

May 04, 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 the State Environmental Quality Review for the Downsville Water District Improvement Project- DWSRF Project #17537. Proof of Notice having been furnished, the Public Hearing was called to order by Supervisor Arthur M. Merrill.

Jeff Francisco of Delaware Engineering presented and explained Parts 2 & 3 of the Full Environmental Assessment Form (SEQR) for the Downsville Water District Improvement Project- DWSRF Project #17537.

No one spoke in favor of the proposed Project or SEQR Review.

No one spoke against of the proposed Project or SEQR Review.

All persons desiring to be heard, having been heard, Supervisor Arthur M. Merrill declared the Public Hearing closed at 7:11 PM.

Respectfully Submitted:
Julie B. Townsend, Town Clerk

May 04, 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, May 04, 2016 at 7:11 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, Abby Butler-Walton Reporter, Bonnie Seegmiller, Colleen Griffith, Dan Pinner, Joan Homovich, Mary Brawley-Fuat, Jim Shields, Amy Brown, Bob Prashil and Pio Deroda.

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 20, 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.

Jeff Francisco of Delaware Engineering commented that since we went over Part 2 of the SEQR for the Downsville Water District Improvement Project- DWSRF Project #17537, now we must review Part 3 and make a negative declaration that there is no significant impact on the environment. Board discussed.

NO. 62-2016 05/04/16 SEQR Review-Negative Declaration- DWD Improvement Project
Julie Markert made the following resolution:

WHEREAS, the Town of Colchester, as Lead Agency, has conducted a review pursuant to Article 8 (State Environmental Quality Review Act-SEQR) and in accordance with 6NYCRR Part 617 for this Unlisted Action Project, and has prepared a Full Environmental Assessment Form; and

WHEREAS, the Town's proposed project, "Downsville Water District Improvement Project", to install a new 5,000 gal Raw Storage Tank and Building with an overflow piping, New booster Pumps and Cartridge Filters, Reservoir and New Tank level control, New flow metering system, relocation of existing Chemical feed system and associated piping; and

WHEREAS, the project scope does not appear to have any adverse environmental impacts based upon Town determination; and

WHEREAS, the Town needs to render a SEQR determination; and

WHEREAS, the Town believes that the requirements of the state environmental review process (6NYCRR Part 617) have been met;

THEREFORE, the Town Board of the Town of Colchester hereby resolves that, to the best of their knowledge:

1. The requirements of 6NYCRR Part 617.11 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating conditions to the decision those mitigating measures that were identified as practicable; and
3. (if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19NYCRR Part 600.5, this action will achieve balance between the protection of the environment and the need to accommodate social and economic considerations; and
4. The project will not result in any large or important impact(s) and therefore, is one which will not have a significant impact on the environment, and therefore a negative declaration is hereby declared.

FURTHER RESOLVED, that they Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to sign said SEQR Determination.

Resolution 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, Janet L. Champlin	voting aye
Councilperson, Gregory L. Lavorgna	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.

Jeff Francisco reported that they hope to have a contract for us to review by next meeting for DWD. And that bid documents should be ready also for next meeting for the CFWD project.

VISITOR COMMENTS: none

CORRESPONDENCE:

- The International Education Systems Support, In.- News Flash- Downsville Central School holding a "Save a Life Tour Program" on Tuesday, May 10th.
- Supervisor's letter to NYSDOH in response to request for a new corrosion control treatment proposal: waiting until the next set of tests, June 2016, then take action accordingly.
- Catskill Watershed Corp- Watershed Currents- Tribute to Perry Shelton.

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

- Cooks Falls Water District- April 2016- 43 customers balance due \$2,920.00; Receipts of \$2,115.51 disbursed to Supervisor.
- Downsville Water District- April 2016- 79 customers balance due \$5,887.62; Receipts of \$8,456.50 disbursed to Supervisor.
- Town Clerk- April 2016 -Total disbursed \$1,291.01 of which \$1,242.01 was Town revenues.
- Planning Board- March 2016 Minutes.
- Police Arrests and Tickets Report for April 2016. (added report in meeting)

Supervisor reported that we would like to pay-off the CWC Bond Anticipation Note instead of rolling it over and waiting for funds from FEMA; we would save about \$2,000 in Bond Council fees. Town Attorney commented that we can pay with any funds. Board discussed.

NO. 63-2016 05/04/16 Payment in Full to CWC

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester has been granted an interest free loan from the Catskill Watershed Corporation (CWC) in the amount of \$2,500,000.00 for projects within the watershed area; and

WHEREAS, on June 25, 2015 the Town had requested a rollover of funds in the amount of \$499,761.41, Renewal Note, Series 2015A; and

WHEREAS, the Town of Colchester has completed all projects within said watershed area and is waiting for FEMA reimbursements; and

WHEREAS, it will be in the best interest of the Town to pay the CWC Bond Anticipation Note, Series 2015A in full before the maturity date of June 24, 2016 and before receiving reimbursement from FEMA;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes and directs, Supervisor Arthur M. Merrill to make Voucher 220 of Abstract #8 to the Catskill Watershed Corporation in the amount of \$499,761.41 for payment in full on the CWC Bond Anticipation Notes, Series 2015A.

Resolution 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, Gregory L. Lavorgna	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.

Supervisor Merrill reported that we received three letters from FEMA today in regards to the 1650 Disaster that occurred in 2006; they are cleaning up accounts and we should receive payments soon. Also received a letter from NYS Homeland Security and Emergency Services stating that they made an error in payment to us and asking for a refund of \$501,582.44; voucher is in tonight's bills.

Supervisor reported that we received notification that the NYS CDBG Project #260CRF-HR113-14 is near the 6-month completion date of November 11, 2016; there is a balance of \$350,089 in unexpended grant funds.

Supervisor Merrill commented that the police vehicle should be here next month.

Officer Pagillo presented a draft of the Colchester Police Department Police Canine Unit Policy & Procedure. Board discussed. Officer Pagillo explained that all the donations we receive will go to the Southern Tier K-9 Association, which is non-profit; all donations would go to them for Colchester and anytime we needed something we would go to them; if the handler leaves or we discontinue the program Southern Tier K-9 would make the decision regarding the placement of the police dog. Board discussed further.

NO. 64-2016 05/04/16 K-9 Donations

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes the Town of Colchester Police Department to seek donations for the Police Canine Unit through the Southern Tier K-9 Association.

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

Supervisor reported that there is an issue of boundary line at Paige Cemetery; he suggested having Ron Mullenix survey the line between Reynolds and Paige Cemetery. Board discussed.

NO. 65-2016 05/04/16 Survey Boundary Line at Paige Cemetery

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 contact Surveyor Ronald Mullenix of 27 Second Street, Delhi, New York to survey the boundary line of Paige Cemetery and Donald Reynolds.

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

Supervisor Merrill reported that we have been approached about a ride-along program that students could ride with the police department to get experience for a school program. Town Attorney submitted a Ride-Along Participant Agreement and a Ride-Along Program Voluntary Assumption of Risk and Release of Liability Agreement. Board discussed.

NO. 66-2016 05/04/16 Ride-Along Policy

Greg Lavorgna made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby approves and authorizes the implementation of the Town of Colchester Police Department Ride-Along Policy, annexed to this resolution and presented at this meeting, with a review of said policy to be made on an annual basis by the Town Board at the Organizational Meeting; and

BE IT FURTHER RESOLVED that such Policy shall take effect immediately.

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.

RIDE-ALONG PARTICIPANT AGREEMENT

Adopted 05/04/2016

The Town of Colchester wants your ride-along experience to be one that is mutually beneficial to you and the Department. As such, the following regulations have been developed to protect both you and the Police officer's safety. Adherence is mandatory, and any violations may result in the immediate termination of the ride-along.

1. Participants shall understand that they are under the direction of the Police officer with whom they are riding at all times during the ride-along, and shall comply with all directions or instructions of the Police officer.
2. If a Police officer is called to an extremely hazardous incident (e.g. ordered to assist in riot/fight duty, to assist other law enforcement officer whose life is endangered, etc.) the participant may be

delivered to a business establishment, law enforcement agency office, or other reasonable site and will notify the Radio Communication Operator of the situation.

3. By participating in a ride-along, riders shall:
 - Wear seatbelts at all times while the vehicle is in motion;
 - Dress appropriately;
 - Testify if called or subpoenaed as a witness, about any event observed while participating in the ride along program;
 - Understand that their participation in the ride along program may be terminated at any time for any reason without cause.
4. Ride-along participants shall **not**.
 - Be alone with arrested or detained persons;
 - Question or converse with arrested or detained persons;
 - Exit the vehicle unless instructed to do so by the Police officer;
 - Engage in photography, videography, or audio recording unless the rider is a member of the media *and* has prior approval from the Chief of Police *and* (1) has the citizen's explicit written approval to use the images, video, or recordings *or* (2) renders any images of persons stopped, license plates, and other readily identifiable objects indistinguishable if the citizen does not give written approval;
 - Enter into a residence or any other location where the occupant has a reasonable expectation of privacy without having been given consent by the occupant and without having been given consent by the Police officer;
 - Carry a firearm or any other weapon;
 - Participate in an investigation or other special operation;
 - Be present during any formal interviews with criminal suspects or informants;
 - Have access to confidential materials such as criminal history;
 - Drive the patrol unit, except in an emergency, as directed by the Police officer;
 - Participants shall not assume any police powers nor perform any police duties except as may be directed by the member in order to protect the life of the participant, the member, other employee of the State Patrol, or a third party;
 - Discuss the names of persons involved in police matters, nor release or discuss any information which the Police officer advises is confidential.

(Initial)_____ I HEREBY AFFIRM THAT BY SIGNING THIS DOCUMENT, I AGREE TO ABIDE BY ALL DIRECTIVES GIVEN TO MY BY THE TOWN OF COLCHESTER POLICE DEPARTMENT, ANY OFFICER OF THE POLICE DEPARTMENT, OR ANY OTHER COOPERATING AGENCY WITH THE DEPARTMENT AND TO FOLLOW ALL INSTRUCTIONS AND DIRECTIONS AT ALL TIMES. I AGREE THAT I WILL NOT INTERFERE IN THE PERFORMANCE OF ANY DUTIES OF THE POLICE DEPARTMENT, OTHER COOPERATING LAW ENFORCEMENT AGENCIES, OR ANY EMERGENCY PERSONNEL.

(Initial)_____ I HEREBY AFFIRM THAT I HAVE CAREFULLY READ AND UNDERSTAND THE CONTENTS OF THIS DOCUMENT AND SIGN MY NAME OF MY OWN FREE WILL.

Supervisor Merrill reported that we have received 8 applications for summer help at the cemetery; he and Cemetery Supervisor JR MacDonald have reviewed the applications and they make the recommendation to hire Justin Baxter, Nick Shaw and Joey Gales. Board discussed.

NO. 67-2016 05/04/16 2016 Seasonal Cemetery Laborers

Upon the recommendation of the Supervisor and Cemetery Supervisor, Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby hires the following as Seasonal Cemetery Laborers for the 2016 Spring/Summer Season at their corresponding hourly rates:

Justin J. Baxter	Returning Seasonal Cemetery Laborer	\$10.25 per hour
Nicholas S. Shaw	Returning Seasonal Cemetery Laborer	\$10.25 per hour
Joseph M. Gales	Returning Seasonal Cemetery Laborer	\$10.25 per hour

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

Supervisor added that he hopes to be able to participate in the Youth Program again; maybe we could hire a couple of the other applications for the highway this summer.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., May 18th

Councilwoman Markert inquired if the cameras were working and requested monthly reports from the Police Dept. Officer Cawley replied that yes they were working and gave each Board Member a copy of the April 2016 Arrests & Tickets Report.

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.08-2016; Voucher No.188-222; Totaling \$1,018,189.64.

Janet Champlin made the motion to go into executive session to discuss highway personnel issues, seconded by Mark Mattson, all in favor, motion carried. Board entered executive session at 8:20 PM. Town Attorney and Highway Supt Eck were invited to stay. Board held discussion. Janet Champlin made the motion to enter back into regular session, seconded by Greg Lavorgna, all in favor, motion carried. Board entered regular session at 8:36 PM. Board made no decision forthcoming.

With no further business, Mark Mattson made the motion for adjournment, seconded by Janet Champlin, all in favor, motion carried. Meeting adjourned at 8:36 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk