

February 17, 2016

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, February 17, 2016 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
Janet L. Champlin Councilwoman
Mark W. Mattson Councilman
Julie A. Markert Councilwoman entered at 7:21PM
Gregory L. Lavorgna Councilman

Recording Secretary: Julie B. Townsend Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Lillian Brown-Walton Reporter, CEO Tom Zampolin, Bonnie Seegmiller, Alan Donner, Joan Homovich and Dan Pinner.

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

The minutes of the last regular meeting, February 03, 2016 had been distributed earlier. Greg Lavorgna made the motion to accept the minutes as written, seconded by Janet Champlin, Greg Lavorgna-aye, Janet Champlin-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried.

VISITOR COMMENTS: none

CORRESPONDENCE:

- NYSDOH- CFWD Monitoring Notice, all 2015 sampling has been completed.
- NYSDOH- DWD Monitoring Notice, all 2015 sampling has been completed.

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

- Tax Collector- as of 2/4/2016- 1923 Transactions -Base Tax Total \$6,067,126.66- 66% Paid.

Supervisor reported on the following:

- We are still in the process to close out all the FEMA projects.
- We have not heard back from Sarah Antonacci regarding the SAM Grant #6475-Salt Shed or SAM Grant #6828-Town Hall Renovation Project.
- Waiting for approval from Albany DOH on the CFWD Water System Rehabilitation Project then we can go to bid.
- Received Commitment Letter from Bonacic Grant \$50,000 for the Filtration of the DWD Spring System; Jeff Francisco is helping with hardship grant application with DWSRF.

Supervisor Merrill reported that Delaware Opportunities has sent us another project to approve for the NYS CDBG Project #260CRF-HR113-14 Program, Housing Rehabilitation Grant; Del. Opp. has approved bid for File No.CTRCD-02 to GH Construction in the amount of \$25,850; the Community Development Specialist estimated the total cost of the project at \$30,388; homeowner responsible for \$800. Supervisor added that the maximum amount allowed is \$30,000 if Lead Based Paint Risk is assessed. Board discussed.

NO. 24-2016 02/17/16 CDBG #260CRF-HR113-14 Board Approval No.CTRCD-02

Upon recommendation of Delaware Opportunities Inc., Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby approves File No.CTRCD-01 for the CDBG Project #260CRF-HR113-14, Housing Rehabilitation Grant

Any work started without the proper permit will incur a \$100.00 surcharge along with a double permit fee.

Permits issued with no work commenced in nine months of issue date will be considered INVALID..... per LL#1-2007 Section 4 (i).

CC-Certificate of Compliance

CO-Certificate of Occupancy

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

CEO Zampolin reported that we have received the revised floodplain maps; we had to change page seven of the current local law because of these revised maps; we need to send our draft local law to NYSDEC for their approval, before we can have our public hearing; deadline to DEC is March 15th; deadline to adopt local law is May 17th; FEMA Suspension Date if Local Law is not adopted by town and approved by DEC & FEMA is June 17, 2016. Board discussed.

NO. 26-2016 02/17/16 Send Draft Local Law to NYSDEC

Janet Champlin made the following resolution:

WHEREAS, amended Local Law No. 1 of the Year 2012 maintains the Town's eligibility to participate in the National Flood Insurance Program ("NFIP") and serves to strengthen and protect the Town's environmental resources, public safety, health and welfare; and

WHEREAS, amended local law must be reviewed by New York State Department of Environmental Conservation before its Public Hearing and adoption;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorize the Town Code Enforcement Officer to send a draft of the proposed Local Law of the Year 2016 which amends Local Law No. 1 of the Year 2012, to NYSDEC, Attn: David R. Sherman, 625 Broadway, Albany, New York for their review and comments.

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

Town Attorney reported that at our last meeting he submitted a proposed local law to require prior written notice of certain dangerous conditions for the Town of Colchester and asked the Board to review; a prior written notice of defect must be submitted to the Town Clerk, the notice is then given to the Highway Supt. to investigate the defect then report back to the Town Clerk of findings to correct the problem. Board discussed. We must have a public hearing to hear residents' comments on this before it can become a local law. Board discussed further.

NO. 27-2016 02/17/16 Notice of Public Hearing- Prior Written Notice of Defect

Julie Markert made the following resolution:

BE IT RESOLVED, that a public hearing will be held by the Town Board of the Town of Colchester on Wednesday, March 16, 2016 at 7:00 PM in the Town Hall, 72 Tannery Road, Downsville, New York regarding the adoption of a Local Law of the Town of Colchester, a local law to protect the Town from liability associated from injuries occurring on a street, highway, sidewalk, crosswalk, bridge or culvert from a defect unless prior written notice was received by the Town Clerk of the Town of Colchester;

FURTHER BE IT RESOLVED, that copies of said proposed Local Law are available for review at the Town Clerk's Office, Town Hall, 72 Tannery Road, Downsville, New York;

AND FURTHER NOTICE is hereby given that the regular monthly meeting of the Town Board will be held immediately following the Public Hearing

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

Town Attorney Michael DeGroat submitted a revised agreement with NYSDOT; he had made an addition to item #4: "*Subject to the availability of lawful appropriations and consistent with Section 8 of the State Court of Claims Act, the State shall hold the Municipality harmless from and indemnify the Municipality for any final judgement of a court of competent jurisdiction to*

the extent attributable to the negligence of the State or of its officers or employees when acting within the course and scope of their employment. However, the State shall not be required to indemnify the Municipality for that portion of any claim, suit, action, damage or cost which arises due to the negligent act or omission of the Municipality.” Board discussed.

NO. 28-2016 02/17/16 NYSDOT Shared Service Agreement for Emergency Assistance

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby enter into a municipal agreement with NYSDOT for shared services, exchange or lend materials or equipment, that are valued at less than \$10,000 which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources and hereby authorizes Highway Supt. Kenneth R. Eck Jr. to sign said agreement.

Resolution was seconded by Greg Lavorgna, all in favor, resolution declared adopted.

Supervisor reported that the Auditors were here on Feb. 8th & 11th; reports should forthcoming.

Supervisor Merrill submitted a proposed resolution regarding Complete Streets; he asked the Board to review and tabled adoption until next meeting.

Supervisor reported that the Tailwaters Coalition is developing a plan and also a Community Advisory Board; he gave the names of all the Board Members, Tom Zampolin and Bonnie Seegmiller; you may be contacted; we have received grants; there are many steps for this long process in developing our plan.

Supervisor Merrill asked the Board to discuss the two purchases of the Police Dept; since the Police Officers are not here the Board tabled their discussion.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., March 2nd

Councilman Mark Mattson reported that he had spoken with Sue McIntyre, Del. Co. Solid Waste Director, regarding C&D fees; the fees are set by a committee and cannot be changes; when the Town of Hancock meets their quote, they shut it down; we could contract out our metal bin with someone else, they would probably charge a hauling fee and bring in their own box and usually require 7tons in a box. Board discussed and will research further. Board also discussed the option of covering the outside bins.

Councilman Mattson commented that when the firemen took water from the firehall to fill their truck when filling the ice skating rink, the water became very brown color. Supervisor and Councilwoman Markert recommend that we need to have prior notice before large quantity of water or hydrants are used. Councilman Mattson suggested that the hydrants be flushed more often; maybe the DWD pump is working hard because dirt is getting into the water line from the well; seems to be getting worse and worse. Supervisor commented that the new system was put in 1987, almost thirty years; could also be the chemicals that are treating the water. Board discussed further. Supervisor reported that WPO MacDonald has found two leaks; we are sure there are more.

Councilwoman Champlin inquired to a bill for police uniforms; who are they for? Supervisor replied, Krista Baxter. Councilwoman Champlin commented that we were sponsoring her in name only; no cost to the Town. Board discussed and agreed that this bill needs to be reimbursed to the Town. The Clothing Allowance Voucher was also discussed. The second meeting in February is when the Town pays all the full-time employees (highway, cemetery, transfer station and police) a clothing allowance that is part of the Organizational Meeting.

SUBMISSION OF BILL/EXPENSES: Mark Mattson made the motion, seconded by Janet Champlin, that the vouchers be approved, subject to any corrections or deletions, all in favor, motion carried. Abstract No.03-2016; Voucher No.57-83; Totaling \$308,016.91.

Julie Markert made the motion to go into executive session to discuss police personnel issues, seconded by Janet Champlin, all in favor, motion carried. Board entered executive session at 8:10 PM. Town Attorney was invited to stay. Board held discussion. Julie Markert made the motion to enter back into regular session, seconded by Janet Champlin, all in favor, motion carried. Board entered regular session at 8:30 PM. Board made no decision forthcoming.

With no further business, Julie Markert made the motion for adjournment, seconded by Janet Champlin, all in favor, motion carried. Meeting adjourned at 8:30 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk