

April 06, 2016

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, April 06, 2016 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
Janet L. Champlin Councilwoman
Mark W. Mattson Councilman
Gregory L. Lavorgna Councilman

Absent: Julie A. Markert Councilwoman

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, Colleen Griffith, Dan Pinner, Alan Donner and Joan Homovich.

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, March 16, 2016 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried.

GUESTS: Jeff Francisco of Delaware Engineering reported on the DWD DWSRF Project No. 17537: Town needs to declare themselves Lead Agency; we need to do a Full SEQR (part 1 was distributed for Board review); set a public meeting for comments on part 1; part 2&3 can be done at following meeting; execution of Agreement for Engineering Services. Board discussed.
NO. 46-2016 04/06/16 Lead Agency for DWD SEQR Review

Greg Lavorgna made the following resolution:

WHEREAS, the Downsville Water District proposes to construct a new pressure filtration system for their springs; and

WHEREAS, the Downsville Water District has been granted hardship funding under the NYSEFC Drinking Water State Revolving Fund and assigned DWSRF Project No. 17537; 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; and

WHEREAS, the State of New York requires an environmental review of such projects,

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester does hereby designate itself as lead agency as required by the State Environmental Quality Review Act and shall by this act commence the required review.

Resolution was seconded by Janet Champlin, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

NO. 47-2016 04/06/16 Public Hearing DWD SEQR Review

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby gives notice that the Town of Colchester will be conducting a public hearing on May 4, 2016 at 7:00 PM in the Town Hall, 72 Tannery Road, Downsville, New York. The purpose of the hearing will be to obtain public comment on the State Environmental Quality Review Part 1 for the Downsville Water District Improvement Project-DWSRF Project #17537;

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, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

Jeff Francisco also reported that we should go to bid Mid-April for the Cooks Falls Water District Water System Rehabilitation Project; bids opening would be the second meeting in May.

VISITOR COMMENTS: Joan Homovich stated that she is not anti-police force; community members ask her questions to bring to the Board; reviewing the police schedule it looks as if we have 2 full-time officers. Supervisor replied that we have one full-time officer and seven part-time officers. Ms. Homovich added that based on seen-why do some days have two officers on and how do you determine what days? Supervisor replied that there is a lot of police work other than patrolling the roads; administrative work, go to school (DCS) on Wednesdays, attend Board Meetings, sometimes here on Court ADA day, not always the same 10 hour shift. Ms. Homovich commented that a stopped school bus was passed again on State Hwy 206, why is no one doing the school crossing? And why is there only one officer and seems to be the same officer working on Sundays? Supervisor replied that we tried to cut back hours to save expenses; we have spent \$31,244.87 so far this year and is running a little over budget for this time of the year; Officer Ryba has suggested that he liked working Sundays and it fit his schedule; we try to have someone work every day; we will need an executive session tonight to talk more about police matters. Dan Pinner asked if officers were on during school crossing hours? Supervisor replied that some days the officers start at 10am and that a few years ago the Board voted not to have a crossing guard. Councilwoman Champlin/Bus Driver commented that fewer children are walking to school as they must be accompanied by a parent or adult through the 4th grade. Joan Homovich commented that she was displeased with the positioning of the barriers at the covered bridge. Could they be moved a little for better picture taking? Supervisor replied that he agrees and is going to talk with DPW Commissioner tomorrow; at this time the bridge allows bicycles and walkers only.

CORRESPONDENCE:

- Del. Co. DPW- Closure of Downsville Covered Bridge- Due to structural concerns, the bridge will remain closed until reconstruction of the NYS DOT Route 30 Bridge over the East Branch of the Delaware River is completed- it will remain open to pedestrian and bicycle traffic.
- NYSDEC- Full Environmental Assessment Form for the Bear Spring Mountain Wildlife Management Area Timber Harvest.
- Sarah Hood & Katy Mattson- last year's run/walk they raised money to purchase a sign for the Town Pool; two designs were submitted, Board Members preferred the first design; they also purchased 15 wooden chaise lounge chairs; looking at purchasing a shed to store them.
- Supervisor reported that we received an unsigned letter and we usually do not address these, but our CEO just came back from training with news that the Building Codes are being changed- no unregistered vehicle can be on property unless it is housed; we will need to address this before the revised codes become effective (October 2016).
- Police Canine Informational Meeting will be held on Friday, April 15th at 6:30PM at the Highway Garage, 6292 River Road.

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

- Cooks Falls Water District- March 2016- 16 customers balance due \$855.00; No Receipts.
- Downsville Water District- March 2016- 40 customers balance due \$2,075.19; Receipts of \$380.72 disbursed to Supervisor.
- Town Clerk- March 2016 -Total disbursed \$1,312.60 of which \$1,266.60was Town revenues.
- Town Justice Edel- March 2016.
- Tax Collector- as of 4/2/2016- 2491 Transactions -Base Tax Total \$6,777,887.68- 86% Paid.
- Planning Board- February 18, 2016 Minutes.

Town Attorney Michael DeGroat reported that he has reviewed the spec for the rolling jacks and the National Bid is acceptable as the State Bid. Board discussed.

NO. 48-2016 04/06/16 Purchase Rolling Jacks

Greg Lavorgna made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the NJPA Contract #061015-RRL Quote#201690 of Rotary Lift, 2700 Lanier Dr., Madison, IN 47250 for 2 (two) RJ9000YBK Rolling Jacks at the cost of \$3,017.31 each and the installation of \$465.00 for the total price of \$6,499.62.

Resolution was seconded by Janet Champlin, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

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-03 to D&N Improvements in the amount of \$28,250; included in the total cost is \$550 for the Lead Based Paint Risk Assessment by EcoSpect Inc.; the Community Development Specialist estimated the total cost of the project at \$31,347. Board discussed.

NO. 49-2016 04/06/16 CDBG #260CRF-HR113-14 Board Approval No. CTRCD-03

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-03 for the CDBG Project #260CRF-HR113-14, Housing Rehabilitation Grant and hereby authorize Supervisor Arthur M. Merrill to sign said grant approval in the amount of \$28,800.

Resolution was seconded by Mark Mattson, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

Town Attorney stated that the CWC Bond Anticipation Note matures on June 25, 216, do we have the funds to pay off or do we need to renew? Supervisor replied that we thought we had received a check, but it was a mistake, the check was for Store Road about eleven years ago, check will need to be returned once they send us a request; Supervisor inquired that if we don't receive the funds for the Holiday Brook Road Project, could we use surplus funds to pay off? Town Attorney will contact the CWC.

Supervisor reported that we received approval from NYSDEC on our revised local law, now we need to hold a public hearing for the local law. Board discussed.

NO. 50-2016 04/06/16 Notice of Public Hearing -Local Law For Flood Damage Prevention

Janet Champlin made the following resolution:

WHEREAS, the Town Board of the Town of Colchester, New York (the "Town") deems it advisable to maintain its eligibility to participate in the National Flood Insurance Program ("NFIP"); and

WHEREAS, revised Flood Insurance Study and Flood Insurance Rate Maps establishing 100 year base flood elevations for the Town have been completed and revised by the Federal Emergency Management Agency ("FEMA"); and

WHEREAS, to maintain eligibility in the NFIP it is necessary for the Town to adopt the revised Flood Insurance Study and Flood Insurance Rate Maps into its floodplain management regulations; and

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC") has also instructed the Town Board to update its Flood Plain Local Law to conform to the current rules and regulations required by FEMA; and

WHEREAS, the Town Board deems it advisable to adopt a local law that repeals and supersedes Local law No. 1 of the year 2012 of the Town of Colchester entitled "Flood Damage

Prevention Local Law” to adopt the revised maps and to incorporate the current FEMA regulations regarding flood plain management;

NOW, THEREFORE, BE IT RESOLVED, that said Town Board shall meet at the Town Hall, 72 Tannery Road, Downsville, New York, on Wednesday, April 20, 2016, at 7:00 P.M. to hear all persons interested in the manner of the adoption of the local law;

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said hearing in the Reporter, the official newspaper of the Town, and to post copies of such notice in the manner provided by law.

Resolution was seconded by Mark Mattson, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

Supervisor reported that we have received a Public Facility Permit Application from the Pepacton Park Committee to use Pepacton Park for their pop up markets, the 2nd & 4th Saturdays starting May 28th through October 8th plus July 2nd for a total of 11 Saturdays. Board discussed.

NO. 51-2016 04/06/16 Public Facility Permit No.04-2016

Mark Mattson made the following resolution:

WHEREAS, Janet Champlin on behalf of the Pepacton Park Committee has applied for a Public Facility Permit to use Pepacton Park located at 15500 State Hwy 30 on eleven Saturday, from May 28th to October 8th from 8:00AM to 3:00PM for vendors of agricultural producers, antiques, artisans, crafts and for parking;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.04-2016 to the Pepacton Park Committee for the use of Pepacton Park located at 15500 State Hwy 30, Downsville, NY.

Resolution was seconded by Greg Lavorgna, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, Janet Champlin-abstain, resolution declared adopted.

Supervisor Merrill reported that we have received a letter from the American Legion to assist them with the Memorial Day Parade to be held Monday, May 30th. Board discussed.

NO. 52-2016 04/06/16 Sponsor Memorial Day Parade & File Permit

Mark Mattson made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby sponsors the Memorial Day Parade to be held May 30, 2016 on NY State Highway 30, Downsville, New York and hereby authorizes the Supervisor to file the NYSDOT Special Use Permit Application on behalf of the American Legion Post 167.

Resolution was seconded by Janet Champlin, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

Highway Supt. Eck reported that the highway garage in Cooks Falls needs a few updates and presented three quotes for new garage doors for the Cooks Falls Highway Garage:

Action Doors of Oneonta	\$10,950.00
Wayne-Dalton of Syracuse	\$14,070.00
Hayes Garage Doors	\$16,000.00/\$18,500.00

Board reviewed and discussed. Hwy Supt commented that the building will need painting after doors are installed.

NO. 53-2016 04/06/16 Cooks Falls Hwy Garage Doors

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the most advantageous quote from Action Doors of Oneonta for the purchase of three (3) 14’2”x14’0” Clopay Commercial Model3720 White Insulated Garage Doors at the price of \$2,650.00 each and three (3) 14ft LiftMaster Model T5011 Industrial-Duty Trolley Operator at the price of \$1,000.00 each and hereby authorizes Highway Supt. Kenneth R. Eck, Jr. to enter

into contract with Action Doors of Oneonta of 6185 State Hwy 23, Oneonta, New York for the total cost of \$10,950.00 in the best interest of the Town.

Resolution was seconded by Janet Champlin, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

Supervisor Merrill reported that three interviews were held for the position of part-time cemetery and perhaps going to highway with CDL; one candidate pulled their application after interview due to salary and insurance. Board discussed.

NO. 54-2016 04/06/16 Hire Justin W. McAdams as Part-time Cemetery Laborer

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby hires Justin W. McAdams of 7 Marylou Street, Downsville, New York as a Part-time Cemetery Laborer at a pay rate of \$13.00 per hour without benefits, effective Wednesday, April 13, 2016, assignments and duties at the discretion of the Town Supervisor and/or Cemetery Supervisor.

Resolution was seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, resolution declared adopted.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., April 20, 2016 with Public Hearing at 7PM and Regular Meeting to follow.

Supervisor Merrill reported that an ARFAC meeting was held yesterday, four of the five decree parties were present (NYSDEC was absent); they are not moving on the requested changes in flow from the reservoirs at this time; NJ will not move until NYC and they can agree on the flow numbers; the group would like flood mitigation releases, more consistent flow, and a 5% release from Pepacton as 100% release is from Cannonsville.

SUBMISSION OF BILL/EXPENSES: Mark Mattson made the motion, seconded by Janet Champlin, that the vouchers be approved, subject to any corrections or deletions, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried. Abstract No.06-2016; Voucher No.137-168; Totaling \$65,048.30.

Councilman Mark Mattson commented that we as a working class community needs to put pressure on the State; the Social Service Program is getting out of hand and we have a drug problem; some people need assistance and some are taking advantage of the program; this should not be a way of life; try to help out but not permanently. Supervisor commented that the community level needs to understand the issues that we discuss at the County. Board discussed further. It was suggested that we get community input and encourage other communities to voice their concerns to the State.

Greg Lavorgna made the motion to go into executive session to discuss Highway and Police personnel issues, seconded by Mark Mattson, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried. Board entered executive session at 8:30 PM. Highway Supt and Officers Pagillo and Cawley were invited to stay. Board held discussion. Mark Mattson made the motion to enter back into regular session, seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried. Board entered regular session at 9:39 PM. Board made no decision forthcoming.

With no further business, Mark Mattson made the motion for adjournment, seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried. Meeting adjourned at 9:40 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk