

**Regular Meeting of the Town Board
July 9, 2025 7:00 P.M.
Town of Windsor Town Hall
124 Main Streets, Windsor, NY 13865**

MEETING CALLED TO ORDER: by Supervisor Tim Harting, at 7:00 P.M.

PLEDGE OF ALLEGIANCE: was recited.

ROLL CALL by Town Clerk Elizabeth Pfister:

Supervisor Tim Harting: Present

Deputy Supervisor Eric A. Beavers: Present

Councilmember Gary M. Hupman: Present

Councilmember Mark Odell: Present

Councilmember Daniel Colwell: Present

Code Enforcement Officer Richard Osbourne: Present

Highway Superintendent Michael Kithcart: Present

Attorney Mark Spinner: Present

Also, present were: Khristine Breeding, Route 79; Stephen Finch, Beaver Lake Road; Patti Harting, Pine Street; Carolyn Price, Reagan Road; Ruth Seward, Main Street; Robert Cunningham, Route 79; Greg Bronson, Buell Road; David Brown, Ostrander Road; Fred & Fran Barrett, Blatchley Road; Scott Beattie, White Birch Lake Road; Gary Shedd, White Birch Lake Road

BID OPENING:

The Clerk opened the bids for the Windsor Town Hall Roof Replacement; the only bidder was Marchuska Brothers Construction. LLC in the amount of \$69,987.00. The Clerk read aloud the warranty on the shingles is a Limited Lifetime as provided by the manufacturer and the labor is warranted by Marchuska for 1 year. Marchuska included their New York State Vendor Registration number #1000008225 along with a non-collusive bidding certificate.

Motion By: Council Member Odell

Sec. By: Council Member Hupman

Motion to Award Bid for the Town Hall Roof from Marchuska Brothers Construction LLC in the Amount of \$ 69,987.00

Vote of the Board:

Supervisor Harting - Aye

Deputy Supervisor Beavers - Aye

Councilmember Hupman - Aye

Councilmember Odell - Aye

Councilmember Colwell - Aye

Motion Passed

PUBLIC COMMENTS:

Steve Finch, Beaver Lake Road – Asked who decides what roads in the town get blacktopped, Highway Supervisor Kithcart stated it is him. Mr. Finch stated when he spoke with Highway Superintendent Kithcart previously he was told that the Town Board decides, Kithcart stated that when he spoke with Mr. Finch previously the question had been about bonding the roads and road agreements. Mr. Finch stated taxpayers should not be repairing roads that are being torn up by stone quarries, lakes and campgrounds and asked when the Town is going to stop catering to businesses and start taking care of longtime residents in the Town. He would like something done on Beaver Lake Road the dust and the pot holes are terrible.

Greg Bronson, Buell Road – Wants to know about the portion of Barnes Road that the Town is no longer maintaining but it is still a town highway. Asked about holes on Brown Road and Hoadley Hill that have not been patched, Highway Superintendent Kithcart said they are working as quick as they can with the weather to get them done. Bronson did compliment the highway for cutting back the brush along the road sides.

APPROVAL OF MINUTES:

Motion By: Council Member Colwell

Sec. By: Council Member Hupman

Motion to approve the minutes of the June 11, 2025 Regular Meeting as submitted.

Vote of the Board:

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

Motion Passed

FINANCIAL REPORT:

Motion By: Deputy Supervisor Beavers Sec. By: Council Member Hupman

Motion to Approve the July 2025 Bills for Payment

Vouchers for Payment

A & B Fund # 255 - 296	\$ 118,513.89
DA Fund # 5	\$ 20,213.08
DB Fund # 200 - 241	\$ 736,051.50
SS3 Fund # 37 – 43	\$ 1,305.49
TA Fund # 36	\$ 565.58
Total	\$ 876,649.54

Vote of the Board:

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

Motion Passed

The Board received the June 2025 Financials, Council Member Odell asked if there was anything the Board should be aware of Supervisor Harting stated everything appears to be on track at this time, the EMS contract was paid so that line is now depleted.

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Resolution Amending 2025 Budget A Fund for Receiving Revenue From JCAP Grant
Resolution #30-2025**

PRESENT: Supervisor Timothy Harting
Deputy Supervisor Eric Beavers
Council Member Gary M. Hupman
Council Member Mark Odell
Council Member Daniel Colwell

Offered By: Council Member Colwell

Seconded By: Council Member Hupman

WHEREAS, the Town of Windsor has received monies from the State of New York in the amount of \$2,692.90; therefore

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following budgetary adjustment be made:

Increase Estimated Revenues
A3089 Revenue Other State Aid – JCAP Grant \$2,692.90

Increase Estimated Expenditures
A1110.4 Justices – Contractual \$2,692.90

BE IT FURTHER RESOLVED that this resolution 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 Windsor Town Hall, 124

Main Street, Windsor, NY on the 9th day of July 2025. Said resolution was adopted by the following vote:

Supervisor Timothy Harting	Voted - Aye
Deputy Supervisor Eric Beavers	Voted - Aye
Council Member Gary M. Hupman	Voted - Aye
Council Member Mark Odell	Voted - Aye
Council Member Daniel Colwell	Voted – Aye

Motion Approved

Resolution Adopted: July 10, 2025

Elizabeth Pfister, Town Clerk
Town of Windsor

The Board reviewed the 2026 Budget Goals & Calendar; Supervisor Harting that everything is the same as the Board is used to.

Motion By: Council Member Hupman

Sec. By: Council Member Colwell

Motion to Schedule a Public Hearing for Local Law to Exceed the Tax Cap for August 13, 2025 at 7:00 P.M. and Authorize Publication.

Vote of the Board:

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

Motion Passed

Discussion: Council Member Hupman stated that this is done every year, Supervisor Harting stated the Board never intends to exceed the tax cap but this must be done procedurally

OFFICIALS/DEPARTMENT HEAD REPORTS:

SUPERVISOR:

Supervisor Harting gave the Board two quotes for a security camera at the Highway Garage, Harting stated with the building being a multimillion-dollar investment there should be some sort of monitoring system for the investment. The quote from Sentry Alarm was \$ 14,650.00 for system and install, The Computer Shop quoted \$ 5,975.00 Supervisor Harting pointed out that this quote included a battery backup and two more cameras than Sentry Alarm. Council Member Colwell pointed out that The Computer Shops quote states it is an estimate and point out that this leaves the potential for additional charges.

Motion By: Council Member Odell

Sec. By: Council Member Colwell

Motion to Approve The Computer Shops Quote in the Amount \$5,975.00 for Security System and Installation of System Subject to the Receipt of the Final Agreement Not Exceeding Approved Amount

Vote of the Board:

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

Motion Passed

Supervisor Harting opened it up to the Public for comments before the vote, there were none. Council Member Colwell asked where this was being funded from and Secretary to the Supervisor, Khristine Breeding stated since the Town still does not have the Certificate of Occupancy it can come out of the Highway Project budget

HIGHWAY SUPERINTENDENT:

Motion By: Council Member Odell

Sec. By: Council Member Hupman

Motion to Advertise for the Purchase of a Road Sweeper

Vote of the Board:

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

Motion Passed

Discussion: Council Member Colwell asked Highway Superintendent Kithcart what would be done with the current road sweeper. Kithcart stated that this would be to add to the fleet as it is nice to have two in the spring time, but if the older unit required repairs exceeding \$7,000.00, they would surplus the old unit

Motion By: Council Member Hupman

Sec. By: Deputy Supervisor Beavers

Motion to Ratify the Appointment of Derek Harvey as Motor Equipment Operator at a rate of \$21.50 per Hour Effective June 30, 2025

Vote of the Board:

Supervisor Harting - Aye

Deputy Supervisor Beavers - Aye

Councilmember Hupman - Aye

Councilmember Odell - Aye

Councilmember Colwell - Aye

Motion Passed

The Board received the 7/3/2025 BridgeNY Update for McNair Road Bridge; Supervisor Harting asked if everything was on track and the Highway Supervisor Kithcart stated it was and it was pointed out that construction should start next year

Council Member Colwell stated he thought the Highway did a good job repairing the bottom of Baker Road. Supervisor Harting shared that its impossible for the Town to pave every road in town but they are working on them and they do at times have to choose roads that are in the worst repair.

TOWN CLERK/REGISTRAR:

The Board received the Town Clerks June 2025 report. Clerk Pfister shared that the Summer intern through the BOCES summer program, Ally started today and she will be working in the Clerk's office and with the Historian.

CODE ENFORCEMENT:

Supervisor Harting explained a letter he distributed to the Board from Code Officer Osborne; a letter for a proposed subdivision of 107 Williams Road, Windsor, NY Parcel# 197.00-3-24, owned by Code Officer Osborne. The parcel consists of 26.81 acres of vacant land in an Agriculture Zone and wants to split it into two lots one with 20.78 acres and the other consisting of 6.023 acres. Both lots meet the or exceed the required square footage and required road frontage. According to Chapter 79 of the Windsor Town Code this is considered a minor subdivision and is the duty of the Code Officer to approve, being Osborne is the owner of the parcel he felt the Board should make the decision.

Motion By: Council Member Colwell

Sec. By: Council Member Odell

Motion to Approve the Subdivision of Parcel #197.00-3-24 Located at 107 Williams Road Into Two (2) Parcels Consisting of One (1) Parcel of 20.780 acres and One (1) Parcel 6.023 acres

Vote of the Board:

Supervisor Harting - Aye

Deputy Supervisor Beavers - Aye

Councilmember Hupman - Aye

Councilmember Odell - Aye

Councilmember Colwell - Aye

Motion Passed

Discussion: Supervisor Harting asked for any public comments, there were none.

The Board received the Code Officers June report, Council Member Colwell pointed out the number of building permits issued was twenty-one this month. Code Officer Osborne shared that a solar company had approached him about the moratorium on solar in the Town, they applied for a financial hardship case but they did not qualify. The Zoning Board was involved in the review of the case. Supervisor Harting stated there would be more discussion during the July 16th Work Session on the solar moratorium.

DOG CONTROL:

The Board reviewed the Report from the Rabies Clinic held on June 18th, Clerk Pfister and Council Member Hupman both remarked how well it went and that residents were very appreciative of the event. Supervisor Harting thanked all of the people involved in the event.

Motion By: Council Member Colwell

Sec. By: Council Member Hupman

Motion to Approve the Purchase of a 2026 Transit 150 Cargo Van from Van Bortel Ford on Onondaga Bid # 0010808 for \$51,073.95.

Vote of the Board:

Supervisor Harting - Aye

Deputy Supervisor Beavers - Aye

Councilmember Hupman - Aye

Councilmember Odell - Aye

Councilmember Colwell - Aye

Motion Passed

Discussion: When the new van is ready the current van will be deemed surplus and a minimum reserve will be researched before put out for the public to submit bids for purchase. Secretary to the Supervisor, Khristine Breeding explained that monies been being set aside for this purchase over the last couple of years, the money is currently sitting in Fund Balance but has been designated for this purpose. It was also pointed out that two quotes were received one for a 2024 model and one for a 2026 model both the same dollar amount and it was decided to wait for the 2026 which will not be ready until the fall.

ASSESSOR:

Supervisor Harting stated no report was received, Clerk Pfister mentioned that Assessor Herzog-Ottens is up for reappointment this year and she will bring information to the August meeting

WASTEWATER TREATMENT PLANT:

Supervisor Harting shared that during the recent storm the North Road pump station had no power and when Don Sherwood went to get the backup generators, he found that they were not in working order and there is no way to move the generator to the site. Supervisor Harting is going to look into quotes for a tail hitch so any vehicle can hookup and move them. Supervisor Harting has reached out to Upstate Generator for a quote on a maintenance contract for those units and also suggested to Highway Supervisor Kithcart to be sure they are testing the generator at the highway building routinely also.

Supervisor Harting looked into the lights at the Wastewater Treatment Plant and the cost to replace the current bulbs with the same is \$400.00 to replace with LED bulbs the cost is \$1,650.00 the life expectancy for the LED bulbs is 10 years and that is about how long the current lights have been installed. Supervisor Harting asked the Board what they thought should be done. The Board members agreed that LED lighting would save money in the long run, Donnie Sherwood will be asked to provide a quote to the board.

COURT:

The Board received Justice Blythe's Certification of Completion for the required 2025 Continuing Judicial Education Program

Supervisor Harting notified the Board that the District Attorneys Office will be holding a Supervisors meeting Thursday July 10, 2025 to discuss traffic diversion funds, Town of Windsor currently brings in the highest revenue in traffic diversion funds in the County.

COMMITTEE REPORTS

HISTORY & CEMETERIES:

Clerk Pfister told the Board she was currently looking for someone to dig a grave at the abandoned cemetery on Farr Road for Friday this week for a burial.

ECONOMIC DEVELOPMENT:

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH WHITE BIRCH LAKE
PROPERTY OWNERS' ASSOCIATION FOR SPONSORSHIP OF DAM REPAIR GRANT
APPLICATION RESOLUTION #31-2025**

PRESENT: Supervisor Timothy Harting
Deputy Supervisor Eric Beavers
Council Member Gary M. Hupman
Council Member Mark Odell
Council Member Daniel Colwell

Offered By: Council Member Hupman

Seconded By: Deputy Supervisor Beavers

WHEREAS, the White Birch Lake Dam, an approximately 21-foot earthen dam located within the Town of Windsor, is classified by the New York State Department of Environmental Conservation (NYSDEC) as an "Intermediate Hazard Dam" due to its potential to impact downstream infrastructure, including New York State Route 79, in the event of failure; and

WHEREAS, the White Birch Lake Property Owners Association (the "Association") owns and is responsible for the dam, and is seeking to undertake structural repairs to mitigate safety risks and preserve public infrastructure and private property; and

WHEREAS, the Association has applied for grant funding through the New York State Water Quality Improvement Program (WQIP), but is ineligible to apply directly due to its tax-exempt status under Internal Revenue Code § 501(c)(7), and therefore seeks the Town's assistance as a public sponsor; and

WHEREAS, the Town's role as sponsor is strictly limited to grant submission and administrative functions, and the Association has agreed to deposit the full required municipal cost-share into an escrow account to ensure that the project is fully funded at no cost to the Town; and

WHEREAS, the proposed Agreement between the Town and the Association includes indemnification, insurance, claw back protections, and a full waiver and release of all claims against the Town in connection with its sponsorship role; and

WHEREAS, the Town has verified that the Association is a duly formed New York not-for-profit corporation, with its Certificate of Incorporation recorded in the Broome County Clerk’s Office under Instrument No. 201000010821; and

WHEREAS, the Town Board finds that sponsorship of the grant application, under the terms of the Agreement, serves the best interests of the Town by advancing public safety, supporting hazard mitigation planning, preserving tax base, and protecting critical transportation infrastructure;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Windsor, Broome County, New York, as follows:

1. The Town Board hereby approves the Agreement with the White Birch Lake Property Owners Association, in substantially the form presented, and authorizes the Supervisor to execute the same on behalf of the Town.
2. The Supervisor, Town Attorney, and such other officers or employees as may be necessary are hereby authorized to take all steps reasonably necessary to carry out the intent of this Resolution, including executing any related certifications, forms, or documents required by NYSDEC for WQIP sponsorship.
3. This Resolution shall take effect immediately.

Adopted at a regular meeting of the Town Board of the Town of Windsor held on the 9th day of July, 2025.

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 the 9th day of July, 2025. Said Resolution was adopted by the following vote:

Supervisor Timothy Harting:	Voted - Aye
Deputy Supervisor Eric Beavers:	Voted - Aye
Council Member Gary M. Hupman:	Voted - Aye
Council Member Mark Odell:	Voted - Aye
Council Member Daniel Colwell:	Voted - Aye

Motion Approved
Resolution Adopted: July 9, 2025

Elizabeth Pfister, Town Clerk
Windsor, New York

AGREEMENT

This Agreement (“Agreement”) is made and entered into by and between the **TOWN OF WINDSOR**, a municipal corporation organized under the laws of the State of New York, with offices at 124 Main Street, Windsor, NY 13865 (hereinafter the “Town”), and **WHITE BIRCH LAKE PROPERTY OWNERS ASSOCIATION**, a New York not-for-profit corporation recognized as tax-exempt under Internal Revenue Code § 501(c)(7), with its principal mailing address c/o Gary Shedd, President, 150 White Birch Lake Road, Windsor, NY 13865 (hereinafter the “Association”), effective as of the date of the last signature affixed below.

RECITALS

WHEREAS, the White Birch Lake Dam, a 21-foot earthen dam located in the Town of Windsor and owned by the Association, is classified by the New York State Department of Environmental Conservation (DEC) as an “Intermediate Hazard Dam” due to the potential downstream threat, including possible damage to New York State Route 79, in the event of dam failure; and

WHEREAS, the Association seeks to undertake necessary repairs to the dam to prevent potential failure and protect the public interest, but cannot apply directly for a New York State Water Quality Improvement Program (WQIP) grant due to its federal tax classification under IRC § 501(c)(7); and

WHEREAS, the Association has requested the Town to act solely as a public sponsor for the WQIP grant application, with the understanding that the project will be fully funded through non-Town sources and the Town will incur no cost, liability, or responsibility for the dam or its repair; and

WHEREAS, the Town has verified that the Association is duly incorporated in the State of New York and that its Certificate of Incorporation was filed with the Broome County Clerk on June 1, 2023, under Instrument No. 201000010821, with Joseph A. Mihalko, County Clerk, certifying the copy as a true and complete transcript of the original document of record; and

WHEREAS, the Town has determined that entering into this Agreement is in the best interests of its residents and taxpayers because:

- A. It mitigates a documented public safety hazard identified in the Town’s 2024 All-Hazards Mitigation Plan;
- B. It protects critical public infrastructure, including NYS Route 79;
- C. It supports the stability of a valuable residential tax base and preserves private investments within the White Birch Lake community;

- D. It advances the goals of the Town's Flood Damage Prevention Law (Chapter 51) and Comprehensive Emergency Management Plan (2018);
- E. The Town's role is limited to sponsorship only and imposes no fiscal, legal, or operational burden upon the Town.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

ARTICLE I

1.1 Under no circumstances shall the Town be required to expend any municipal funds or resources in connection with the grant application, project implementation, dam repairs, or related activities.

1.2 This Agreement shall not be construed as conferring upon the Town any ownership, operational control, maintenance duty, or regulatory responsibility for the White Birch Lake Dam.

1.3 The Town shall bear no legal, financial, or civil liability for damages, injuries, environmental claims, or grant-related compliance issues arising from or related to the dam, the repair project, or the use of grant funds.

ARTICLE II

2.1 The Town agrees to act solely as the public sponsor for the Association's WQIP application and, if awarded, to serve as the formal grantee under NYS program guidelines.

2.2 The Town's responsibilities shall be strictly limited to:

- a. Submitting the completed grant application prepared by the Association;
- b. Executing the grant agreement with NYS DEC, if awarded;
- c. Administering the disbursement of grant and escrow funds in accordance with DEC-approved project budgets and schedules;
- d. Seeking reimbursement for any Town-incurred, grant-eligible administrative costs.

ARTICLE III

3.1 The Association shall:

- a. Retain and fund a qualified grant writer or consultant to prepare all application materials and supporting documentation;
- b. Deposit in full the required local match or cost-share into escrow with the Town prior to execution of any grant agreement;
- c. Provide all technical specifications, documentation, contracts, and project oversight as required by DEC or the Town;
- d. Maintain full regulatory and legal responsibility for the dam's operation, inspection, and compliance with applicable law.

ARTICLE IV

4.1 The Association shall deposit the full amount of the required municipal match into a segregated, non-interest-bearing escrow account held by the Town.

4.2 Funds shall only be disbursed for eligible costs upon authorization by the Town and in accordance with grant guidelines and project milestones.

4.3 Any unused funds, in the event of denial, withdrawal, or early termination of the grant, shall be returned to the Association, less any unreimbursed Town-incurred costs.

4.4 The escrowed funds are intended to cover the full required local match; however, if any post-award repayment or financial liability is imposed on the Town beyond the escrowed amount, the Association shall remain responsible for such obligations in accordance with Section 6.2.

ARTICLE IV-A

4A.1 In addition to the required municipal match set forth in Article IV, the Association shall fund a separate, replenishable escrow account in the amount of Five Thousand Dollars (\$5,000.00), to be held by the Town in a non-interest-bearing account for the purpose of covering Town-incurred administrative, legal, engineering, and other professional expenses directly related to this Agreement, the WQIP grant, and the associated dam repair project.

4A.2 The Town shall provide the Association with itemized statements identifying all disbursements from this escrow, including copies of invoices or time records, and shall notify the Association when the available balance falls below Two Thousand Dollars (\$2,000.00). The Association shall replenish the escrow to the full \$5,000.00 amount within fifteen (15) days of written request.

4A.3 Disbursements from this escrow may include, but are not limited to:

- a. Legal review and drafting of this Agreement or related documents;
- b. Engineering review or oversight requested or required by the Town in connection with the project;
- c. Financial administration, accounting, and recordkeeping related to the grant; and
- d. Coordination, compliance, and communication with NYS agencies regarding the Town's role as sponsor.

4A.4 In the event this Agreement is terminated, or upon final closeout of the grant and completion of all related reporting and audits, the Town shall return any remaining balance in this escrow to the Association, less any outstanding amounts due.

ARTICLE V

5.1 Indemnification. The Association shall fully indemnify, defend, and hold harmless the Town, its officers, employees, and agents from and against any and all claims, liabilities, demands, suits, damages, losses, penalties, fines, and expenses, including attorney's fees, arising from:

- a. The ownership, operation, or condition of the dam;
- b. The planning, design, execution, or failure of the dam repair project;
- c. Any violation of grant conditions or regulatory requirements;
- d. Any breach of this Agreement.

5.2 Insurance. The Association shall maintain commercial general liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate, and shall provide proof of coverage naming the Town as an additional insured before any project activities commence.

5.3 Waiver and Release of Claims. The Association hereby knowingly and voluntarily waives, releases, and forever discharges the Town, its officers, employees, and agents from any and all claims, actions, causes of action, suits, damages, liabilities, demands, losses, costs, and expenses, whether known or unknown, whether in law or equity, arising out of or in any way related to the Town's role as public sponsor under this Agreement. The Association acknowledges and agrees that it shall have no right of action or recovery of any kind against the Town in connection with the grant application, grant administration, project funding, project execution, or dam condition. This waiver and release are intended to be broad and to bar all claims, including those sounding in contract, tort, statutory, or administrative law.

ARTICLE VI

6.1 The Town shall not incur any unreimbursed administrative expenses and shall bill the project for all eligible administrative services rendered.

6.2 If the State of New York or any other governmental authority requires repayment of grant funds due to noncompliance, ineligibility, disallowed costs, audit findings, or other post-award issues, the Association shall reimburse the Town in full for any amounts required to be repaid that are not covered by the escrowed municipal share, including any associated penalties, interest, legal fees, or administrative costs. This obligation includes any financial exposure incurred by the Town in reliance on the grant that exceeds or falls outside the scope of the escrowed funds.

ARTICLE VII

7.1 This Agreement shall become effective upon execution and shall remain in effect through the conclusion of the grant period, including any audit or reporting requirements.

7.2 The Town may terminate this Agreement upon failure of the Association to fulfill any material obligation, including failure to escrow funds or maintain required insurance. In such case, the Town shall have no further obligation to act as sponsor or administer the project.

ARTICLE VIII

8.1 Verification of Corporate Status. The Town has reviewed the Association's Certificate of Incorporation filed with the Broome County Clerk on June 1, 2023, under Instrument No. 201000010821, and confirms the Association is a duly formed New York not-for-profit corporation in good standing and eligible to contract.

8.2 Entire Agreement. This document constitutes the full understanding of the parties and may only be modified in a written instrument signed by both.

8.3 Governing Law. This Agreement shall be governed by the laws of the State of New York.

8.4 Severability. If any provision is held invalid, the remainder shall not be affected.

SIGNATURES

TOWN OF WINDSOR

By: _____
Name: Timothy Harting
Title: Town Supervisor
Date: July 16, 2025

WHITE BIRCH LAKE PROPERTY OWNERS' ASSOCIATION

By: _____
Name: Gary Shedd
Title: President
Date: _____

Discussion: Supervisor Harting explained to the Board that the D.E.C. has tagged the dam at White Birch Lake with an "unsound deficiency." There is grant funding available to assist in the repair of the dam but the White Birch Home Owners Association does not qualify as an agency for receiving these funds. Gary Shedd and Scott Beattie were present from the H.O.A. to ask the Town to be the sponsor for the grant in order to have the funds pass through an eligible organization in order for the H.O.A. to apply for the grant funding. Gary Shedd explained that an engineering estimate they have had done has estimated the costs at \$360,000.00 the grant requires a 25% contribution which the H.O.A has \$150,000.00 in a fund for this purpose. They have hired Steve Contento to write

the grant for them which is due by July 31, 2025 and they will be notified by the end of the year if they will be receiving funding or not. Attorney Spinner explained to the Board he can write the agreement so that if the H.O.A. is awarded the grant they would deposit the 25% into an escrow account immediately so the Town is not expending any money on the project. As the Town would be the sponsor of the grant the Town would have to put the project out to bid for the H.O.A. There will be minimal Town expense mostly administrative which would need to be tracked and billed to the project. The Board was in agreement that this is in the Town's best interest since the failure of the dam poses a significant risk to Route 79 and loss of the lake would cause significant decreases in property values. Planning Board Chair, Shelly Johnson – Bennett had also submitted a letter to the Board supporting the Town as a sponsor since the dam is listed in both the Flood Damage Prevention Law & the Comprehensive Emergency Management Plan. Attorney Spinner will write an agreement between the Town and the H.O.A. stating each of the provisions talked about and send to the Clerk to be signed by both parties. Shedd & Beattie thanked the Board.

PUBLIC SAFETY:

The Board received the June 2025 Operation Update & Call Log from EBES, Supervisor Harting pointed out their call response of 88.71% noting that their fly car is out of service. Supervisor Harting made the Board aware that Eastern Broome has put their open house for their new facility on hold due to the recent deaths within the First Responder community.

TOWN HALL:

The Board was informed that the Town received the Broome County Small Community Grant for a Stairlift for the History Room. Clerk Pfister explained that they will actually have 2 units installed, one for each set of stairs as it took up less room in the stairwell to do that way. The units are on order and two outlets need to be installed and the Secretary to the Supervisor is working on estimates.

YOUTH AND RECREATION: None

ZONING/PLANNING: None

UNFINISHED BUSINESS:

Motion By: Council Member Odell Sec. By: Council Member Hupman

Motion to Adjust the Term End Dates for the following Board Members to Align with the Town of Windsor Planning Board and Zoning Board By-Laws: Planning Board Members Rebecca Reed (9/11/2024 - 9/10/2028), Colton Perry (3/12/2025 - 3/11/2027), and Norman Colwell (6/11/2025 - 6/10/2026); and Zoning Board Member Robert Williams (6/13/2025 - 6/12/2030)

Vote of the Board:

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

Motion Passed

Discussion: This was discussed at last months meeting, Clerk Pfister shared that she had spoken to all members and they are aware of the changes. Council Member Hupman asked if we still had vacancies, the Planning Board is still in need of one member and an alternate

NEW BUSINESS:

Motion By: Council Member Hupman Sec. By: Council Member Colwell

Motion to Change the Date of the Regular October Meeting from October 8, 2025 to October 1, 2025 at 7:00 P.M.

Vote of the Board:

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

Motion Passed

Discussion: Supervisor Harting explained this is routine to change the dates of the October and November meetings to meet the budget calendar deadlines

Motion By: Council Member Colwell Sec. By: Deputy Supervisor Beavers

Motion to Change the Date of the Regular November Meeting from November 12, 2025 to November 5, 2025 at 7:00 P.M.

Vote of the Board:

Supervisor Harting - Aye

Deputy Supervisor Beavers - Aye
Councilmember Hupman - Aye
Councilmember Odell - Aye
Councilmember Colwell - Aye

Motion Passed

UPCOMING MEETING:

Zoning Board Meeting July 10, 2025 6:30 P.M. Windsor Town Hall-**CANCELED**
Work Session July 16, 2025 6:00 P.M. Windsor Town Hall
Planning Board Meeting July 30, 2025 7:30 P.M. Windsor Town Hall
Public Hearing & Regular Meeting August 13, 2025 7:00 P.M. Windsor Town Hall

PUBLIC COMMENTS: NONE

ADJOURNMENT:

Motion By: Council Member Hupman
Motion to Adjourn Meeting at 8:08 P.M.

Sec. By: Deputy Supervisor Beavers

Vote of the Board:

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

Motion Passed

Respectfully Submitted,

Elizabeth Pfister
Town Clerk