Town, Attorney Spinner stated no.

Former Town Supervisor Carolyn Price said that she felt the problem with the audit was the use in the report of the word “may” specifically citing the statement “the Town Board may have levied more taxes” she said this makes it appear as though the Town is at fault and in her experience as Supervisor the Town should have the opportunity to respond to the audit and be able to request that the wording be changed. The public is making their own assumptions about what the Town officials are doing with tax money. Price said she feels the other piece is that the Town was very responsible by putting a large portion of the money towards the highway garage so it didn't have to be bonded and the residents should be aware of that.

Supervisor Harting stated that he did prepare a response statement and WBNG news had come out and done a 15-minute interview with him yet only aired a 30 second clip of it, he contacted WICZ and they still have not responded to him, he did post the response on social media as well as the Clerk's sign board at the Town Hall. Price stated if Supervisor Harting sent her the statement she would be sure it was published in the Windsor Standard, Harting agreed.

ADJOURNMENT:

Motion By: Council Member Colwell
Motion to Adjourn Meeting at 7:52 P.M.

Sec. By: Deputy Supervisor Beavers

Vote of the Board:

Supervisor Harting - Aye
Deputy Supervisor Beavers - Aye
Councilmember Hupman - Aye
Councilmember Odell – Absent
Councilmember Colwell - Aye

Motion Passed

Respectfully Submitted,

Elizabeth Pfister, Town Clerk