

TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK
Resolution Authorizing Sponsorship of Dam Repair Grant Application and Authorizing Execution
of Updated Agreement Resolution#9-2026

PRESENT: **Supervisor Timothy Harting**
 Deputy Supervisor Eric Beavers
 Council Member Gary M. Hupman
 Council Member James Conrad
 Council Member Matthew Hartwell

At a regular meeting of the Town Board of the Town of Windsor, held at the Town Hall, 124 Main Street, Windsor, NY on the 11th day of February, 2026, the following resolution was

Offered By:
Seconded By:

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 the potential for downstream impacts, including impacts to New York State Route 79, in the event of failure; and

WHEREAS, the White Birch Lake Property Owners’ Association (the “Association”) is the owner and operator of the dam and bears sole responsibility for its inspection, maintenance, repair, and regulatory compliance; and

WHEREAS, in 2025 the Town Board authorized execution of an agreement with the Association for sponsorship of a Water Quality Improvement Program (“WQIP”) grant application, but the grant was not awarded, and the project did not proceed; and

WHEREAS, the Town Board hereby determines that the prior agreement authorized in 2025 shall be deemed null, void, and of no further force or effect, and that no continuing obligations exist thereunder; and

WHEREAS, the Association has requested that the Town again act as public sponsor for a renewed or resubmitted WQIP grant application, and the Town Board wishes to consider such assistance subject to updated contractual protections; and

WHEREAS, the Association is unable to apply directly for WQIP funding due to its federal tax classification under Internal Revenue Code § 501(c)(7), and NYSDEC program rules require a municipal sponsor; and

WHEREAS, the Town’s role as sponsor is intended to be strictly limited to grant submission and administrative functions only, and shall not include ownership, operation, maintenance, construction management, procurement, or contracting for dam repair work; and

WHEREAS, the Town Attorney has advised that any new or revised agreement should include updated provisions addressing indemnification, insurance, escrowed funding, repayment obligations, and compliance with applicable grant conditions; and

WHEREAS, the Town Board finds that authorizing sponsorship of the grant application, subject to execution of an updated agreement reviewed and approved by the Town Attorney, serves the best

interests of the Town and its residents by advancing public safety and hazard-mitigation objectives without imposing fiscal or operational burdens on the Town;

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

1. The agreement previously authorized by the Town Board in 2025 between the Town of Windsor and the White Birch Lake Property Owners' Association regarding WQIP sponsorship is hereby declared null and void, and of no further force or effect.
2. The Town Board hereby authorizes the Town to act as public sponsor for a renewed or resubmitted WQIP grant application on behalf of the Association, subject to execution of an updated written agreement.
3. The Town Supervisor is hereby authorized to execute an updated agreement with the Association only after review and approval as to form by the Town Attorney, and only upon confirmation that such agreement:
 - a. imposes no obligation on the Town to expend municipal funds;
 - b. preserves the Association's sole ownership and responsibility for the dam; and
 - c. provides appropriate indemnification, insurance, escrow, and repayment protections for the Town.

Nothing in this Resolution shall be construed to obligate the Town to own, operate, maintain, manage, procure, bid, or contract for any dam repair or construction work.

The Supervisor, Town Attorney, Town Clerk, and such other officers or employees as may be necessary are hereby authorized to execute and submit such certifications, forms, or documents as may be required by NYSDEC in connection with grant sponsorship, consistent with this Resolution.

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 at Town Hall, 124 Main Street, Windsor, NY on the 11th day of February, 2026. Said resolution was adopted by the following vote:

Supervisor Timothy Harting	Voted -
Deputy Supervisor Eric Beavers	Voted -
Council Member Gary Hupman	Voted -
Council Member James Conrad	Voted -
Council Member Matthew Hartwell	Voted -

Dated: February 11, 2026

Town of Windsor Seal

Elizabeth Pfister, Town Clerk