

January 21, 2015

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, January 21, 2015 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor  
Mark W. Mattson Councilman  
Julie A. Markert Councilwoman  
Gilbert D. Close Councilman  
Janet Champlin Councilwoman

Recording Secretary: Julie B. Townsend Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael P. DeGroat-Town Attorney, Officer Rich Pagillo, R.A. Cairns-Walton Reporter, Stanley Strain, Pio Deroda, Louie Banker, Jim Shields and Maureen Pedersen.

The Meeting was called to order by Supervisor Arthur M. Merrill and led the group in the Pledge of Allegiance.

The minutes of the Organizational Meeting, January 07, 2015 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Julie Markert, all in favor, motion carried. The minutes of the last regular meeting, January 07, 2015 had been distributed earlier. Julie Markert made the motion to accept the minutes as written, seconded by Gilbert Close, all in favor, motion carried.

VISITOR COMMENTS: Jim Shields commended those who helped make the ice skating rink; it is a great project and benefit to our community. Board agreed.

Louie Banker had made a previous complaint about a sidewalk not being cleared of ice and snow. Supervisor has taken care of this. Board discussed further.

#### CORRESPONDENCE:

- NYS Department of Public Service- NYS Public Service Commission has instituted the "Reforming the Energy Vision Proceeding"; information sessions & public statement hearing are scheduled for Syracuse, Buffalo, New York City, Kingston and Albany.
- Del. Co. Real Property Tax Services- Del. Co. Tax Rates for the Year 2015; Colchester's share of the County Budget is 14.129%.

REPORTS- written reports on file at Town Clerk's Office:

- Town Justice Edward J. DeRosia III- December 2014.

Supervisor Merrill reported that there is a voucher in tonight for 11cents; we have a maintenance contract on the Assessors' copier that is downstairs; they are not using it much and want to get rid of it; we have contacted the company to stop the contract and see how to remove the memory.

Supervisor reported that a FEMA rep was here yesterday reviewing the FEMA#4031-PW2240-Cooks Falls Road-Embankment/Soil Nail System Project for closeout; he questioned the guiderails; we stated we had to go by County Specs; he called back and the guiderails are okay.

Supervisor Merrill reported that he has spoken with Jeff Francisco of Delaware Engineering and he is working on the CFWD and DWD applications to the 2014 Catskill Smart Growth Implementation Grant; the applications are on-line and having problems submitting info.

Supervisor reported that Mike O'Reilly of Cedarwood is working on the plans for the new salt shed; we have been approved for \$50,000 from the Bonacic Grant; Phase 1 we will need to do a SEQR Review, short form; Mr. O'Reilly has submitted estimates of salt shed similar to that of the NYSDOT on State Hwy 30, 50x65, estimate cost \$134,000; this is much larger than we need; some of the estimated work we can do in-house; probably can do for less than 100,000. Supervisor asked the Board if we should get estimate for size we want, probably will be more than the \$50,000 in grant money. Board discussed and agreed to get more info and get estimate.

Supervisor reported that the Town's Web Page is up and running; having a few difficulties. [www.townofcolchesterny.com](http://www.townofcolchesterny.com)

Supervisor Merrill reported that the entire surplus inventory has been sold and paid to Auctions International but have not been picked up; we are still waiting for final payment from Auctions International. Highway Supt. recommends that if not picked up in ten days, then we should auction them again. Board discussed the option of scrap metal, Hwy Supt states that auction is the best option for the Town, he will contact Auction International.

Supervisor reported that he has signed the contract for the CDBG- Housing Rehabilitation Program; now everything is in the hands of Delaware Opportunities; they should have things ready by building time.

Supervisor Merrill reported that the ice skating rink is now open; their original park permit stated hours were from daylight to dusk, they have advertised to 9PM and a barrel has been donated for a fire pit. Board has no problems with the additions. Hours of operations are posted on the web-page. Board praised Sarah Hood & Katie Mattson for all they do; the ice skating rink is a Hugh asset to our community.

Supervisor reported that the Board Audits of Town Justice Edel, Tax Collector, CFWD and DWD have been completed; Town Clerk's will be performed Jan. 22<sup>nd</sup> and Town Justice DeRosia on Jan. 23<sup>rd</sup>.

Supervisor Merrill reported that Community Bank wants a Corporate Resolution for us to apply for a credit card. Town Attorney DeGroat suggested that we also adopt of credit card policy. Board discussed.

NO. 13-2015 01/21/15 Corporation Resolution

Mark Mattson made the following resolution:

RESOLVED that:

1. The First National Bank of Omaha ("Bank") Commercial Card Agreement ("Agreement") is approved.
2. The officials designated below ("Authorized Officials") are duly elected and holding the office shown, authorized to borrow money on behalf and in the name of Corporation, execute any notes, drafts, agreements and other documents and instruments, pledge and encumber property of the Corporation (including without limitation, bank accounts), and name the individuals at the Corporation who shall be authorized to instruct First National Bank of Omaha to issue credit cards to one or more employees of the Corporation, and the signatures below are the genuine signatures of such persons.

Authorized Officials: Arthur M. Merrill, Supervisor

Janet L. Champlin, Deputy Supervisor

3. The Resolution shall continue to be in full force and effect until express written notice of their rescission, modification or termination has been received by the Bank. Any and all prior resolutions received and certified by the Bank shall continue to have full force and effect until the Bank receives such written notice. Any rescission, modification or termination of a resolution must be accompanied by written notification to the Bank.

Resolution was seconded by Julie Markert, all in favor, resolution declared adopted.

Supervisor reported that it has been suggested to have a third substitute at the transfer station; when the Superintendent goes on vacation, the substitutes make up the hours and sometimes neither could work; at this time Supervisor Merrill recommends hiring Jeff Kaufman as a substitute at the transfer station; this is the only application we have on file. Board discussed.

NO. 14-2015 01/21/15 Hire Substitute Transfer Station Supt.

Gilbert Close made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester does hereby appoints Jeffrey C. Kaufman of Downsville, New York as Town of Colchester Substitute Transfer Station Superintendent at the pay rate of \$12.15 per hour with no benefits, effective immediately.

Resolution was seconded by Mark Mattson, all in favor, resolution declared adopted.

Supervisor Merrill reported that we have 8 highway employees that are interested in the NYS Deferred Compensation Plan; this will be pre-tax dollars taken out of their paychecks; we may have other employees also interested; we adopted a resolution on August 04, 1999 for the Adoption of NYS Deferred Compensation Plan; at that time we did not institute the plan, since we have enough members interested we need to re-adopt the resolution. Board discussed.

NO. 15-2015 01/21/15 Adoption of NYS Deferred Compensation Plan

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Town of Colchester is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law\*; and

WHEREAS, the Town of Colchester has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Colchester by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

*\* A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.*

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Colchester hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Colchester are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Resolution was seconded by Gilbert Close.

This resolution was put to a vote by roll call and resulted as follows:

Town Supervisor, Arthur M. Merrill	voting aye
Councilperson, Janet L. Champlin	voting aye
Councilperson, Gilbert D. Close	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, Mark W. Mattson	voting aye

The resolution was declared to be duly adopted by the members of the Town Board of the Town of Colchester on the 21<sup>st</sup> day of January, 2015, at a regular meeting of the Town of Colchester.

Supervisor Merrill made the following announcements:

Next Board Meeting-Wed., February 04, 2015 at 7:00 PM

Councilwoman Markert inquired if we could get the cell-phone policy in place before the seasonal employees are hired? Supervisor replied that he soon will get info out to the Board.

Supervisor commented that last year not all the residents in the Downsville Water District were paying for water and we corrected the problem. Now we have the same situation with the Downsville Lighting District; Del. Co. Real Property Services needs our map of the lighting district; is the lighting district the same as the water district? Town Attorney stated yes, benefit to resident, they need to pay if they are in the district. Supervisor commented that the Downsville Lighting District is for the street lights in Downsville; we believe the district is the old village lines; there are street lights at the intersection of NYS 30 & River Road, at the end of the Corbett Bridge, in Corbett and in Cooks Falls, they are paid by our Town Budget with all taxpayers paying. Board discussed further. We may need to pay the expense of having a new map drawn up. Town Attorney will research how the district could be dissolved.

Councilwoman Markert inquired if we need to address the DWD meter situation? Supervisor will contact WPO Ron MacDonald. Board discussed and suggested that we look into the CFWD also. Councilwoman Markert also inquired about a backup for the DWD WPO?

Officer Pagillo commented that it has been seen that people are taking sand out of the sand bank in Cooks Falls; since there are no signs posted their hands are tied. Highway Supt. Eck will get signs and post "not for public use"; then the police can issue appearance tickets.

Board discussed getting receipts for all gasoline purchase at the convenience stores; everyone needs to sign and bring back so that they may be attached to the vouchers.

**SUBMISSION OF BILL/EXPENSES:** Gilbert Close made the motion, seconded by Julie Markert, that the vouchers be approved, subject to any corrections or deletions, all in favor, motion carried. Abstract No.02-2015; Voucher No.29-55; Totaling \$48,751.14.

Janet Champlin made the motion to go into executive session upon recommendation of the Supervisor to discuss Highway Personnel and possible litigation issues, seconded by Julie Markert, all in favor, motion carried. Board entered executive session at 8:12 PM. Town Attorney, Highway Supt. and Officer Pagillo were invited to stay. Board held discussion. Councilwoman Markert left early during ES. Gilbert Close made the motion to enter back into regular session, seconded by Mark Mattson, all in favor, motion carried. Board entered regular session at 8:58 PM. Board made no decision forthcoming.

With no further business, Janet Champlin made the motion for adjournment, seconded by Gilbert Close, Janet Champlin-aye, Gilbert Close-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried. Meeting adjourned at 8:59 PM.

Respectfully Submitted

Julie B. Townsend, Town Clerk