

June 01, 2016

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, June 01, 2016 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor  
Janet L. Champlin Councilwoman  
Gregory L. Lavorgna Councilman  
Absent: Julie A. Markert Councilwoman  
Mark W. Mattson 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, Joan Homovich, Mary Brawley-Fuat, Amy Brown, Bob Praschil, Ron DuPrey, Stanley Strain, Vinny & Juanita Picece and Bill & Linda Reichert.

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, May 18, 2016 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Greg Lavorgna, Greg Lavorgna-aye, Janet Champlin-aye, Arthur Merrill-aye, Mark Mattson-absent, Julie Markert-absent, motion carried.

Jeff Francisco of Delaware Engineering presented the Invitation for Bids for the Cooks Falls Spring Water System Improvement Project; bid opening will be Tuesday, June 18<sup>th</sup> at 10am. Board discussed.

NO.76-2016 06/01/16 Bid CFWD Contract #TC1-G-2015

Janet Champlin made the following resolution:

WHEREAS, the Town has entered in contract with Delaware Engineering, PC for engineering services for the Cooks Falls Spring Water System Improvement Project, and are completing bid documents for said project;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby gives authorization to Delaware Engineering, PC to advertise for bids for Contract No. TC1-G-2015- Cooks Falls Spring Water System Improvement Project;

FURTHER RESOLVED, that said sealed bids will be received by the Town Clerk, at her office at Town Hall, 72 Tannery Road, Downsville, New York, until 10:00am, June 28, 2016 at which time bids will be publicly opened and read.

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

VISITOR COMMENTS: Joan Homovich suggested that the Supervisor and Highway Supt. investigate the traffic lights at the Rt. 30/206 Bridge Project and confer with NYSDOT; it is a very dangerous situation. Supervisor replied that one of the lights has already been moved and drivers are not obeying the traffic lights; and he agreed that it is a tough situation there.

Joan Homovich then asked question regarding the Police Canine Policy: if the dog & handler goes to another town, who pays? *Supervisor replied it depends on the situation.* Is this a "Bite Dog"? *No it is a passive dog.* A vehicle is given to handler, so then Colchester will fleet 3 police vehicles? *Yes.* Is there a monthly report? *If report is generated then the public can ask for it.* If EMS is called to a scene where the dog is, who is in charge? *K-9 officer is in charge of the dog not the scene, if other police or EMS/Fire on scene then they are in charge.*

Ms. Homovich stated her opinion that Downsville's main street is busy on Saturdays and Sundays between the hours of 10am to 3pm and suggested better police coverage. Supervisor replied usually Fridays are busy and two officers are on and other days one officer.

#### CORRESPONDENCE:

- Catskill Watershed Corp. - received payment for Loan #204-01-01; loan has been satisfied.
- Shantz & Belkin Attorneys at Law- File No. 2803 FFS-T; Date of Loss 12/14/2005; the Town's insurance carrier resolved the claim and the Stipulation of Discontinuance has been filed with the Delaware County Clerk; they have closed their file.
- Tony Bonavist- Thank you for arranging for the Frank Mele Memorial bench and location.

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

- Cooks Falls Water District- May 2016- 25 customers balance due \$1,965.00; Receipts of \$955.00 disbursed to Supervisor.
- Downsville Water District- May 2016- 54 customers balance due \$4,543.52; Receipts of \$1,344.12 disbursed to Supervisor.
- Town Clerk- May 2016 -Total disbursed \$4,721.00 of which \$4,682.00 was Town revenues. 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-07 to D&N Improvements in the amount of \$29,875.00; the Community Development Specialist estimated the total cost of the project at \$34,223 plus an additional \$550 for cost of Lead Based Paint Risk Assessment by EcoSpect Inc. Board discussed.

NO. 77-2016 06/01/16 CDBG #260CRF-HR113-14 Board Approval No.CTRCD-07

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-07 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 \$30,425.00.

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

Supervisor added that he has noticed some of the work that has been done and it looks good.

Supervisor Merrill reported that there is a voucher in tonight to VanBortel Ford in the amount of \$32,383.63 for the purchase of the 2016 Ford Utility Police Vehicle; it should be here anytime.

Supervisor reported that we will wait two weeks for the next Board Meeting to discuss the Police Canine Unit Policy and Procedures when we are all here. Councilwoman Champlin commented that she would like that the K9 does not leave the township; and also if the handler leaves, would like to see the K9 to stay. Town Attorney Michael DeGroat commented that he would like to review the language of the Garcia Law and would like the handler to sign a Garcia Agreement; he will draft the agreement. Councilman Lavorgna stated that he does not have a problem with the K9 leaving the township; the highway dept. helps other towns.

Supervisor Merrill reported that he received a text from Sarah Hood; they had stated a size of 4x6 for the shed to house pool loungers; realized it was not big enough; they have found one 7x7 and is \$50.00 more. Board approved.

Supervisor reported that we need to do the annual Standard Work Day & Reporting Resolution for Elected & Appointed Officials; this must be done each year there is an election or appointment; we need to post for 30 days and then send to NYS Retirement. Board discussed. NO.78-2016 06/01/16 SWD & Reporting Resolution for Elected & Appointed Officials  
Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town of Colchester/Location Code 30554 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping systems records or record of activities maintained and submitted by these officials to the clerk of this body.

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

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs./day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Elected Officials</b>							
Supt. of Highways Assessor	Kenneth R. Eck Jr.			6	01/01/2016-12/31/2017	N	31.34
	Gerald P. Merrill			6	01/01/2016-12/31/2019	N	8
Council Member	Janet Champlin			6	01/01/2016-12/31/2019	N	3
<b>Appointed Officials</b>							
Code Enforcement Officer	Thomas R. Zampolin			6	01/01/2016-12/31/2016	N	14.97
Supervisor's Bookkeeper/Account Clerk	Dawn R. D'Addezio			6	01/01/2016-12/31/2016	N	24.11
Water Superintendent	Ronnie L. MacDonald			6	01/01/2016-12/31/2016	N	10.82

Supervisor Merrill commented that Former Supervisor Lucille Freyer had passed away May 6<sup>th</sup>; her memorial service will be Sat., June 11<sup>th</sup> in Roscoe; he then offered the following resolution.

NO. 79-2016 06/01/16 In Memory of Lucille R. Freyer

Supervisor Arthur M. Merrill made the following resolution:

**WHEREAS**, former Town of Colchester Supervisor Lucille R. Freyer passed away on May 06, 2016; and

**WHEREAS**, she served as Town of Colchester Supervisor from January 01, 2004 to December 31, 2005; and

**WHEREAS**, she was a staunch supporter and determined representative of our Township on the local and county levels; and

**WHEREAS**, she will be remembered with distinction for her hard work, dedication and community service to the Town of Colchester and Delaware County;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Colchester and the citizens of Colchester extend their sympathy to the family of Lucille R. Freyer and recognize with sincere appreciation and gratitude her contributions to this Town, her County and Neighbors.

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

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., June 15<sup>th</sup>

Councilman Lavorgna commented that last meeting we pulled a voucher to pay for Officer Pagillo's uniform; we give a clothing allowance but I believe it is not enough. Supervisor replied that we did pay the voucher as we did not want an outstanding bill, but asked for reimbursement. Board discussed further. This will be discussed again at budget time.

Supervisor Merrill reported that there is a voucher in tonight's bill for the payment of the Brenna Property; closing will be next Tuesday, June 7<sup>th</sup>; total cost with filing fees, etc. is \$11,669.04.

**SUBMISSION OF BILL/EXPENSES:** Janet Champlin made the motion, seconded by Greg Lavorgna, that the vouchers be approved, subject to any corrections or deletions, Greg Lavorgna-aye, Janet Champlin-aye, Arthur Merrill-aye, Mark Mattson-absent, Julie Markert-absent, motion carried. Abstract No.10-2016; Voucher No.249-289; Totaling \$58,565.46.

Janet Champlin made the motion to go into executive session to discuss highway personnel issues, seconded by Greg Lavorgna, Greg Lavorgna-aye, Janet Champlin-aye, Arthur Merrill-aye, Mark Mattson-absent, Julie Markert-absent, motion carried. Board entered executive session at 7:45 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, Greg Lavorgna-aye, Janet Champlin-aye, Arthur Merrill-aye, Mark Mattson-absent, Julie Markert-absent, motion carried. Board entered regular session at 8:01 PM. Board made no decision forthcoming.

Supervisor Merrill asked the Board for a resolution regarding a Home Rule Request; NYS Senator John Bonacic and Assemblyman Cliff Crouch have introduced bills to authorize Earnest Cawley to take the competitive civil service examination for the position of full-time police officer. Board discussed.

NO. 80-2016 06/01/16 Home Rule Request

Greg Lavorgna made the following resolution:

WHEREAS, the Town of Colchester requested Senator John J. Bonacic to sponsor legislation to allow Earnest E. Cawley Jr. special permission to take the competitive civil service examination for the position of full-time police officer; and

WHEREAS, Senator Bonacic has sponsored Bill S.7755; and

WHEREAS, Assemblyman Clifford Crouch has agreed to sponsor a companion bill in the NYS Assembly Bill A.10227; and

WHEREAS, such legislation requires a Home Rule Request by the Town of Colchester in accordance with the New York State Constitution,

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby submits said Home Rule Request.

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

With no further business, Greg Lavorgna made the motion for adjournment, seconded by Janet Champlin, Greg Lavorgna-aye, Janet Champlin-aye, Arthur Merrill-aye, Mark Mattson-absent, Julie Markert-absent, motion carried. Meeting adjourned at 8:10 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk