

March 02, 2016

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, March 02, 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
 Gregory L. Lavorgna Councilman

Recording Secretary: Julie B. Townsend Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Jeff Francisco-Delaware Engineering, Lillian Brown-Walton Reporter, Bonnie Seegmiller, Alan Donner, Joan Homovich, Colleen Griffith 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 17, 2016 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Julie Markert, all in favor, motion carried.

GUESTS: Jeff Francisco of Delaware Engineering presented an update on the Filtration of the DWD Spring System: received a grant loan hardship letter from EFC; as long as the Town closes on financing by Sept. 2017, you will receive a grant loan package that is proportional to that stated in the letter, based on the final project costs; next we need to prepare an application for Short Term Financing; we also need a complete Engineering Report and execution of an Agreement for Engineering Services and also a SEQR. Project will consist of a new 10'x15' building with tank to intake water and pump to the existing tank, with a backup generator; WPO will have a little extra duties, approximately 15 minutes more each day. Supervisor commented that we will have to raise the rates, regardless. Mr. Francisco reported that an increase of \$19.00 per year per customer for the next 30 years will pay off the 0% Interest Loan; Engineering and startup cost is estimated at \$23,000 and the Town should acquire a one year note for these costs. Board discussed.

NO. 29-2016 03/02/16 DWD DWSRF Project #17537

Julie Markert made the following resolution:

WHEREAS, the Downsville Water District has been granted hardship funding under the NYSEFC Drinking Water State Revolving Fund; and

WHEREAS, they have been assigned DWSRF Project No. 17537 which is eligible for a grant of \$191,086 and an interest-free financing of \$127,390 for a term of up to 30 years; and

WHEREAS, the Town Board of the Town of Colchester deems it necessary to accept said funding from NYSEFC and move forward with DWSRF Project No. 17537;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby enters into contract with Delaware Engineering, DPC for Engineering Services related to the DWSRF Project No. 17537;

FURTHER RESOLVED, that the Town Board of the Town of Colchester hereby authorizes the Supervisor to seek a one year note of \$23,000.00 and the Town Attorney to seek Bond Council.

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

Jeff Francisco also reported that we should be ready to go out to bid by the end of the month for the CFWD Water System Rehabilitation Project.

VISITOR COMMENTS: Joan Homovich inquired to the balance of the DWD. Supervisor replied that the 2015 budget was \$73,420 and over \$79,000 was spent; we have a surplus of \$34,000 which will not last very long.

Ms. Homovich commented that she has noticed that our Police Officers are on duty in the mornings, around 7-7:30am, but no police on during school opening and closing. Supervisor replied that hours are negotiable; usually two officers on Fri-Sun and there are a lot of variables.

CORRESPONDENCE:

- NYSDEC Biologist, Steven Swenson- The minimum size culvert that DEC would authorize the crossing on Gregory Hollow Road would require a hydraulic opening of 88 sq. ft.; you will need to install an 11 foot round pipe or a 13-5 span x 8-5 rise arch pipe; in-kind service needed and possible a joint project with Trout Unlimited.
- NYS Senator John J. Bonacic- Congratulations for securing a hardship grant and a zero percent interest loan through the Environmental Facilities Corporation; this will allow the DWD to improve and upgrade its water system.
- NYSDOH- Due to the “action level” for copper exceeding the 90th percentile level, the DWD is required to develop a new corrosion control treatment proposal to be submitted by April 29, 2016.
- CWC- Notice of Preliminary Decisions of the Catskill Watershed Corporation.
- Nick Shaw- Has enjoyed working at the pool for the last five years, but would like to work at the cemetery the whole summer. It was mentioned that he is a college senior and would not be eligible for student summer work.
- Del. Co. DPW- Del. Co. Solid Waste Management Center Annual Transfer Stations Report.
- NYCDEP- DEP Announces Rehabilitation Project for Pepacton Cemetery.
- MTC- Notice of Rate Increase as of April 1, 2016.

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

- Cooks Falls Water District- February 2016- 16 customers balance due \$855.00; Receipts of \$555.00 disbursed to Supervisor.
- Downsville Water District- February 2016- 48 customers balance due \$2,455.91; Receipts of \$1829.19 disbursed to Supervisor.
- Town Clerk- February 2016 -Total disbursed \$1,671 of which \$1,655.00 was Town revenues.
- Planning Board- January 2016 Minutes.

Supervisor Merrill reported that we have no new projects to approve for the CDBG Project #260CRF-HR113-14 Program; one check was signed today for a completed project.

Officer Rich Pagillo reported that they would like to purchase two radars: one for the new 2016 Ford and one for the Ford Taurus; the one in the Tahoe is out dated, so the one that is in the Ford Taurus has a broken antenna but will go into the outdated one in the Tahoe. Supervisor added that there is money in the budget for one and we have funds for the new vehicle & equipment. Board discussed.

NO. 30-2016 03/02/16 Purchase Two Stalker DSR 2X Radars

Greg Lavorgna made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the State Contract #PC66496 of Applied Concepts, Inc. of 2609 Technology Dr., Plano, TX and hereby accepts Quote #187393 for the purchase of 1 (one) Stalker DSR 2X Radar to be installed in the 2014 Ford Taurus Police Interceptor AWD for the price of \$3,134.20 and hereby accepts Quote #187396 for the purchase of 1 (one) Stalker DSR 2X Radar to be installed in the 2016 Ford Utility Police Interceptor AWD for the price of \$3,094.60, for a grand total cost of \$6,228.80.

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

NO. 31-2016 03/02/16 Accept Proposal from KJBL Electronics, Inc.

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the proposal of KJBL Electronics, Inc., 3562 County Hwy 7, Roscoe, New York for the installation of Stalker Radars, cages, radio and windshield lightbar to the Town of Colchester Police vehicles for the total price of \$5,447.00.

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

Supervisor Merrill reported that the draft local law was sent to NYSDEC for their approval regarding the National Flood Insurance Program Flood Insurance Rate Map for Del Co.

Supervisor reported that the Public Hearing is set for March 16th at 7PM regarding the Prior Written Notice Local Law.

Highway Supt. Eck reported that Auctions International contacted him, stating that the top bidder (5491090) decided not to purchase the Alamo Sickle Bar SB25 @ \$2,200.00, so it is going to the next bidder at \$25.00 less (\$2,175.00) and the 2 Goodyear tires the top 3 bidders decided not to purchase, so we listed them at auction again. Board discussed.

NO. 32-2016 03/02/16 Auctions International

Janet Champlin made the following resolution:

WHEREAS, on February 03, 2016, the Town Board of the Town of Colchester adopted Resolution No.20-2016, Accept All Bids from Auctions International for the Auction ending January 27, 2016; and

WHEREAS, the highest bidder for the Alamo Sickle Bar SB25 did not purchase the item and item went to next bidder;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the second bid from the online auction for the Alamo Sickle Bar SB25 at the sale price of \$2,175.00;

FURTHER RESOLVED, that the Town Board hereby authorizes Auctions International, Inc. to relist the 2 Goodyear tires in the online auction ending March 14th.

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

Town Attorney Michael DeGroat reported that he has researched scrap pipes; judgement call; cannot give away; must dispose of properly or hold public sale; judgement call to attempt to get value out of it or cheaper for them to take away; we must practice good faith effort. Highway Supt Eck commented that it is going to cost us money to get rid of. Town Attorney replied that you need to document it and justify it. Councilman Lavorgna reported that SIMS has closed their Liberty facility.

Supervisor reported that Tony Bonavist has contacted him regarding the Frank Mele Memorial; they have raised funds for the bench and have ordered a memorial plaque; they would like to do a dedication once everything is complete. Supervisor reported that Pio DeRoda has researched bench designs and has submitted two designs: Hobart Stone-\$1,500 and Sonny & Sons Stone Co.-\$1,200. Board discussed.

NO. 33-2016 03/02/16 Bench Design

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the bench design from Sonny & Sons Stone Co. for the unit price of \$1,200.00.

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

Supervisor Merrill asked for the adoption of the Complete Streets Resolution; he will contact the school to find safe routes to school. Board discussed.

NO. 34-2016 03/02/16 Complete Streets

Julie Markert made the following resolution:

WHEREAS, Chapter 398 of the Laws of NY State define “Complete Streets” as streets that are safe, convenient and comfortable for all ages and abilities using any mode of transportation (motor vehicle, public transportation, foot, bicycle, etc.); and

WHEREAS, Complete Streets design features and practices include, but not limited to, sidewalks, paved shoulders suitable for cycling, designated bike lanes, lane striping, share-the-road signage, crosswalks, curb ramps, pedestrian crossing signage, traffic calming measures such as bump outs, center islands, and pavement markings, sidewalk snow removal and routine shoulder and bike lane maintenance; and

WHEREAS, Complete Street has been recognized and adopted as policy and law at Federal, State, County, Town, Village and City levels in the interest of improving multi-modal transportation options, safety and accessibility for all users; and

WHEREAS, the Town of Colchester recognizes that Complete Streets may enhance pedestrian, bicycle and trail connections within neighborhoods and hamlet centers;

NOW, THEREFORE BE IT RESOLVED, that the Town of Colchester hereby recognizes the importance of creating Complete Streets through the planning, design and new construction and reconstruction of all streets undertaken by and in the Township; enabling safe travel by all users including pedestrians, bicyclists, public transportation riders and drivers, people of all ages and abilities including children, youth, families, older adults and individuals with disabilities; and

BE IT FURTHER RESOLVED, that the Town of Colchester will attempt to draw upon all possible funding sources to plan and implement Complete Streets elements to make implementation economically feasible; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Colchester will consider incorporating Complete Streets features and practices in the planning, design, approval and implementation processes for any construction, reconstruction, retrofit, maintenance, alteration or repair of streets, bridges or other portions of the transportation network whenever feasible.

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

Supervisor asked for a motion to purchase the old Eagle Hotel property located at 15276 State Highway 30, Downsville from the Leo Brenna Estate; no future use at this time; this property is in the center of the village and we would like to take advantage of the property; we own property (Town Pool) on the other side of the brook. Board discussed.

NO. 35-2016 03/02/16 Purchase Vacant Leo Brenna Property, tax map no. 358.2-5-30

Julie Markert made the following resolution:

WHEREAS, the Town Board of the Town of Colchester hereby considers the purchase of the old Eagle Hotel property located at 15276 State Highway 30, Downsville to be in the best interest of the Town;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes Town Attorney Michael P. DeGroat to draw up the necessary documents to purchase the 1.8 acres designated by tax map no. 358.2-5-30 from the Estate of Leo A. Brenna in the amount of \$10,500.00.

Resolution was seconded by Janet Champlin.

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

Town Supervisor, Arthur M. Merrill	voting aye
Councilperson, Mark W. Mattson	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, Janet L. Champlin	voting aye
Councilperson, Gregory L. Lavorgna	voting aye

The resolution was declared to be duly adopted by the members of the Town Board of the Town of Colchester.

Supervisor reported that the Colchester Senior Citizens have made two applications for use of Town Facility Permits to use Pepacton Park for parking; one is a day trip to Cooperstown and the other one is a 3day/2night trip to Lancaster, PA. Board discussed.

NO. 36-2016 03/02/16 Public Facility Permit No.02-2016

Janet Champlin made the following resolution:

WHEREAS, Alfretta Doig on behalf of the Colchester Senior Citizens has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, on Monday, July 18th, from 8:30AM to 6:00PM for parking approximately 20 cars for bus trip to Cooperstown;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.02-2016 to the Colchester Senior Citizens for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY on July 18, 2016.

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

NO. 37-2016 03/02/16 Public Facility Permit No.03-2016

Janet Champlin made the following resolution:

WHEREAS, Alfretta Doig on behalf of the Colchester Senior Citizens has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, from Monday, September 12th at 9:00AM to Wednesday, September 14th at 6:00PM for parking approximately 20 cars for 3day/2night trip to Lancaster, PA;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.03-2016 to the Colchester Senior Citizens for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY from September 12-14, 2016.

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

Highway Supt Kenneth Eck reported that Tracey Road Equipment has been awarded the bid for trucks and plow equipment; we need to piggy back off the Oneida County bid; he would like to purchase a 2017 Freightliner with plow; this will replace Truck #135, a 1999 International Dump Truck; we have budgeted \$200,000 for equipment. Board discussed.

NO. 38-2016 03/02/16 2017 Freightliner and Plow Equipment

Julie Markert made the following resolution:

WHEREAS, General Municipal Law 103 Subdivision 16 authorizes governments to purchase apparatus, materials, equipment and supplies through the use of contracts let by United States or any agency thereof;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the Bid Reference Piggy Back Oneida County RFB-1827 of Tracey Road Equipment for a 2017 Freightliner 114SD Cab & Chassis for the price of \$111,143.00;

BE IT FURTHER RESOLVED, that the Town Board of the Town of Colchester hereby accepts the Bid Reference Piggy Back Oneida County RFB-1816 of Tracey Road Equipment for Duraclax/Everst plow equipment and all season box to be neatly installed on the 2017 Freightliner Chassis for the price of \$74,575.00;

FURTHER RESOLVED that the Town Board of the Town of Colchester hereby authorizes the purchase of one 2017 Freightliner Truck with Duraclax/Everst plow equipment and all season box for the total price of \$185,718.00, pending verification of Piggy Back Oneida County and/or State Bid.

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

Highway Supt Eck commented that last year we tabled the purchase of rolling jacks; our lifts cannot do pickups or police cars; he submitted a new proposal for 2 Rolling Jacks 9,000lb Capacity at \$3,017.31 each with the installation of \$465; this is off a State/National Bid – NJPA Contract# 061015-RRL of Rotary Lift; they come in and certify our lifts now; they won't certify

if they don't install; does this come under professional service in regards to bidding? Town Attorney stated that he would like to see the bid and/or we need comparisons. Purchase was tabled.

Supervisor Merrill reported that Michael Schaeffer of Tioga Construction Co stopped by the other day, looking for a place to house a container/office and equipment while they are doing the Bridge Project on State Hwy 30/206; project will take two years; Supervisor & Hwy Supt took him to the old highway garage site as it has a fenced in area; they will take care of own electric and place crushed stone in low spots of yard; they are willing to pay \$100.00 a month rent. Board discussed. Councilwoman Markert stated that she feels \$100 a month is not enough and she is afraid too much equipment will be going in and out.

NO. 39-2016 03/02/16 Tioga Construction Co., Inc. Lease Agreement

Greg Lavorgna made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to sign the agreement between the Town of Colchester, NY and Tioga Construction Co., Inc. of 333 Gros Blvd., Herkimer, NY for the use of a certain portion of such land located at 15500 State Hwy 30, Downsville, NY to maintain a temporary office building and construction vehicles until NYS Project D263071 is completed (approximately two years).

Resolution was seconded by Janet Champlin, Greg Lavorgna-aye, Janet Champlin-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-no, resolution declared adopted.

Supervisor reported that Mike Sabansky of Real Property Tax Services will be making a presentation this month to the County Board of Supervisors "Solar Arrays and Taxation"; we will have to come up with a policy of how to assess; a solar farm is being constructed on Airport Road. Councilman Lavorgna commented that this solar farm is helping out the school, would like to see if Town Hall and Highway Garage could reap the benefits also. Supervisor commented that it is not large enough, but we should look into solar energy. Councilman Mattson stated that this has become a big thing.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., March 16, 2016 - Public Hearing at 7PM - Regular Meeting Dan Snider from DEC will be here for discussion on Invasive Insects

SUBMISSION OF BILL/EXPENSES: Mark Mattson 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.04-2016; Voucher No.84-109; Totaling \$13,668.44.

Mark Mattson made the motion to go into executive session to discuss highway and police personnel issues, seconded by Janet Champlin, all in favor, motion carried. Board entered executive session at 8:52 PM. Town Attorney, Highway Supt. and Officer Pagillo were invited to stay. Board held discussion. Greg Lavorgna made the motion to enter back into regular session, seconded by Julie Markert, all in favor, motion carried. Board entered regular session at 9:31 PM. Board made no decision forthcoming.

With no further business, Greg Lavorgna made the motion for adjournment, seconded by Janet Champlin, all in favor, motion carried. Meeting adjourned at 9:32 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk