

August 19, 2015

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, August 19, 2015 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
Mark W. Mattson Councilman
Julie A. Markert Councilwoman
Gilbert D. Close Councilman

Absent: Janet L. Champlin Councilwoman

Recording Secretary: Julie B. Townsend Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael P. DeGroat-Town Attorney, Officer Rich Pagillo, Michael O'Reilly- Cedarwood Engineering, Lillian Browne -Walton Reporter, Joan Homovich, Bonnie Seegmiller, Mary Brawley-Fuat, Ed and Maureen Pedersen.

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, August 05, 2015 had been distributed earlier. Gilbert Close made the motion to accept the minutes as written, seconded by Mark Mattson, Gilbert Close-aye, Mark Mattson-aye, Julie Markert-aye, Arthur Merrill-aye, Janet Champlin-absent, motion carried.

VISITOR COMMENTS: Michael O'Reilly of Cedarwood Engineering reported that the Bid Opening for TC-2015-01 H4-Holiday Brook Road Bridge and TC-2015-02 H5-Berg Brook Road Bridge was held on Wed., August 12th at 10am at the Town Hall. The following bids were received for Contract No.TC-2015-01 - Holiday Brook Road Structure H4 Project (FEMA #1710-PW150):

| | |
|----------------------------|--------------|
| R.DeVincentis Construction | \$354,000.00 |
| JB12 Corp. | \$367,633.00 |
| Stevens Excavation | \$379,325.00 |
| The Wesson Group | \$507,386.00 |

Cedarwood Engineering Services recommends awarding the bid to the lowest bidder, R.DeVincentis Construction in the amount of \$354,000.00; Mr. O'Reilly has spoken with the contractor and he is ready to proceed; road would be closed for about 1 ½ to 2 months.

The following bids were received for Contract No.TC-2015-02 - Berg Brook Road Structure H5 Project (FEMA #1710-PW150):

| | |
|----------------------|--------------|
| JB12 Corp. | \$343,756.00 |
| Lil' Dave Excavating | \$350,001.00 |
| The Wesson Group | \$482,841.00 |

Cedarwood Engineering Services recommends awarding the bid to the lowest bidder, JB12 Corp.in the amount of \$343,756.00; Mr. O'Reilly has spoken with the contractor and he is ready to proceed and will start next week. Board discussed. Highway Supt. Eck will notify residents and emergency services of the two projects. Supervisor suggested that a temporary one-lane bridge be installed on Holiday Brook, to accommodate area residents. Mr. O'Reilly estimated that it should come under \$10,000 to do the temporary bridge. Board discussed further.

NO. 89-2015 08/19/15 Award Bid No. TC-2015-01 H4-Holiday Brook Road Bridge

Gilbert Close made the following resolution:

WHEREAS, the Town of Colchester had advertised for bids for Contract No.TC-2015-01 - Holiday Brook Road Structure H4 Project (FEMA #1710-PW150); and

WHEREAS, four bids were received and opened on August 12, 2015 and the bids were forwarded to Cedarwood Engineering Services for review; and

WHEREAS, after reviewing the bids, Cedarwood Engineering Services recommends awarding said bid to the lowest responsible bidder, R.DeVincentis Construction, Inc. of 1 Brick Ave., Binghamton, New York; and

WHEREAS, after reviewing the bids, Town Attorney also recommends awarding said bid to the lowest responsible bidder, R.DeVincentis Construction, Inc.;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby awards R.DeVincentis Construction, Inc. the Bid Contract No. TC-2015-01 Holiday Brook Road Structure H4 Project (FEMA #1710-PW150) with a base bid contract price of \$354,000.00;

BE IT FURTHER RESOLVED that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to sign the Notice of Award, Notice to Proceed, the Agreement and any other necessary paperwork for said contract.

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

NO. 90-2015 08/19/15 Award Bid No. TC-2015-02 H5-Berg Brook Road Bridge

Mark Mattson made the following resolution:

WHEREAS, the Town of Colchester had advertised for bids for Contract No.TC-2015-02 - Berg Brook Road Structure H5 Project (FEMA #1710-PW150); and

WHEREAS, three bids were received and opened on August 12, 2015 and the bids were forwarded to Cedarwood Engineering Services for review; and

WHEREAS, after reviewing the bids, Cedarwood Engineering Services recommends awarding said bid to the lowest responsible bidder, JB12 Corp. of 407 Bernas Road, Cohecton, New York; and

WHEREAS, after reviewing the bids, Town Attorney also recommends awarding said bid to the lowest responsible bidder, JB12 Corp.;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby awards JB12 Corp. the Bid Contract No. TC-2015-02 Berg Brook Road Structure H5 Project (FEMA #1710-PW150) with a base bid contract price of \$343,756.00;

BE IT FURTHER RESOLVED that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to sign the Notice of Award, Notice to Proceed, the Agreement and any other necessary paperwork for said contract.

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

NO. 91-2015 08/19/15 Change Order No.1 for Contract No. TC-2015-01

Mark Mattson made the following resolution:

WHEREAS, on August 19, 2015, per Resolution No. 89-2015, the Town Board of the Town of Colchester awarded the FEMA#1710-PW150 Holiday Brook Road Structure H4 Project Contract No. TC-2015-01 to R. DeVincentis Construction, Inc. with a base bid contract price of \$354,000.00; and

WHEREAS, the Supervisor and Town Board recognizes a hardship to its residents having Holiday Brook Road closed again and therefore recommends the addition of a temporary one lane bridge across Holiday Brook to Contract No. TC-2015-01 which was not included in the original bid specs; and

WHEREAS, Cedarwood Engineering Services approves and recommends Change Order No.1 to adjust for the installation of a one lane temporary bridge at a net increase not to exceed \$10,000.00;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby approves Change Order No. 1 for the FEMA#1710-PW150 Holiday Brook Road Structure H4 Project Contract No. TC-2015-01 and hereby authorize Supervisor Arthur M. Merrill to sign said Change Order to add up to but not to exceed the amount of \$10,00.00 to the base bid price of R. DeVincentis Construction, Inc.

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

VISITOR COMMENTS: Councilwoman Markert sat among the visitors and addressed the remaining Board Members with her concerns as a resident and business owner; she belongs to many organizations who want to promote our town and tourism; she expressed her displeasure with the Police Dept.; yes we want law and order but don't want to feel that we are in a "police state"; we have gone from none to over the top. Joan Homovich asked do you have the numbers of how much it costs to run the police dept. Supervisor replied that he would get the info from his office after the meeting. Ms. Homovich commented that the officers hired (all out of town) do not have a "vested interest"; she also inquired to the Town's "Impoundment Policy". Officer Pagillo replied when we call for a tow, there is a rotation policy within Delaware County. Supervisor commented that this is a difficult situation; the community wants to be safe but not feel threatened; he understands both sides; the police need to be able to do their job. Ms. Markert asked if we participated in the "Stop DWI Weekend". Ms. Homovich asked if we ever before had four officers on at once. Supervisor replied that we had a couple of new officers and they were being helped with training. Councilman Close commented that he feels they are doing their job. Supervisor agrees and we need to treat everyone the same. Ms. Homovich said it would be nice to know who the officers are. Councilman Mattson commented that we have started up a new police dept. and have new officers; residents should feel free to introduce themselves when they see the new officers. Supervisor reported that our goal is to have more full-time officers and fewer part-time officers. Ms. Homovich commented that residents are complaining. Supervisor replied that they need to come to a meeting or see him with their complaints. Maureen Pedersen suggested that we should have a meet and greet or have the newspaper do an introduction on the officers. Supervisor replied it is difficult to get all the officers together at one time. Ed Pedersen commented that there is a heavy presence of police in our area. Supervisor replied that we usually have one on during the week and two on the weekends. Ms. Markert stated that we don't want to feel like a criminal in our own town. Officer Pagillo commented that we pull over cars that are speeding, pull over those that are breaking the law; we are not specifically looking for DWIs, but recently we have had 16-20 DWIs.

CORRESPONDENCE:

- Governor's Office of Storm Recovery- Recent meeting with staff to review the performance and compliance of the Town in respect to funding from GOSR, CDBG-DR, HUD and DHSES- all is satisfactory.
- NYS Ag & Markets- Dog Control Officer Inspection Report was completed on 08/07/2015; Taylor E. Gill rated Satisfactory.
- NYSDOH- Swimming Pool Inspection Report- 3 violations: pool gate does not close on its own; depth markings peeling off; flow meter not present. Supervisor commented that since it is late in the year, all will be looked at before opening next year.
- CWC- Watershed News for August.
- Del. Co. DPW- Clean Sweep- Chemical Disposal Days: Sept. 18th & 19th.
- Del. Co. Dept. of Watershed Affairs- Water 101, Fundamental Water Resource Challenges and Needs being held Sept. 24th. Supervisor going.
- Tony Bonavist- Thank you for providing the opportunity and time to address the Town Board for their intent to find a place to locate a memorial for the late Frank Mele; asked for location suggestions.
- LaBella- NYSEG Marcy South Series Compensation Project- Overhead Utility Crossing of Town Roads- LaBella Project No. 2150058.040- final plans for proposed re-conductoring of overhead electric transmission line that will cross Town right-of-ways.

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

- Town Justice Arthur C. Edel- July 2015.
- Town Justice Edward J. DeRosia- July 2015.

Supervisor reported that he had spoken with a couple of Fire Commissioners from the Roscoe-Rockland Fire District regarding the renewal contract to furnish fire and emergency protection to the territory known as "Colchester Fire Protection District"; we had proposed an increase of \$500 making the contract at \$12,000 for each year of 2016 through 2020; we have not heard back from them so we will schedule a date for the public hearing and go from there; we need to the amount for the 2016 Budget. Board discussed.

NO. 92-2015 08/19/15 Public Hearing Colchester Fire Protection District

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby gives notice that the Town Board will hold a Public Hearing in the matter of the contract renewal with the Roscoe-Rockland Fire District to furnish fire and emergency protection to the territory known as "Colchester Fire Protection District". Such public hearing will be held Wednesday, the 2nd day of September, 2015 at 6:45 PM at the Town Hall, 72 Tannery Road, Downsville, New York;

FURTHER RESOLVED, that 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 Gilbert Close, Gilbert Close-aye, Mark Mattson-aye, Julie Markert-aye, Arthur Merrill-aye, Janet Champlin-absent, resolution declared adopted.

Supervisor Merrill reported that Bid Proposal No.01-15 Fuel has been advertised and bids are due by 4pm on Sept. 2nd; Bid Opening will be at 7pm on Sept. 2nd.

Highway Supt. Kenneth Eck presented quotes off the County Bid from Chemung Supply for used W-Beam Guiderail and installation. Board reviewed and discussed.

NO. 93-2015 08/19/15 Purchase Used W-Beam Guiderail & Installed by Chemung Supply

Mark Mattson made the following resolution:

WHEREAS, guiderail is needed to complete projects on Mink Brook Road and Campbell Mtn. Road; and

WHEREAS, Chemung Supply Corp. has submitted quotes for guiderail off the Delaware County Bid Book; and

WHEREAS, it has been estimated that 525 LF of W-Beam Guiderail will complete said project for Mink Brook Road at a cost of \$6,032.78 and 350 LF of W-Beam Guiderail will complete said project for Campbell Mtn Road at a cost of \$3,979.18;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes Highway Supt. Kenneth Eck to enter into contract with Chemung Supply Corp. of Elmira, New York for the purchase of 875 LF of used W-Beam Guiderail and its installation for the total cost of \$10,011.96.

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

Supervisor Merrill reported that in 2012 we received a proposed Highway Shared Services Agreement from the County; it was misplaced with the turnover of Supervisors and we did not act on it at that time; recently we have been given agreements from Andes, Hamden and Walton; it is important on have on file in regards to FEMA, Tax Cap and other programs; this agreement is for the shared use of equipment and labor; in addition to this agreement, we have had verbally agreements with Andes and Hancock for swapping winter road maintenance for many years.

Town Attorney commented that we need to check with our insurance carrier to make sure we are covered. Board discussed.

NO. 94-2015 08/19/15 Highway Shared Services Agreement

Gilbert Close made the following resolution:

WHEREAS, all municipalities, including the Town of Colchester have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities; and

WHEREAS, all municipalities, including the Town of Colchester, have the power and authority to borrow or lend materials and supplies to other municipalities; and

WHEREAS, it is hereby determined that the Town of Colchester and other municipalities have machinery and equipment which is not used during certain periods; and

WHEREAS, it is determined that the Town of Colchester and other municipalities often have materials and supplies on hand which are not immediately needed; and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Colchester and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money; and

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, exchanging, leasing, renting or maintaining of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement has to receive prior approval by the Town Board of the Town of Colchester and the governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing bodies are not in session; and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be obtained or maintained with a minimum of paperwork and inconvenience and with a swift approval process; and

WHEREAS, it is the intent of the Town Board of the Town of Colchester to authorize the Highway Superintendent to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board of the Town of Colchester prior to the making of each individual arrangement; and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position comparable to that of the Highway Superintendent authority to make similar arrangements; and

WHEREAS, it is hereby determined that it will be in the best interest of the Town of Colchester to be a party to such shared services arrangements.

NOW, THEREFORE, BE IT RESOLVED that the Town of Colchester Supervisor is hereby authorized to sign on behalf of the Town of Colchester a contract for Shared Highway Services to include the Town of Andes, Town of Hamden, Town of Hancock, Town of Walton, Town of Rockland (Sullivan County), Downsville Central School, Cooks Falls Water District, Downsville Water District and County of Delaware;

BE IT FUTHER RESOLVED, that this resolution shall take effect immediately; and

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to file a copy of the Contract set forth in this resolution with the chief executive officer of the aforementioned agencies.

Resolution seconded by Mark Mattson.

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

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| Town Supervisor, Arthur M. Merrill | voting aye |
| Councilperson, Janet L. Champlin | absent |

Councilperson, Gilbert D. Close 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 made the following announcements:

- Public Hearing at 6:45PM on Wed., Sept 2nd for Colchester Fire Protection District
- Next Regular Board Meeting Wed., Sept. 2nd with Fuel Bid Opening at 7PM

Councilman Mark Mattson inquired if there was a problem with the DWD water; his wife complained that her brown laundry has white spots; could this be caused by the well pumping so much? Board discussed. Supervisor will talk with WPO Ron MacDonald. Councilman Mattson added that he saw Jeff Francisco at the Del. Co. Fair and he mentioned that everything is going well with the two water proposals.

Supervisor Merrill reported that the Town Swimming Pool will be open until Sept. 4th; may have to close a few hours due to not enough help as everyone asking for vacation time before school starts.

SUBMISSION OF BILL/EXPENSES: Mark Mattson made the motion, seconded by Gilbert Close, that the vouchers be approved, subject to any corrections or deletions, Gilbert Close-aye, Mark Mattson-aye, Julie Markert-aye, Arthur Merrill-aye, Janet Champlin-absent, motion carried. Abstract No.15-2015; Voucher No.433-464; Totaling \$113,556.25.

Supervisor reported that since the Board asked the Highway Supt. to look into a more economical cost for a bush hog mower, he has found one on Auction International and would like permission to bid. Board discussed and approved the bidding up to \$3,500.00.

NO. 95-2015 08/19/15 Authorize Highway Supt. to Bid on Bush Hog Mower Attachment
Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Highway Supt., Kenneth R. Eck, to bid at Auctions International, in the amount not to exceed \$3,500.00 on a 2000Bush Hog SM60 Mower Attachment.

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

With no further business, Mark Mattson made the motion for adjournment, seconded by Gilbert Close, Gilbert Close-aye, Mark Mattson-aye, Julie Markert-aye, and Arthur Merrill-aye, Janet Champlin-absent, motion carried. Meeting adjourned at 8:28 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk