

April 20, 2016

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on Wednesday, April 20, 2016 in the Town Hall for the purpose of hearing the public's comments regarding a Proposed 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. Proof of Notice having been furnished, the Public Hearing was called to order by Supervisor Arthur M. Merrill.

Joan Homovich spoke in favor of the proposed Local Law.

No one spoke against of the proposed Local Law.

All persons desiring to be heard, having been heard, Supervisor Arthur M. Merrill declared the Public Hearing closed at 7:07 PM.

Respectfully Submitted:
Julie B. Townsend, Town Clerk

April 20, 2016

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held immediately following the Public Hearing on Wednesday, April 20, 2016 at 7:07 PM at the Town Hall.

Present:	Arthur M. Merrill	Supervisor
	Janet L. Champlin	Councilwoman
	Mark W. Mattson	Councilman
	Gregory L. Lavorgna	Councilman
	Julie A. Markert	Councilwoman
Recording Secretary:	Julie B. Townsend	Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Lillian Browne-Walton Reporter, Tom & Dayette Zampolin, Bonnie Seegmiller, Colleen Griffith, Dan Pinner, Joan Homovich, Mary Brawley-Fuat, Jim Shields, Don & Tammy Ryan, Amy Brown, Bob Praschil, Stacey Mattson and Paul Burns.

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, April 06, 2016 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Greg Lavorgna, all in favor, motion carried.

VISITOR COMMENTS: Joan Homovich asked if a decision is going to be made regarding the police dog. Supervisor commented that a discussion will be held tonight to see if we want to pursue the Police Department Narcotics Detection Police Service Dog or drop the idea.

CORRESPONDENCE:

- Catskill Watershed Corporation- 2015 Annual Report.
- Mike Chonka- Request reimbursement of two grave plots in the Butcher Section of Paige Cemetery. Board discussed.

NO. 55-2016 04/20/16 Purchase Back Two Grave Plots at Paige Cemetery

Janet Champlin made the following resolution:

WHEREAS, Mike Chonka has approached the Town that he would like to sell back two grave plots at Paige Cemetery that he purchased in the Year 1994;

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to purchase back on behalf of the Town of Colchester, Grave Plots #8 & #9 of Lot #68 in the Butcher Section at Paige Cemetery at 2/3 of the original purchase price of \$200.00, for a total price of \$133.32.

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

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

- Town Justice DeRosia- March 2016.

Supervisor reported on the following:

- The CWC Bond matures on June 25, 2016; he suggests we pay it off with surplus funds instead of going to bond council again and costing us money. Town Attorney will contact the CWC and we will pay off next meeting.
- We are waiting for reimbursements from FEMA.
- Nothing new on the SAM Grant #6475-Salt Shed or SAM Grant #6828-Town Hall Renovation Project; other Supervisors have written letters regarding their grants.
- Waiting for delivery of the 2017 Freightliner with plow from Tracey Road Equipment.
- Next meeting we will hold a public hearing for the SEQR Part 1 for the DWD Improvement Project-DWSRF Project #17537 (Filtration of the DWD Spring System).
- Waiting for approval from Albany DOH on the CFWD Water System Rehabilitation Project then we can go to bid.

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-10 to FM General Contracting in the amount of \$23,400; the Community Development Specialist estimated the total cost of the project at \$31,867. Board discussed.

NO. 56-2016 04/20/16 CDBG #260CRF-HR113-14 Board Approval No.CTRCD-10

Upon recommendation of Delaware Opportunities Inc., Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby approves File No.CTRCD-10 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 \$23,400.

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

Supervisor commented that the 2016 Ford Utility Police Interceptor should be delivered by the end of May. Supervisor asked the Board if they would like to continue pursuing the Police Department Narcotics Detection Police Service Dog or cancel now. A discussion was held. Supervisor would like to keep exploring; Councilman Lavorgna commended Officer Pagillo for a meeting done well and he would like to move forward; Councilman Mattson is on the fence, too many un-answered questions; Councilwoman Champlin would like to move forward to get answers; Councilwoman Markert commented that she did a survey before and after meeting; did a brief survey after meeting to 106 residents: 63-no, 19-yes, 24-maybe; therefore on behalf of the taxpayers she does not want to continue pursuing a police dog. Board discussed further with visitor. Supervisor commented that the Board will continue to research but will not drag out.

Town Attorney, Michael DeGroat reported that the next step following the public hearing, we need to review a State Environmental Quality Review (SEQR) Short Environmental Assessment Form and make a negative declaration to proceed with adopting the local law for Flood Damage Prevention. Town Attorney read the EAF and Board discussed.

NO. 57-2016 04/20/16 SEQR Review – Negative Declaration

Janet Champlin made the following resolution:

WHEREAS, the Town Board of the Town of Colchester is adopting a local law that repeals and supersedes Local Law No. 1 of the Year 2012 entitled “Flood Damage Prevention Law” in order to maintain the community’s eligibility to participate in the National Flood Insurance Program (“NFIP”); and

WHEREAS, the possible environmental impacts of the adoption of this Law have been considered by the Town Board;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester has determined that the adoption of the proposed local law entitled “Flood Damage Prevention Law” will not have significant adverse impacts on the environment.

Resolution was seconded by Greg Lavorgna.

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, Julie A. Markert	voting aye
Councilperson, Mark W. Mattson	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.

NO. 58-2016 04/20/16 Adopt Local Law 2 of the Year 2016-“Flood Damage Prevention Law”

Greg Lavorgna made the following resolution:

WHEREAS, the Town Board has reviewed and considered the proposed Local Law No. 2 of 2016; and

WHEREAS, the Local Law was presented to the Town Board at the Town Board meeting on February 03, 2016;

WHEREAS, the Town Board adopted a resolution on April 06, 2016 scheduling a public hearing on the proposed Local Law No. 2 of 2016;

WHEREAS, the public hearing was properly noticed in the Town’s official newspaper on April 13, 2016;

WHEREAS, the public hearing on the proposed Local Law was held on April 20, 2016 at the Town Hall;

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Local Law;

WHEREAS, the proposed Local Law was on file for inspection at the Town Clerk’s office prior to the hearing and during the public review process;

WHEREAS, the proposed Local Law 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;

WHEREAS, the Town Board has caused to be prepared a Short Environmental Assessment Form (EAF) pursuant to the mandates for the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617) for the proposed adoption of Local Law No. 2 of 2016;

WHEREAS, the Town Board has duly considered the contents of the EAF for the adoption of Local Law No. 2 of 2016 and completed Parts 2 and 3 thereof;

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them for the adoption of the proposed Local Law No. 2 of 2016; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA for the adoption of the proposed Local Law No. 2 of 2016 thereby complying with the mandates of the State Environmental Quality Review Act;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester does hereby adopt said Local Law Number 2 of the Town of Colchester for the Year 2016, a local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36; a copy of which is attached hereto and made a part of this resolution. SEE LOCAL LAW FILE- LOCAL LAW NO. 2-2016 (17 pages)

Resolution was seconded by Mark Mattson.

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, Julie A. Markert	voting aye
Councilperson, Mark W. Mattson	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.

Supervisors reported that the County Board of Supervisors opted to tax on solar arrays and not allow the tax exemptions.

Supervisor Merrill reported that we have received an application to use the Pepacton Parking for parking for a bus trip on this Saturday, April 23rd. Board discussed.

NO. 59-2016 04/20/16 Public Facility Permit No.05-2016

Janet Champlin made the following resolution:

WHEREAS, Jody Elmore on behalf of the Stuart Williams & Maxine Doig Scholarship Fund has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, on Saturday, April 23rd from 9:00AM to 6:00PM for parking approximately 20 cars for a bus trip/fund raiser.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.05-2016 to Jody Elmore for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY on April 23, 2016. Resolution was seconded by Mark Mattson, all in favor, resolution declared adopted.

Supervisor reported that we have received a second application to use both parks on May 6th & 7th for Neighborhood Clean-up Day and "I Love My Park Day". Board discussed.

NO. 60-2016 04/20/16 Public Facility Permit No.06-2016

Julie Markert made the following resolution:

WHEREAS, Pio DeRoda on behalf of the Pepacton Park Committee has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30 and the Covered Bridge Park at 48 Bridge Street on Friday, May 6th and Saturday, May 7th from 9:00AM to 2:00PM for a Neighborhood Clean-up Day and "I Love My Park Day" presentation booths and 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.06-2016 to the Pepacton Park Committee for the use of the Pepacton Park and the Covered Bridge Park on May 6th & 7th. Resolution was seconded by Janet Champlin, all in favor, resolution declared adopted.

Supervisor Merrill reported that the Colchester Chamber of Commerce has scheduled the annual Car Show for Sept. 11th; it will be the 15th Anniversary of 911 and we are trying to put together a weekend of events. Supervisor also commented that we are trying to get music at the Covered Bridge Park, once a month for the summer.

Supervisor reported that he received an e-mail from Tony Bonavist of Trout Unlimited; they will be holding the Frank Mele Memorial on May 20th with lunch to follow.

Supervisor reported that we received a Federal Grant to purchase ten bullet proof vests; we will get reimbursed 50% up to a total of \$2,800; four officers have been sized for vests. Greg Lavorgna made the motion to order four bullet proof vests, seconded by Mark Mattson, all in favor, motion carried.

Supervisor Merrill reported that Gabe Barnhart has submitted a *Student Work Based Learning Application* for a work-study program at the cemetery; he needs this for BOCES Conservation credit towards graduation; he will work from 11am to 2:30pm four days a week for two weeks at no pay. Board discussed.

NO. 61-2016 04/20/16 Gabe Barnhart Work-Study Program

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to complete the *Student Work Based Learning Application* for Gabe Barnhart to do a work-study program at the Town of Colchester Cemetery Department for approximately two weeks at no pay.

Resolution was seconded by Janet Champlin, all in favor, resolution declared adopted.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., May 4th with a DWD SEQR Public Hearing at 7PM.

Councilman Lavorgna commented that the CFWD did not have any problems this year, but was told that the previous year 13 homes had frozen water lines for two months; didn't know if we should address this. Supervisor replied that there were issues due to the cold weather and customers were told to leave their water running (some did not) and it was only a few homes.

Town Attorney reported that we are close to the purchase of the Brenna property; doing title searches; by next meeting should be complete; will need recording fees and filing fees.

Supervisor Merrill commented that we may need to survey a line at Paige Cemetery; road has gotten wider over the years; also a possible drainage issue. Town Attorney suggested an encroachment agreement.

Officer Pagillo suggested a work speed zone at area of Mink Brook Road for the duration of the bridge construction on State Hwy30/206 and also a truck detour. Highway Supt replied that NYSDOT will not allow.

Supervisor reported that Del. Co. DPW Commissioner stated that the barriers at the Downsville Covered Bridge will get adjusted.

SUBMISSION OF BILL/EXPENSES: Mark Mattson made the motion, seconded by Greg Lavorgna, that the vouchers be approved, subject to any corrections or deletions, all in favor, motion carried. Abstract No.07-2016; Voucher No.169-187; Totaling \$40,055.53.

With no further business, Janet Champlin made the motion for adjournment, seconded by Mark Mattson, all in favor, motion carried. Meeting adjourned at 8:28 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk