

**MEETING MINUTES
of the Village of Windsor, N.Y.
107 Main Street
Windsor, NY 13865
March 3, 2020**

Present: Mayor: Ronald G. Harting
Trustee James W. Miller
Eileen Shelp-Olmstead
Thomas M. Skinner
Robert E. West
Deputy Clerk/Treasurer: Diane Wallick
Streets & Water Suptdnt: David M. Decker
Code Enforcement: Gary Post
Grant Writer: Steven Contento
Attendees: 3

Call to Order: **Time:** 7:00 P.M.
 By: Mayor Ronald G. Harting

Pledge of Allegiance

Welcome

Public Comment - Village resident Mrs. Ruth Ann Seward , Mr. Chris Zacharias from EBES, and Mr. Frank Evangelisti from Broome County were present an.

At 7:03 pm the mayor announced the first Public Hearing for the Fire Company Contract.

There was no one present from the Fire Company and there were no questions from the public or the Village Board. It was noted that the contract has remained the same for about ten years.

Offered by: Deputy Mayor Thomas Skinner
2nd by: Trustee James Miller
Vote: **AYE** - Mayor Ronald G. Harting
 AYE - Trustee James W. Miller
 AYE - Trustee Eileen Shelp-Olmstead
 AYE - Trustee Thomas M. Skinner
 AYE - Trustee Robert E. West

The motion carried unanimously.

Mayor Ron Harting asked for a motion enabling him to sign the contract.

Offered by: Trustee Robert E. West
2nd by: Trustee Eileen Shelp-Olmsted
Vote: **AYE** - Mayor Ronald G. Harting
 AYE - Trustee James W. Miller
 AYE - Trustee Eileen Shelp-Olmstead
 AYE - Trustee Thomas M. Skinner
 AYE - Trustee Robert E. West

The motion carried unanimously.

Mayor Harting called on Mr. Frank Evangelisti who is the Director of Planning for Broome County. Mr. Evangelisti introduced himself to the public and noted that he was visiting Villages and Towns, on behalf of the County Legislators, and explaining some new plans of the county. He noted:

- The County is moving offices into the Oakdale Mall in the hopes of stabilizing and bringing people up to the mall. The mall is one of the biggest tax payers in the county.
- There have been two straight years of property cuts.

- The County has a new communications system and is working on hiring more deputies in the Sheriff's Department.
- Mr. Evangelisti brought applications for the Community Grant which has about \$150,000 available for different projects. The mayor noted that the Village has already applied and talked about fixing the roof on the bandstand. The shingles would cost about \$7,000. The grants are also accessible to local non-profits.

Mr. Evangelisti asked if there were any questions. Trustee Skinner asked if Hawkins Pond could be refurbished. Mr. Exangelisti said that the County was looking at working on twelve county parks and that Hawkings Pond was one of them. He also mentioned that he would be retiring soon and did not know who will take his place. Many expressed that he would be greatly missed.

No one had a clear picture of why the bridge was closed, but David Decker did say that the battery-operated signs were not working. David said that the starting date is supposed to be this Thursday (March 5th 2020)

At 7:15 pm Mayor Harting opened the Public Hearing for the EMS contract. Christopher Zacharias was here to represent the Windsor EMS. Mayor Harting thanked them for remaining and volunteering and getting through the rough patch that they just experienced. Mr. Zacharias explained that they had run short in funds and were not able to make payroll. He was very pleased with the way people stepped up and volunteered. They did not miss any calls in the Village and answered most in the Town. The daytime was the hardest time to find volunteers because of people being at work and had to rely on mutual aide in some cases. Eastern Broome Emergency services (Which includes the Village of Windsor, the Town of Sanford and the Village and Town of Deposit) met with the County, State and Village of Windsor to discuss the situation. Things are getting better and they are \$14,000 in the black. The outstanding bills were paid. They are bringing back the paid workers slowly and should be back in full force in one or two weeks. Quick Meds, the billing company was about \$16,000 behind on the billing, which helped create the problem. They would like to go back to Absolute for their billing company. He did not put all the blame on Quick Meds, saying that maybe they too could be more vigilant. He was not foreseeing a problem with switching back to Absolute for the billing. He also noted that overtime, ALS, the increase in minimum wage, and paying on the new ambulance all add to the increase in cost. The ambulance has traveled about 11,000 miles in six months. Mr. Zacharias thanked the Village for all their help and noted that Deposit and the Windsor Fire Company also offered help. They recently signed the new ambulance into Eastern Broome Emergency Services and the paperwork went into the state. Hancock was trying to get Deposit to form an alliance with them, but Deposit chose to stay in Eastern Broome Emergency services. Trustee Skinner said that he attended the Association of Towns and Villages meeting where they spoke about the need for municipalities to support the ambulance squads. He said it was a very good sturdy and presentation. At the presentation they said that there are 50 ambulances in the county and only 15 are active. Mayor Harting said that many people thought that we no longer had an ambulance crew in Windsor. He also said that he was impressed with how people stepped up and volunteered when needed. Mr. Zacharias said that the state told them they were also impressed with the coverage and volunteers. Mr. Zacharias said that they are looking at the math and that they were asking an outside person to help them with budgeting. They were also considering an oversight committee which would hold meetings separate of the municipal meetings. The board and Mr. Zacharias discussed separating from Quick Meds. Mr. Zacharias said that there was an attorney contacted. He did say that they had received four packets of paperwork including checks, receipts and insurance denials from Quick Meds, so he is hoping all will go well with the change in billing companies.

Offered by: Deputy Mayor Thomas Skinner
2nd by: Trustee Bob E. West
Vote: **AYE** - Mayor Ronald G. Harting
AYE - Trustee James W. Miller
AYE - Trustee Eileen Shelp-Olmstead
AYE - Trustee Thomas M. Skinner
AYE - Trustee Robert E. West

The motion carried unanimously.

At 7:30 pm Mayor Harting opened the Public Hearing for Unsafe Buildings Law. Mayor Harting said that this law, created by the attorney, would enable the Village to deal with abandoned or unsafe buildings by taking the owner to court and having them either repair or tear down the structure, or enable the Village to have it torn down and then charge the owner. Code Enforcement Officer Gary Post read and filled in the answers of the Seeker for the law.

There was no public comment.
The motion carried unanimously.

Resolution #4-2020

**RESOLUTION NO.4-2020
A RESOLUTION APPROVING LOCAL LAW NO.1-2020**

At a regular meeting of the Village Board of the Village of Windsor, Held at the Community House, 107 Main Street, Windsor, New York on the 3rd day of March, 2020, the following resolution was offered and seconded:

WHEREAS, the Village of Windsor scheduled a public hearing for March 3, 2020 at 7:30 p.m. for Local Law No.1 of the Year 2020 entitled “THE UNSAFE BUILDINGS LAW”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk’s signboard; and

WHEREAS, said public hearing was duly held at the Community House, 107 Main Street, Windsor, New York on the 3rd day of March, 2020 at 7:30 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board of the Village of Windsor that adoption of the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; and

WHEREAS, the Village Board, after due deliberation, finds it is in the best interest of the Village of Windsor to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Windsor hereby adopts Local Law No.1-2020 entitled, “THE UNSAFE BUILDINGS LAW”, a copy of which is attached hereto and made a part hereof; and it is further

RESOLVED that the Village clerk be and hereby is directed to enter said Local law in the minutes of this meeting, to give due notice of the adoption of said Local law to the Secretary of State, and to publish notice of the adoption of this Local Law; and it further

RESOLVED that the Village clerk be and hereby is directed to enter said Local Law in the minutes of this meeting, to give due notice of the adoption of said Local Law to the Secretary of State, and to publish notice of the adoption of this Local Law; and it is further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

Offered by: Deputy Mayor Thomas Skinner
2nd by: Trustee James Miller
Vote: **AYE** - Mayor Ronald G. Harting
AYE - Trustee James W. Miller
AYE - Trustee Eileen Shelp-Olmstead
AYE - Trustee Thomas M. Skinner
AYE - Trustee Robert E. West

**LOCAL LAW NO. 1 OF THE YEAR 2020
THE UNSAFE BUILDINGS LAW**

Be it enacted by the Village Board of Trustees of the Village of Windsor as follows:

Section 1. There shall be a new Chapter 69 added to the Village of Windsor Code entitled “Unsafe Buildings Law” which shall read as follows:

§ 69-1. Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare of the residents of the Village of Windsor, hereinafter “Village” and the conservation of property and property values and to eliminate safety and health hazards.

§ 69-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CODE ENFORCEMENT OFFICER — the Code Enforcement Officer of the Village of Windsor or such other person appointed by the Village Board of Trustees to enforce the provisions of this local law.

DANGEROUS OR UNSAFE BUILDINGS — All buildings or structures that have any or all of the following defects shall be deemed dangerous or unsafe buildings:

- A. Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
- B. Those that have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants of the Village.
- C. Those that have become or are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein.
- D. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication.
- E. Those that, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Village.

§ 69-3. Unsafe buildings prohibited; repair, rehabilitation or demolition required.

- A. All buildings or structures that fit the definition of § 69-2, herein, are hereby declared illegal and are prohibited and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedures of this chapter.
- B. Any building damaged by fire, wind, water or other calamity shall be wholly repaired or removed within six months after the date on which such calamity occurs. Any building so damaged shall be immediately boarded up or sealed off from access by the public unless the damage is confined solely to any chimney, smokestack, flue, gas vent, smokepipe or connector, and the relevant and applicable provisions of the State Uniform Prevention and Building Code are complied with and such damage is repaired.

§ 69-4. Inspection and report.

When, in the opinion of the Code Enforcement Officer, any structure located in the Village shall be deemed to be unsafe or dangerous to the public, he shall make a formal inspection thereof and thereafter prepare a written report thereof and file the same in his office.

§ 69-5. Service of notice.

- A. When it is determined by the Code Enforcement Officer that a building or structure is dangerous or unsafe to the public, he shall promptly serve or cause to be served a notice on the owner or other persons having a vested interest in such property or structure as hereinafter provided. In the event that there are tenants in said structure, said notice shall be served both to the owner and to said tenants.

- B. The aforementioned notice shall be served on the owner of the premises or one of the owner's executors, legal representatives, agents, lessees or other persons having a vested or contingent interest in the same, or shown by the last completed assessment roll of the Village, either personally or by certified mail, return receipt requested, addressed to the person intended to be served at the last known place of business. When the notice is served, the Code Enforcement Officer shall cause a copy of such notice to be posted on the premises.

§ 69-6. Contents of notice.

The notice referred to in § 69-5 hereof shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building or structure is unsafe or dangerous.
- C. An order requiring the building or structure to be made safe and secure or removed.
- D. A statement that the securing or removal of the building or structure shall commence within 10 days from the date of the service of notice and shall be completed within 30 days therein. The Code Enforcement Officer may extend the time of compliance specified in the notice, where there is evidence of intent to comply within the time specified and conditions exist, which prevent immediate compliance. In granting any such extension of time, the Code Enforcement Officer may impose such conditions as may be deemed appropriate.
- E. A statement that, in the event of the neglect or refusal of the person served with notice to comply with the same, a hearing will be held before the Village Board of Trustees, notice of which time and place thereof to be specified in the notice to the owners referred to in § 69-5 hereof.
- F. A statement that, in the event the Village Board of Trustees, after the hearing specified in Subsection E hereof, shall determine that the building or structure is unsafe or dangerous to the public, the Village Board of Trustees may order the building or structure to be repaired and secured or taken down and removed.
- G. A statement that in the event the building or structure shall be determined by the Village to be unsafe or dangerous and in the event of the neglect or refusal of the owner to repair or remove the same within the time provided, the Village may remove such building or structure by whatever means it deems appropriate and may assess all costs and expenses incurred by the Village in connection with the proceeding to remove or secure, including the cost of actually removing said building or structure, against the land on which said buildings or structures are located. That statement shall also provide that the Village may proceed by the appropriate means to ensure compliance with this chapter through the Supreme Court of the State of New York.

§ 69-7. Filing of copy of notice.

A copy of the notice referred in § 69-5 hereof may be filed with the County Clerk of the county within which said building or structure is located, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section. A notice so filed shall be effective for a period of one year from the date of filing provided, however, that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Village Attorney. The Clerk of the county where such notice is filed shall mark such notice in any record or docket thereof as canceled of record, upon the presentation and filing of such consent or of a certified copy of such order.

§ 69-8. Emergency measures to vacate.

If the Code Enforcement Officer determines in his inspection of any building or structure that there is actual and immediate danger of failure or collapse so as to endanger life, he shall promptly require the buildings or structure, or portion thereof, to be vacated forthwith and not to be reoccupied until the specified repairs are completed, inspected and approved by the Code Enforcement Officer. For this purpose, he may enter such building or structure or land on which it stands or adjoining land or structures with such assistance and at such cost as may be necessary. He may also order adjacent structures to be vacated and may protect the public by appropriate barricades or such other means as may be necessary and, for this purpose, may close a private or public right-of-way. The Code Enforcement Officer shall cause to be posted at such entrance to such building or structure a notice stating: "This building is unsafe and its use or occupancy has been prohibited by the Code Enforcement Officer of the Village of Windsor." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other persons to remove such notice without written permission of the Code Enforcement Officer or for any person to enter the building except for the purpose of making the required repairs or demolition thereof.

§ 69-9. Costs and expenses.

All costs and expenses incurred by the Village in connection with any proceedings or any work done to remove the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which said building or structure is located, and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Code Enforcement Officer may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owners thereof, with the Assessor, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Village.

§ 69-10. Penalties for offenses.

- A. Any person who neglects, refuses or fails to comply with any order or notice issued hereunder shall be guilty of a violation punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.
- B. Nothing in this chapter shall be construed as depriving the Village of any other available remedy relevant to a violation of this chapter.

§ 69-11. Compliance with other regulations.

No provisions of this chapter shall be construed so as to relieve any person from complying with the provisions of Chapter 67 Building Construction and Fire Prevention or Chapter 68, Property and Building Nuisance Reform, the New York State Uniform Fire Prevention and Building Code or any other applicable law, rule or regulation established by New York State or the Village Board of Trustees; provided, however, that the time limit set forth in this chapter shall apply if in conflict with the provisions of any other law, rule or regulation.

§ 69-12. Enforcement.

- A. The Code Enforcement Officer shall enforce the provisions of this chapter.
- B. The Village Board of Trustees may, by resolution, designate an authorized representative to enforce the provisions of this chapter in the absence of, or in the event of, the inability of the Code Enforcement Officer to so enforce.

§ 69-13. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Village Code of the Village of Windsor shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any Person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other Persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such Person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

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

Public Comment

Mayor Harting recognized Ruth Ann Seward. Mrs. Seward was there to suggest that over-night parking not be allowed on Main Street during the winter season. She is a school bus driver and finds this hazardous. She felt that there were enough off-street parking lots for residents on Main Street. Mrs. Seward was also upset with the number of double wide tractor trailers going through the Village. They go too fast and are also dangerous. She also talked about crossing near the High School. She will contact the Superintendent of our school. She is hoping for a reduced speed, crosswalk and signage by the school.

Grant Writer Report

Steven Contento, our grant writer was not present at the meeting. The mayor noted that we have applied for a Community Grant for the bandstand roof. This led to a discussion of what style shingles to choose from the samples that Superintendent Decker brought. The Board chose Belmont Colonial Shingles.

Attorney's Report

The Board was given a copy of the attorney's report. There were no comments from the Board.

Street and Water Reports

Superintendent Decker gave both reports.

Streets:

- He will be getting all the specs together for ordering the dump truck. The Board needs to decide whether to order it or wait to see if they get the grant. Our grant writer, Mr. Contento is waiting for the paperwork from Chenango Sales to file for the grant. The truck will cost about \$40,000.00.
- They had to tighten the conveyor chain on the salt spreader because it was faulting out because it was binding.

- Unless a major storm happens, he should be done ordering salt. This would help with installing a new salt bin.
- The sidewalk installer is going to start as soon as the weather breaks. He will also be giving a price on a few other projects. One will be the framing for the well vault. In April they will do work on Academy Street.
- The handicap ramp will cost about \$1000.00. That does not include the handrails. They will talk to Mr. Daniel Burdick about milling the railings to match. They would like to include Mr. George Hull in this project because he is knowledgeable and the Village workers could be called away from the job. If Mr. Hull can work on this with them in the next week or two, they could probably finish it in a few days.
- The floor in the meeting room went down easily. There was a party here and the group did not clean up well and were rough on the floor. Mr. Decker suggested holding people more accountable. They will be getting bigger carpets and a runner.
- The mower price from Chenango Supply is \$7,199.99. The Village would get \$4,250.00 on the trade in, lowering the price to \$2,949.99

Water:

- SRBC complaint report is done. It was due Friday and is good for a year.
- He is working on the DEC annual report.
- AWQR is going smoothly and almost completed.

Code Enforcement Report

Code Officer Gary Post gave the report.

- The week of February 4th he came down and checked on violations, worked on the end of year report and did permit inspection.
- The week of February 8th he went around the Village checking complaints, spoke with Mr. Urda regarding his building, called and spoke with a contractor regarding a possible garage, worked on the end of year report.
- The week of February 15th he checked on violations, wrote up 8 Park Street, 13 Grove Street and 135 Main Street.
- The week of February 22nd he checked on violations, inspection on permits, and worked on the end of the year of report.
- Came down Monday, February 24th to look at a house on Maple Avenue where work is going on and told the contractor to come in for a permit.
- The week of February 29th he worked on the end of the year report, and spoke with a home owner who wants to put up a car port.

Treasurer's Report

A copy of the Treasurer's Report was given to all the Board members.

Offered by: Trustee Robert E. West
2nd by: Trustee Thomas M. Skinner
Vote: **AYE** - Mayor Ronald G. Harting
AYE - Trustee James W. Miller
AYE - Trustee Eileen Shelp-Olmstead
AYE - Trustee Thomas M. Skinner
AYE - Trustee Robert E. West

The motion carried unanimously

Resolution #5-2020 – Over/Under Expenditures

RESOLUTION NO.5-2020

BE IT RESOLVED, that monies be transferred from the under-expended 2019/2020 Village Budget line items to the over-expended line items.

Offered by: Trustee Robert E. West
2nd by: Trustee James Miller
Vote: **AYE** - Mayor Ronald G. Harting

AYE - Trustee James W. Miller
AYE - Trustee Eileen Shelp-Olmstead
AYE - Trustee Thomas M. Skinner
AYE - Trustee Robert E. West

The motion carried unanimously.

Acceptation of Minutes

The minutes of October 22, 2019, December 3, 2019, December 6, 2019, December 12, 2019, December 19, 2019, January 7, 2020, and February 4, 2020 were accepted in one motion.

Offered by: Trustee Robert E. West
2nd by: Trustee James Miller
Vote: **AYE** - Mayor Ronald G. Harting
AYE - Trustee James W. Miller
AYE - Trustee Eileen Shelp-Olmstead
AYE - Trustee Thomas M. Skinner
AYE - Trustee Robert E. West

The motion carried unanimously.

Mayor's Report

The DEC said that the Creek needs clearing. Some residents have asked why the stone on the sides only extends so far. The answer was that FEMA only covered an area within a certain distance from structures.

Trustee Miller asked if something could be done to help people on the other side of the bridge. He used Evelyn Vroman's plant sale as an example. It was noted that it was good to think about our residents, but the Board felt that people would do the drive around and remain loyal to shopping local.

A discussion ensued about keeping rain water away from the building. Superintendent Decker thought they should put gutters up. Mayor Harting was afraid of ice jams. Code Officer Post suggested getting good quality, bigger gutters. He also asked about the insulation in the attic area. Mayor Harting said that they could go up and look at it.

Trustee Miller asked about painting the Community House. Superintendent Decker said that there is a possibility of share services with the County which may bring the price down. He will check on the possibility.

The Board okayed Saturday, May 16 2020 as clean-up day.

Motion to Pay Bills

Offered by: Trustee Eileen Shelp-Olmstead
2nd by: Trustee James Miller
Vote: **AYE** - Mayor Ronald G. Harting
AYE - Trustee James W. Miller
AYE - Trustee Eileen Shelp-Olmstead
AYE - Trustee Thomas M. Skinner
AYE - Trustee Robert E. West

The motion carried unanimously.

Motion to Adjourn at 900 P.M.

Offered by: Trustee James Miller
2nd by: Trustee Eileen Shelp-Olmstead
Vote: **AYE** - Mayor Ronald G. Harting
AYE - Trustee James W. Miller
AYE - Trustee Eileen Shelp-Olmstead
AYE - Trustee Thomas M. Skinner
AYE - Trustee Robert E. West

The motion carried unanimously.

Respectfully Submitted,

Diane Wallick, Deputy Village Clerk / Treasurer

