

Supervisor Odell pointed out the exits in the room.

MEETING CALLED TO ORDER: by Supervisor Mark Odell, at 7:01 P.M.

PLEDGE OF ALLEGIANCE: was recited.

ROLL CALL by Town Clerk Elizabeth Pfister:
 Supervisor Mark Odell: Present
 Deputy Supervisor Daniel Colwell: Present
 Councilman Gary M. Hupman: Present
 Councilman Timothy Harting: Present
 Councilman Daniel R. Price: Present
 Code Enforcement Officer Richard Osbourne: Absent
 Highway Superintendent Michael Kithcart: Present
 Attorney Mark Spinner: Present

Also, present were: Carolyn Price, White Birch Lake Road; LeWayne Colwell, Route 79; Khristine Breeding, Route 79; David Brown, Ostrander Road; Eileen Ruggieri, Dire Road; Jeremie Rounds, Route 79

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

Motion By: Councilman Hupman **Sec. By: Councilman Harting**
Motion to approve the minutes of the September 11, 2024 Regular Meeting as submitted.

Vote of the Board:

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

Motion Passed

FINANCIAL REPORT:

Motion By: Deputy Supervisor Colwell **Sec. By: Councilman Price**
Motion to approve October 2024 Bills for Payment.

Vouchers:	A & B General Fund 366 - 394	\$33,180.07
	DB Fund 251 - 278	\$39,958.84
	H7 Fund 44	\$37,415.98
	SS3 Fund 71 – 72	\$ 277.90
	TA Fund 17	\$ 1,018.76
	Total	\$111,851.55

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 distributed the September 2024 Financial Report, there were no questions or comments. The Board also reviewed the Town of Windsor's 2023 Fiscal Stress Score of "no designation" which, Supervisor Odell explained is good for the Town.

Secretary to the Supervisor, Khristine Breeding explained to the Board options for the 22 retirees/spouses that the Town must provide a health insurance plan for which has been through

the Broome County Purchasing Alliance (BCPA) for the last few years. BCPA chose to award the health care proposal to Excellus. Due to changes made by the Federal government to the Medicare Advantage reimbursement formula the Town would see a \$200/pp increase with the current plan. Khristine advised that the best option available, with minimal impact to the Town was the Excellus Plan 3 through BCPA. The cost to the Town is around \$150/pp they would continue to receive the same benefits, the only negative impact being a copay for prescriptions. Khristine noted that the retirees/spouses are will continue to receive better coverage than what is mandated in the C.B.A.

The Board reviewed the Tentative Budget Supervisor Odell asked if there was any questions or comments. Secretary to the Supervisor Khristine Breeding explained every fund an explanation attached to it of any major changes within the fund. Supervisor Odell asked where the Town sits as far as the Tax Cap, Breeding explained that the current tax cap is 1.02% and the Towns budget has come in at 1.17%

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Hupman

Motion to Set Public Hearings for 2025 Preliminary Budget, 2025 Fire Protection Contracts, 2025 Sewer Rates, and 2025 Eastern Broome Emergency Services Contract for November 6, 2024 at 7:00 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

COMMITTEE REPORTS:

ASSESSOR:

The Board reviewed the Assessors report, there were no comments.

CEMETERIES:

Councilman Hupman shared the reproduction of map that Joe & Laura Fiore came across of the Dutchtown Road area from 1838 showing a cemetery containing 66 graves and questioned if it could hang in the Town Hall. Eileen Ruggieri explained that the map was drawn by a Windsor lawyer, Hector Williams at the beginning on the 20th Century from an interview he had done with Village resident Luther Smith. Smith's family was among the earliest settlers in the area of Onaquaga mountain along with Springsteen's, which at one time was the Native American village Onaquaga. Smith was able to recall from memory what he had heard his father and grandfather describe of what remained from Onaquaga when they arrived including a mission station, and 66 "simple burial stones." Among those buried in that cemetery were Rebecca Kellog Ashley, an interpreter in the 1770's many of the earliest settlers in the area including a Springsteen and Native people. At a later time, the remains were removed due to the river embankment eroding but the area has been part of a farm field for a very long time so there is no evidence of it being a burial ground but the people working in the cemeteries found this information and there is an effort to at least recognize what was most likely the very first cemetery in the area.

DOG CONTROL:

The Board received the August 29, 2024 Municipal Inspection report with an Unsatisfactory designation, the Clerk explained that at a recent training she attended she learned of the new shelter regulations that are going in place December 2025 for shelters across the state. Ag. & Markets had explained that they are working to bring current shelters up to these standards and are not going to place hardships on municipalities by closing shelters leaving them no where to surrender animals but work with the shelters to come into compliance.

The Board also received a copy of a letter sent to Brian Norris, Director of Security for Broome County by Supervisor Odell and a letter from Brian Norris in response to the Board. Norris, explained since the COVID-19 pandemic the shelter has had record numbers of dogs. The letter explained the efforts of the County to come into compliance for the current inspection while considering the upcoming requirements with the new shelter standards law. Norris introduced the new shelter manager, Tiffany Wheelock who has been working tirelessly to find grant funding to help offset costs associated with these upgrades.

ECONOMIC DEVELOPMENT: None

ENERGY:

**TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK INTRODUCING A PROPOSED
LOCAL LAW No. 3 of 2024
Resolution #33-2024**

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 2nd day of October 2024, the following resolution was

OFFERED BY: Councilman Harting
SECONDED BY: Councilman Hupman

WHEREAS, a local law entitled “A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM WITHIN THE TOWN OF WINDSOR ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS” was introduced at this meeting; and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Town Board of the Town of Windsor with respect to the adoption of the aforesaid Local Law on **November 6, 2024 at 7:00 p.m.**; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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 Town Hall, 124 Main Street, Windsor, NY on the 2nd day of October, 2024. Said resolution was adopted by the following vote:

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

Dated: October 2, 2024

Town of Windsor Seal

Elizabeth Pfister, Town Clerk
Town of Windsor

**TOWN OF WINDSOR
LOCAL LAW NO. 3 OF 2024**

**A LOCAL LAW AFFECTING A TEMPORARY MORATORIUM
WITHIN THE TOWN OF WINDSOR ON THE DEVELOPMENT
AND CONSTRUCTION OF SOLAR ENERGY SYSTEMS**

Be it enacted by the Town Board of the Town of Windsor as follows:

Section 1. TITLE.

This Local Law shall be known as the “Moratorium on the Development and Construction of Solar Energy Systems”.

Section 2. AUTHORITY AND INTENT; FINDINGS; PURPOSE.

A. Authority and Intent.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Windsor under the New York State Constitution and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, § 2 (c); Municipal Home Rule Law §§ 10 and 20 through 27; Statute of Local Governments § 10; New York State Town Law; and the State Environmental Quality Review Act and its implementing regulations.

This Law is a land use regulation, which is intended to act as and is hereby declared to exercise the permissive “incidental control” of zoning and land use law that is concerned with the broad area of land use planning and the physical uses of land within the Town.

B. Findings.

The Town Board hereby finds that it is in the interest of public health, safety and welfare to address, in a careful and thorough manner, the activities prohibited by Section 4 of this Local Law. In order to accomplish this, the Town requires a reasonable period of time to further study the potential impacts and effects on land, the environment and the public in general caused by such activities, and to consider possible amendments to the Town’s laws and/or comprehensive plan to address the same.

C. Purpose.

The purpose of the Local Law is to enable the Town of Windsor to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building permits, operating permits, site plan approvals, subdivision approvals, certificates of occupancy, certificates of compliance, temporary certificates, and other Town-level land use approvals respecting the activities prohibited by Section 4 of this Local Law, for a reasonable time, so as to allow the Town time to study the potential impacts, effects, and possible controls over such activities and to consider possible amendments to the Town's laws and/or comprehensive plan to address the same.

D. Term.

The Town Board finds that a moratorium with a twelve (12) month duration and a provision for the "grandfathering" of legal, pre-existing non-conforming uses, will achieve an appropriate balance of interests between (i) the need to safeguard public health, safety and welfare, as well as the character and other resources of the Town of Windsor; and (ii) the rights of individual property owners.

This moratorium shall be in effect for a period of twelve (12) consecutive months from its effective date with up to two (2) 180-day extension periods as determined appropriate by the Town Board by resolution.

Section 3. DEFINITIONS.

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM — A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

PERSON — Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

ROOF-MOUNTED SOLAR ENERGY SYSTEM — A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite consumption.

SOLAR ENERGY EQUIPMENT — Electrical material, hardware, inverters, conduit, or any other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM — The components and subsystems required to convert solar energy into electric energy suitable for use and to collect, store or deliver such converted electrical energy. The term includes, but is not limited to, Solar Panels, Solar Energy Equipment, substations, energy storage facilities and all other accessory facilities related/appurtenant thereto.

SOLAR PANEL — A photovoltaic device capable of collecting and converting solar energy into electricity.

SOLAR ACTIVITIES — Any and all activities related to the development, permitting, siting and/or construction of energy production facilities utilizing solar power, including but not limited to, Solar Energy Systems, and the siting and construction of all accessory, supporting and related infrastructure such as transmission lines, substations, etc.

TOWN — The Town of Windsor, Broome County, New York.

TOWN BOARD — The Town Board of the Town of Windsor.

Section 4. MORATORIUM AND PROHIBITION.

A. From and after the effective date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance (except as contemplated by Section 7 of this Law), building permit, site plan approval, subdivision approval or any other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, use or operation upon any land, body of water, building or other structure located within the Town any of the following: (i) Solar Energy Systems; (ii) Solar Energy Equipment; (iii) Solar Energy Activities.

B. From and after the effective date of this Local Law, no Person shall use, cause, or permit to be used, any land, body of water, building or other structure located within the Town for any of the following: (i) Solar Energy Systems; (ii) Solar Energy Equipment; (iii) Solar Energy Activities.

C. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is twelve (12) months after said effective date subject to Board renewal as more fully set forth in Section 2-D. herein, (ii) the effective date of a duly enacted repeal of this Local Law, or (iii) the effective date of a duly adopted Solar Energy Systems Local Law by the Town Board.

D. This moratorium and prohibition shall apply to all real property within the Town.

E. Notwithstanding the foregoing, the prohibitions and moratorium set forth in this Section 4 shall not apply to Roof-Mounted Solar Energy Systems or Building-Integrated Solar Energy Systems as accessory uses for legally permitted residential properties.

F. Under no circumstances shall the failure of the Town Board, the Town Planning Board or the Town Code Enforcement Officer to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, site plan approval, subdivision approval, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

Section 5. PENALTIES.

A. Compliance Orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in violation of this Local Law. If the condition or activity is not remedied after the issuance of a compliance order, then an appearance ticket may be issued as provided hereinafter.

B. Appearance Tickets. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Local Law. Any person who violates any provision of this Local Law shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate, additional violation.

C. Civil Penalty. In addition to those penalties prescribed herein, any person who violates any provision of this Local Law shall be liable to a civil penalty of not more than \$2,500 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in a civil action instituted in the name of the Town of Windsor.

D. Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Windsor, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Local Law. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation of this Local Law. Any remedy or penalty specified in this section and/or any other remedy or penalty provided by law, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section. In addition to the above-provided remedies, the Town Board may also seek reimbursement to the Town for costs incurred by the Town in identifying and remedying each violation, including but not limited to, reasonable attorney's fees.

Section 6. GRANDFATHERING OF LEGAL, PRE-EXISTING NON-CONFORMING USE.

Notwithstanding any provision hereof to the contrary, any Solar Energy Systems in the Town that have been duly approved as of the effective date of this Local Law, which are being operated in accordance with all applicable laws and regulations and in compliance with all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other federal, state and local regulating agencies, shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of this Section.

Any expansion of a lawful, pre-existing nonconforming use shall not be grandfathered under this Section, and instead shall in all respects be prohibited as contemplated by Section 4 hereof. "Grandfathered" and lawful pre-existing uses neither have nor possess any right to expand such non-conforming use, whether above or below ground, and no such right shall be deemed, construed, or implied to exist.

Section 7. HARSHIP USE VARIANCE.

The Zoning Board of Appeals is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a hardship use variance from application of the provisions of this Local Law by any Person aggrieved hereby.

No such use variance shall be granted without a showing by the applicant that applicable regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located: (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (iv) that the alleged hardship has not been self-created.

In the event a hardship use variance from the provisions of this Local Law is granted to the applicant, the applicant shall be required to comply with all provisions of the Village's then applicable land use laws and other laws and regulations. The Zoning Board, in the granting of a hardship use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not

affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary, as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed therefrom, and the Town Board of the Town of Windsor hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 9. SUPERSEDING INTENT AND EFFECT.

It is the specific intent of the Town Board that this Local Law shall supersede any inconsistent provisions of Sections 267, 267-a, 267-b, 274-a, 274-b and 276 of the Town Law of the State of New York, as well as all other inconsistent provisions of local ordinances, local laws, or local resolutions or policies of the Town of Windsor, including but not limited to provisions of the aforementioned state and local laws, ordinances, resolutions or policies that require the approval, or affect a default approval of land use applications within certain statutory time periods.

Section 10. GENERAL PROVISIONS.

A. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only, and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

Section 11. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State in accordance with Section 27 of the Municipal Home Rule Law.

Discussion: Supervisor Odell asked Attorney Spinner to explain the details of the law because as he is understanding the law it is too restrictive for personal use. Attorney Spinner pointed out where personal uses that were questioned are not included in the law and homeowners can apply for a variance but there will also be two categories with the new law – residential and commercial. This law puts in place a moratorium in the Town while the law is being developed by the Town and the Town has to work on the law. Attorney Spinner suggested looking at laws in other Towns as well as a model law that NYSEDA has available. Supervisor Odell asked if the Planning Board are the ones that should handle this, Attorney Spinner advised that Planning Board Chair Bennett more than likely has several sample laws as well that she can draw from.

ENGINEER: None

HIGHWAY:

Supervisor Odell asked Highway Supervisor Kithcart about the HVAC system at the new garage building, Highway Supervisor Kithcart stated it is still being worked on.

Motion By: Deputy Supervisor Colwell

Sec. By: Councilman Harting

Motion to Authorize the Supervisor or His Designee to Sign Master Bridge NY Federal Aid Project Agreement (D041473) for McNair Road Bridge

Vote of the Board:

Supervisor Odell - Aye

Deputy Supervisor Colwell - Aye

Councilman Hupman - Aye

Councilman Harting - Aye

Councilman Price - Aye

Motion Passed

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK

Resolution Authorizing the Implementation and Funding of the Costs of a Transportation Project, Which May Be Eligible for Federal-Aid and/or State-Aid, or Reimbursement From Bridge NY Funds

Resolution #34-2024

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 2nd day of October 2024, the following resolution was

OFFERED BY: Deputy Supervisor Colwell

SECONDED BY: Councilman Hupman

WHEREAS, a project for the McNair Road over Tuscarora Creek (BIN 2226070) Superstructure Replacement (BNY23), Town of Windsor, County of Broome, P.I.N. 9755.82 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, 23CFR as amended and PUB. L. 117-58 also known as the "Bipartisan Infrastructure Law" (BIL); and

WHEREAS, the Town of Windsor will design, let, and construct the Project; and

WHEREAS, the Town of Windsor desires to advance the Project by making a commitment of 100% of the costs of the Preliminary Engineering/Design work for the Project or portions thereof.

NOW, THEREFORE, the Windsor Town Board, duly convened does hereby

RESOLVE, that the Windsor Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Windsor Town Board hereby authorizes the Town of Windsor to pay 100% of the cost of the Preliminary Engineering/Design work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$350,000 is hereby appropriated from Federal American Rescue Plan Administration (ARPA) funds (\$82,560.00) and Fund Balance in the DA Account (\$267,440.00) made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that the Windsor Town Board hereby agrees that the Town of Windsor shall be responsible for all costs of the Project which exceed the amount of federal-aid, stated-aid, or NY Bridge Funding awarded to the Town of Windsor; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Windsor Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor of the Town of Windsor; and it is further

RESOLVED, that the Town of Windsor hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Town Supervisor of the Windsor Town Board be and is hereby authorized to execute on behalf of the Town of Windsor all necessary agreements, certifications, or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

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 2nd day of October, 2024. Said resolution was adopted by the following vote:

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

Motion Approved

Resolution Adopted: October 2, 2024

[Town Seal]

Elizabeth Pfister, Town Clerk
Town of Windsor

HISTORY:

Eileen Ruggieri presented on behalf of Town Historian, Rita Saunders also about the October 12th – 14th NYS Path Through History weekend. Rita plans to have the Charles English train museum open and they had discussed the historic places along the river from the state line to Ninevah. They have developed a map pamphlet with historic sites to form a “Trail of History” both of these will be on the NYS Path Through History website and Rita was able to get the train station on the Broome County website but the pamphlet for the trail of history was not ready in time. These sites will be open on these days for set hours, the sites they came up with encompass the history beginning with the Native Americans through the importance of the railroad. This year it ties in with the work being done in South Windsor to resurrect the Grange and one room school house there as well. This ties in with the newly installed historic marker that was installed near his boyhood home. Eileen made the Board aware that Broome County is very interested in this idea of creating a trail of history and feel they should be doing this in 2025 as well. Eileen shared that St. Luke’s in Colesville has many books on George Catlin and his art work, and the picture used for the pamphlet was one of his most famous paintings and was featured on the cover of the Smithsonian magazine and his paintings are still on display at the museum.

Councilman Hupman shared that the Grange will have a display about George Catlin who lived in the area of the Grange as well as artifacts that have been found in the area. Eileen told Councilman Hupman that she has a tri fold display to give him of an intact Mohawk vase that was found on the property of the Grange many years ago in a crevice of a rock. It is in a museum in Rochester off display and she was allowed to view the piece and photograph it for the Town's historic purposes.

SENIOR CITIZENS: None

TOWN CLERK/REGISTRAR:

The Board received the Town Clerk's September 2024 report, the Clerk noted that the office has remained busy with DEC license sales this month again.

Motion By: Councilman Hupman Sec. By: Deputy Supervisor Colwell
Motion to Hire Lori Hunt as Deputy Clerk at a Rate of \$17.75/hour Effective October 8, 2024

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 reminded the Board that they had agreed to her having two clerks that shared the allotted hours for the year for the Deputy Clerk position. The Clerk informed the Board she had spoken with the current Deputy about no longer receiving pay for holiday hours with this new arrangement and she was in agreeance. The new Deputy Clerk would have attended the meeting but she had family issue to deal with.

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Authorizing Town of Windsor Representatives as Signers Regarding Bank Accounts
RESOLUTION #37-2024

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 2nd day of October 2024, the following resolution was

Offered By: Councilman Harting
Second By: Councilman Hupman

IT IS HEREBY RESOLVED by the Town Board of the Town of Windsor that the following individuals are authorized parties/signers for the following Bank Accounts, **effective 10/8/2024:**

Chemung Canal Trust Company (Town Clerk Checking Account(s)):

Elizabeth Pfister, Town Clerk
OR
Lori Hunt, Deputy Town Clerk
OR
Nicole Theleman, 2nd Deputy Town Clerk

Chemung Canal Trust Company (DEC – Hunting/Fishing Checking Account):

Elizabeth Pfister, Town Clerk
OR
Lori Hunt, Deputy Town Clerk
OR
Nicole Theleman, 2nd Deputy Town Clerk

Chemung Canal Trust Company (Tax Collection Account):

Elizabeth Pfister, Town Clerk
OR
Lori Hunt, Deputy Town Clerk
OR
Nicole Theleman, 2nd Deputy Town Clerk

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 on October 2, 2024. Said resolution was adopted by the following vote:

Supervisor Mark Odell	Voted - Aye
Deputy Supervisor Daniel Colwell	Voted – Aye
Councilman Gary Hupman	Voted - Aye

Councilman Timothy Harting Voted - Aye
Councilman Daniel R. Price Voted – Aye

Motion Approved
Resolution Adopted: October 2, 2024

[Town Seal]

Elizabeth Pfister, Town Clerk
Town of Windsor

TOWN HALL:

Supervisor Odell asked if any of the projects had started yet, the Clerk stated she had not checked with the Code Officer prior to him going on vacation about the mason starting. Khristine Breeding stated that the representative from Marchuska Brothers for the roof repair had been on vacation until this week but she will check with them in the morning.

WASTEWATER TREATMENT PLANT:

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

Motion to Provisionally Appoint Robert Dunham II to Waste Water Treatment Plant Operator from Waste Water Treatment Plant Mechanic Pending Successful Completion of Civil Service Examination

Vote of the Board:

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

Motion Passed

Discussion: Councilman Price asked Attorney Spinner what happens if Civil Service does not offer the exam for some time, Spinner stated that this provisional appointment allows him to fill the position and he is qualified for the position until the exam is available. Supervisor Odell asked why the initial exam would not be sufficient and Attorney Spinner advised this would be a promotional exam.

YOUTH & RECREATION: None

ZONING, PLANNING & CODE ENFORCEMENT:

The Board reviewed Code Enforcement Officer Osborne’s September 2024 report, Supervisor Odell pointed out the mention of denial of a commercial solar permit in the Town.

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

Motion to Accept the Quote from General Code for the Codification of the Town of Windsor Code in the Amount of \$16,292.00

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 questioned where the money was coming from for this the Clerk shared that the Secretary to the Supervisor found where money had been set aside for this project previously. Supervisor Odell asked what this does for the Town it was explained that this will correct the current problem the Town has that none of the Code books or website have the same information and are not up to date. This service brings the Code up to date their legal team also reviews it and advises the Town of areas where they need changes. Councilman Harting pointed out that it also protects the Town from potential law suits and increases enforceability of the Code. The Clerk stated that it is an extremely user-friendly interface to use and the Board could look at the websites of local towns to see how easy it is to use. The Board agreed that the residents deserve this service. Supervisor Odell opened to the Public for comments, there were none.

The Board was given a copy of suggested revisions to Chapter 64 of the Town Code for Mobile Homes and Trailers to include campgrounds and integrate preexisting campgrounds in the Town and to work with any incoming proposals of this type of development in the Town. The Board was asked to review what has been done and come back with comments in November.

PUBLIC SAFETY: None

UNFINISHED BUSINESS:

TOWN OF WINDSOR, COUNTY OF BROOME STATE OF NEW YORK
Recommendation to Improve Traffic Safety by Reducing the Speed Limit and Posting
Speed Limit Signs on NY-79 in the Town of Windsor
Resolution #35-2024

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 Town Hall on the 2nd day of October, 2024, the following resolution was

OFFERED BY: Councilman Harting
SECONDED BY: Councilman Hupman

WHEREAS, the community and the Town of Windsor are concerned about traffic safety and the safety of residents; and

WHEREAS, a request from the community was presented to the Town Board, citing the need for a speed limit reduction on NY-79 from the Pennsylvania border to the T-intersection with Ouaquaga Road due to various conditions; and

WHEREAS, certain segments of this highway currently have a posted or unposted speed limit of 55 mph, and the public is specifically requesting that the speed limit be reduced to 45 mph only in those sections where the current limit is 55 mph, for the entire portion of NY-79 between the Pennsylvania border and the T-intersection with Ouaquaga Road; and

WHEREAS, the community and the Town want appropriate action taken to mitigate the life-threatening risk posed by the current conditions.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Windsor resolves to recommend to the County of Broome and the New York State Department of Transportation (NYSDOT) that, for those reasons outlined herein, the speed limit on NY-79 be reduced to 45 mph in all unposted and posted sections currently having a speed limit of 55 mph and that the speed limit be clearly posted; and it is further

RESOLVED that copies of this Resolution and the attached NYSDOT form shall be forwarded to the offices of NYS Senator Peter Oberacker, NYS Assemblyperson Joe Angelino, the Broome County DPW Commissioner and the NYSDOT Region 9 Director at 44 Hawley Street, Binghamton, NY 13901; and be it further

RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth Pfister, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held on October 2, 2024. Said resolution was adopted by the following vote:

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

Motion Approved
Resolution Adopted: October 2, 2024

[Town Seal]

Elizabeth Pfister, Town Clerk
Town of Windsor

NEW BUSINESS:
TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Adopting Town of Windsor Fund Balance Reserve Policy Guiding Principles
Resolution #36-2024

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 2nd day of October 2024, the following resolution was

OFFERED BY: Councilman Harting
SECONDED BY: Deputy Supervisor Colwell

WHEREAS, the Town Board of the Town of Windsor recognizes the importance of maintaining adequate fund balances to ensure the financial stability of the Town; and

WHEREAS, it is the intent of the Town Board to adopt a formal Fund Balance Reserve Policy to establish guidelines for maintaining and utilizing reserve funds in accordance with best practices and applicable laws; and

WHEREAS, the Town Board has reviewed the proposed Fund Balance Reserve Policy and finds it to be in the best interest of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Windsor hereby adopts the Fund Balance Reserve Policy as presented, effective immediately; and

BE IT FURTHER RESOLVED, that the Supervisor and other appropriate Town officials are hereby authorized to take any necessary actions to implement and adhere to this policy.

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 2nd day of October, 2024. Said resolution was adopted by the following vote:

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

Motion Approved
Resolution Adopted: October 2, 2024

[Town Seal]

Elizabeth Pfister, Town Clerk
Town of Windsor

FUND BALANCE RESERVE POLICY GUIDING PRINCIPLES

The Town Board of the Town of Windsor has a fiduciary responsibility to account for public funds properly, to manage town finances wisely, and provide necessary and sufficient funding of services to its residents.

GOALS

- One of the Town Board’s main financial goals is to maintain a sufficient level of fund balance and corresponding amount of cash resources to:
- mitigate current and future risks (i.e. unanticipated emergency expenditures, unexpected costs resulting from natural disasters, sudden, unexpected increases in employee benefits and other budgetary expenses and revenue shortfalls)
 - ensure stable tax and user charge rates
 - plan for future capital projects and equipment needs
 - eliminate the need for short-term borrowing to handle cash flow issues

APPLICABILITY

The Town of Windsor manages 5 different operating fund categories; Town General and Town

Highway 2 in/out share the same tax base. The Town Highway 1, 3, 4 and Town Out share the same tax base, which excludes the Village of Windsor tax payers. The West Windsor Sewer District is a distinct and separate fund. Guiding principles are not intended to hold the Town Board to a standard of strict compliance.

GUIDELINES – GENERAL AND HIGHWAY FUNDS

Town General Fund (A) primary revenue source is property taxes. These funds are utilized for administrative personnel, Town Hall, Town Garage, court, dog control, cemeteries, etc.

Town Highway Funds 1,2,3,4 (DB) utilizes the town's major revenue sources i.e. sales tax needed cash pending receipt of CHIPS state aid and property tax revenues. These funds are utilized for road improvements, road repairs, machinery and snow removal.

Town Highway 2 In/Out (DA) are funded through property tax revenues and are utilized for bridge projects and potential FEMA disasters.

Town Out (B) funds are utilized for Town zoning/planning and community services. Revenue sources include property taxes, zoning permit fees and sales tax revenue.

The guiding principles for these funds are:

- The unrestricted, unassigned fund balance should not be less than 25% nor more than 50% of the total of operating expenditures for each of the fund accounts
- If, at the end of a fiscal year, the unassigned fund balance falls below 25%:
 - Town Supervisor should review estimates contained in the adopted budget and closely monitor results of operations to assess whether steps should be or could be taken to reduce planned expenditures for the year. And while it is not likely that the town could provide for any immediate revenue increases once the budget has been adopted, potential revenue increases could be discussed and pursued, if appropriate and allowable.
 - The Town Board should take action necessary to restore the unrestricted, unassigned fund balance through the budgetary process to acceptable levels within a one-to-three-year period.
- If, at the end of a fiscal year, the balance in each of the unrestricted, unassigned fund balance is greater than 50%, the excess may be used in one or a combination of the following ways:
 - To help finance one-time expenditures and capital expenditures that do not increase recurring operating costs
 - To pay down on existing bonded indebtedness e.g., bond anticipation notes
 - To transfer moneys to increase existing or newly established reserve funds
 - Used directly to reduce the tax rate provided that care is taken to avoid a major fluctuation in the tax rate in succeeding years.

GUIDELINES – WEST WINDSOR SEWER DISTRICT FUNDS

West Windsor Sewer District Funds are special revenue funds that rely on user charges (sewer rents) billed every four months to customers to help finance sewer operations.

Setting a benchmark of unrestricted, unassigned fund balance as a percentage of annual operating expenditures for this fund to assess reasonableness of fund balance is not practicable, for the following reasons:

- The West Windsor Sewer district fund strives to maintain an unrestricted, unassigned fund balance of \$400,000, which would represent, on average, over 100% of the normal operating budget, plus some savings for larger repairs, equipment replacement and pumping of solids. There are too many fiscal and environmental factors that, if occurred, could exhaust the full amount of those surplus funds.
- User charges are billed on a four-month basis and collections received throughout the year. User charges are not collected up front at the beginning of the year. These special revenue funds need surplus cash available to pay expenses throughout the year. If surplus funds are not available, these special revenue funds might have to issue costly revenue anticipation notes to provide an infusion of cash to meet operating expenses.
- Every year, there are about 70 customers who do not pay their sewer bills. As such, approximately \$50,000 of amounts billed are enforced through the re-levy process through Broome County. This means that collections from billings for the year will not

be received until the following year. This presents a cash flow concern that without surplus funds available could be problematic.

- The sewer bond payment increases about \$3,000 each year through the year 2041. Sufficient funds must be maintained to make the bond payment each year.
- The sewer district's infrastructure is subject to ongoing, unexpected repairs and maintenance. Pump replacements are upwards of \$45,000 each. The reed beds need to be pumped every 10 years at a cost of close to \$100,000. The annually adopted budgets include a certain amount of appropriations for these items, these types of expenditures are costly and often unpredictable. Available surplus funds are necessary to temper the impact of the cost of unforeseen repairs.

For the West Windsor Sewer District Funds, the town's guiding principles for surplus funds are:

- West Windsor Sewer – strive to maintain between \$350,000 and \$400,000 in floating surplus funds
- Annually, likely during budget preparation season, the Town Board will review projected year-end surplus fund balance amounts in conjunction with sewer billing rates to assess the need and justification to either increase or decrease billing rates.

RESERVE (RESTRICTED) FUNDS

The town has several capital and major repair reserve funds within the general and highway funds. These reserve funds provide the Town Board with flexibility to use reserve fund moneys to help finance non-recurring major repairs and improvements and major capital equipment purchases without having to rely on bonded indebtedness. Reserve funds is an important component in maintaining the town's overall positive fiscal health. Over recent years, the town has used reserve fund moneys to help finance various capital acquisitions and improvements and, as important, taken steps to replenish reserve fund balances once those moneys have been spent.

The following guiding principles are merely memorializing the key steps already in place through recent past practice:

- Review year end unreserved fund balance amounts in the town's major operating funds to determine if moneys should be moved into a reserve fund
- If reserve fund moneys are used during the year, consider establishing an internal plan to replenish the reserve for moneys spent. The replenishment of funds can be over a period of years e.g., over the period of probable usefulness of the items purchased with reserve fund moneys. Annual budgets would include an amount to replenish the reserve each year. The town is not bound to replenish the reserve but has the means to do so if need be.
- In house reserve fund replenishment schedules will be prepared for each planned replenishment.
- The town recognizes that the purchase of highway equipment or a major improvement or emergency repair to the sewer system can be very costly. Therefore, the town does not have a set dollar amount that can be placed in designated reserve funds.

PERIODIC REVIEW OF GUIDING PRINCIPLES

These guiding principles will be periodically reviewed, preferably annually, to ensure ongoing applicability and relevance.

Discussion: Supervisor Odell invited Khristine Breeding to explain the policy. Breeding shared that the Comptroller's Office, while doing the audit of records of the Town, pointed out that the Town did not have a fund balance policy in place and so she worked with the Town's C.P.A., Mike Giovinazzo to draft this policy. Breeding said that if the Board approves this policy next month, she will have all the information for the Board on the fund balance accounts and suggestions for the amount of fund balance to add moving forward.

The Board received notification the Justice Blythe completed his required Judicial Education training for the year.

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Approval of the Town of Windsor, Justice Court, To Apply for Grant Aid Through "The Justice Court Assistance Program"

Resolution #38-2024

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 2nd day of October 2024, the following resolution was

Offered By: Councilman Harting
Second By: Councilman Hupman

WHEREAS, by the Board of the Town of Windsor, Broome County, New York authorizes the Windsor Town Court to apply for a JCAP grant in the 2024-2025 grant cycle up to \$30,000.00, and

IT IS RESOLVED, that if funding is forthcoming as a result of this grant application, the funds are to be used as outlined in “Part 138. JUSTICE COURT ASSISTANCE PROGRAM”, subsection § 138.2, and

IT IS RESOLVED, that this funding will not be used to compensate justices or non-judicial court staff, nor shall it be used as a means of reducing funding provided by the Town of Windsor to its Justice Court.

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 on October 2, 2024. Said resolution was adopted by the following vote:

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

Motion Approved
Resolution Adopted: October 2, 2024

Elizabeth Pfister, Town Clerk
Town of Windsor

Discussion: The Clerk explained the Court Clerks were looking to replace office furniture and possibly adding a drop box at the front door. Supervisor Odell asked if this was the grant that former Town Justice Stapleton pursued annually and the Clerk confirmed it is.

UPCOMING MEETING:

Zoning Board Meeting October 10, 2024 6:30 P.M. Windsor Town Hall
Planning Board Meeting October 30, 2024 7:30 P.M. Windsor Town Hall
Public Hearing & Regular Board Meeting November 6, 2024 7:00 P.M. Windsor Town Hall

PUBLIC COMMENTS: None

ADJOURNMENT:

Motion By: Councilman Hupman **Sec. By: Councilman Harting**
Motion to Adjourn Meeting at 8:10 P.M.

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