

September 02, 2015

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on Wednesday, September 02, 2015 at 6:45 PM in the Town Hall for the purpose of hearing the public's comments on 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".

Proof of Notice having been furnished, the Public Hearing was called to order by Supervisor Arthur M. Merrill.

Supervisor reported that the RRFD was notified of the public hearing and proposed contract of \$12,000 for each of the years 2016 through 2020.

No one spoke in favor of the contract renewal with the Roscoe-Rockland Fire District.

No one spoke against of the contract renewal with the Roscoe-Rockland Fire District.

All persons desiring to be heard, having been heard, the Public Hearing was declared closed by Supervisor Merrill at 6:52 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk

September 02, 2015

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, September 02, 2015 immediately following the Public Hearing at 6:52 PM at the Town Hall.

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

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael P. DeGroat-Town Attorney, Jeff Francisco-Delaware Engineering, Lillian Browne-Walton Reporter, Ron MacDonald, Joan Homovich, Bonnie Seegmiller, Mary Brawley-Fuat, Robert & Maryann Stanczyk, Philip Lavorgna, Alan Donner, Vincent Picece, Louis Banker, Joey Bellows, Jim Shields and Melissa Elmore & son.

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 19, 2015 had been distributed earlier. Julie Markert made the motion to accept the minutes as written, seconded by Gilbert Close, Gilbert Close-aye, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried.

CORRESPONDENCE:

- Catskill Mountain Cycling Challenge- Sept. 19th at the CRC in Arkville.

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

- Cooks Falls Water District- August 2015- 13 customers balance due \$1,469.55; Receipts of \$515.51 disbursed to Supervisor.
- Downsville Water District- August 2015- 42 customers balance due \$5,866.44; Receipts of \$2,034.53 disbursed to Supervisor.

- Town Clerk- August 2015- Total disbursed \$1,803.01 of which \$1,722.51 was Town revenues.
- Planning Board- July 16, 2015 Minutes.

Supervisor Merrill read the Notice to Bidders for Bid Proposal No. 1-15 Fuel. Bid Opening was held tonight at 7:00 PM. The Town received one bid from Mirabito Energy Products as follows:

F-No.2 Heating Fuel

Mirabito Energy Products- Rack Price plus \$0.2995 per gal. Firm Differential
\$2.2026 per gal. Firm Bid Price

G- Kerosene

Mirabito Energy Products- Rack Price plus \$0.3243 per gal. Firm Differential
\$2.4526 per gal. Firm Bid Price

H- Winter Blend

Mirabito Energy Products- Rack Price plus \$0.3175 per gal. Firm Differential
\$2.4633 per gal. Firm Bid Price

I- Diesel Fuel

Mirabito Energy Products- Rack Price plus \$0.2775 per gal. Firm Differential
\$2.2133 per gal. Firm Bid Price

J- Propane

Mirabito Energy Products- Rack Price plus \$0.5500 per gal. Firm Differential
\$1.4900 per gal. Firm Bid Price

Supervisor commented that we will discuss this fuel bid further in the meeting.

GUESTS: Jeff Francisco of Delaware Engineering reported that he has spoken with the Dept. of Health in Albany regarding the Cooks Falls Water District's proposed Water System Rehabilitation Project; since this is a grant from NYSEFC DWSRF it needs to be approved by DOH before going out to bid.

VISITOR COMMENTS: Philip Lavorgna commented that there seems to be a lot of negativity toward our police; this is a reflection on the town, board and community; he believes they are doing a good job and we should let them do their job.

Alan Donner thanked Hwy Supt Eck for the fine job on Fuller Hill Road; secondly he commented that the police have worked well with the Cooks Falls Fire & EMS.

Jim Shields commented that he has heard a lot of negativity regarding police, even from outside the township and this is not good.

Robert Stanczyk stated that he has heard a lot of rumors.

Supervisor Merrill stated that we are responding to first hand experiences; there are a lot of rumors going around, but we need to keep complaints to personal experience; we need to move forward; he has spoken with the police and we hope to get things under control; the Police Dept. has gotten thrown under the bus by the actions of 1-2 officers; negative effect is the persona.

Melissa Elmore commented that the police are doing a good job and they seem to be friendly.

Supervisor commented that comments to him have been 5 to 1 on the positive side.

Joan Homovich commented that at the last meeting, she was the one that stated that people felt they were in a "police state" not because of the tickets given but because of the aggressiveness.

Councilwoman Markert commented that she was sorry that it got to this point; we've been working for 2 1/2 years to get the police dept. up and running again; she would like to see ASAP two full-time officers and a couple of part-time officers.

Supervisor agreed and stated that was our goal.

Gilbert Close as a citizen stated that we did not need this stirred up; we need to let the police do their job.

Councilwoman Markert stated that we need to read the Town Law and distributed a few copies.

Supervisor asked the Board to adopt the proposed resolution for the Roscoe-Rockland Fire District to furnish fire and emergency protection to the territory known as the "Colchester Fire Protection District at a budget contract of \$12,000 each year for the next five years.

NO. 96-2015 09/02/15 Roscoe-Rockland Fire District

Janet Champlin made the following resolution:

WHEREAS, as Public Hearing was duly held on September 02, 2015 at 6:45 PM at the Colchester Town Hall, 72 Tannery Road, Downsville, New York and all parties in attendance were permitted an opportunity to speak on behalf or in opposition to said proposed Fire District Contract or any part thereof; and

WHEREAS, the Town Board of the Town of Colchester, after due deliberation, finds it in the best interest of said Town to renew said contract for the term of five years with the following amounts:

2016- \$12,000.00

2017- \$12,000.00

2018- \$12,000.00

2019- \$12,000.00

2020- \$12,000.00

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby gives authorizes Supervisor Arthur M. Merrill to sign the renewal contract with the Roscoe-Rockland Fire District to furnish fire and emergency protection to the territory known as the "Colchester Fire Protection District".

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

Supervisor Merrill reported that we received the payment of \$2,194.59 for FEMA#4031-PW2240-Cooks Falls Road-embankment/Soil Nail System Project that is completed.

Supervisor reported that R.DeVincentis Construction will start the FEMA#1710-PW150-H4 Holiday Brook Rd Bridge Replacement Project-TC-2015-01 after Labor Day; and they will install a temporary one-lane bridge for the duration of the project.

Supervisor Merrill reported that JB12 Corp has begun the FEMA#1710-PW150-H5 Berg Brook Rd Bridge Project-TC-2015-02.

Supervisor reported that he has received additional paperwork for the SAM Grant for the Replacement Salt Storage Shed at 6292 River Road Garage.

Town Attorney Michael DeGroat reported that he has reviewed the proposed Contract for Shared Highway Services; he suggested omitting paragraph #7. Board discussed and agreed.

Town Attorney also commented that he has consulted one of his partners regarding a Road Use Agreement; this is regarding loggers and quarrymen; he would like to get together with the Supervisor and Highway Supt. to review a sample an agreement.

Town Board discussed Bid Proposal No. 1-15 Fuel; Board agreed to accept the Firm Bid Price of Mirabito Energy Products and hereby awarded said Bid Proposal to Mirabito Energy Products.

NO. 97-2015 09/02/15 Award Bid Proposal No. 1-15 Fuel

Julie Markert made the following resolution:

WHEREAS, the Town of Colchester had advertised for Bid Proposal No. 1-15 Fuel; and

WHEREAS, on September 02, 2015 the Town received said fuel bid from one bidder;

WHEREAS, on September 02, 2015 the Town opened said fuel bid from one bidder;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the low bid from Mirabito Energy Products for Bid Proposal No. 1-15 Fuel at a rates of:

No.2 Heating Fuel - \$2.2026 per gal. Firm Bid Price

Kerosene- \$2.4526 per gal. Firm Bid Price

Winter Blend - \$2.4633 per gal. Firm Bid Price

Diesel Fuel- \$2.2133 per gal. Firm Bid Price

Propane - \$1.4900 per gal. Firm Bid Price

FURTHER RESOLVED, that the Town Board hereby gives authorization to Supervisor Arthur M. Merrill to enter into contract with Mirabito Energy Products of 49 Court Street, PO Box 5306, Binghamton, New York 13902 for fuel to be delivered at various locations within the Town of Colchester.

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

Supervisor Merrill reported that we have been given two applications for Use of Public Facilities. The first one is from the Shinhopple Memorial Center to use the Pepacton Park for parking on Sat., Sept. 26th; Board discussed and it was stated that there is already a market scheduled for that date; we should contact them for alternate facility; it was suggested to use the River Road Hwy Garage Parking Lot. Town Clerk will contact Carol Bogart.

The second application is from the Pepacton Park Committee for the use of the Covered Bridge Park on Thurs., Sept. 3rd for a live music concert with food and free ice cream. Board discussed.

NO. 98-2015 09/02/15 Public Facility Permit No.12-2015

Julie Markert made the following resolution:

WHEREAS, Janet Champlin on behalf of the Pepacton Park Committee has applied for a Public Facility Permit to use the Covered Bridge Park located at 48 Bridge Street, on Thursday, September 3rd from 5:00PM to 8:00PM for a music concert;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.12-2015 to the Pepacton Park Committee for the use of Covered Bridge Park located at 48 Bridge Street, Downsville, NY. Resolution was seconded by Gilbert Close, Gilbert Close-aye, Janet Champlin-abstain, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, resolution declared adopted.

Supervisor Merrill commented if any departments anticipate any increases, please see him as he is starting to prepare the 2016 Tentative Budget.

Supervisor Merrill made the following announcements:

Next Board Meeting-Wed., Sept. 16, 2015 at 7:00 PM

Supervisor reported that a while ago, we sent in the name of Councilwoman Champlin as a member to the CWT and he as an alternate member. The CWT had a change in membership and they decided to appoint Supervisor Merrill as the regular member.

SUBMISSION OF BILL/EXPENSES: Janet Champlin made the motion, seconded by Gilbert, that the vouchers be approved, subject to any corrections or deletions, Gilbert Close-aye, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried. Abstract No.16-2015; Voucher No.465-490; Totaling \$112,054.94.

Julie Markert made the motion to go into executive session upon recommendation of the Supervisor to discuss police personnel issues, seconded by Janet Champlin, Gilbert Close-aye, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried. Board entered executive session at 7:50 PM. Town Attorney was invited to stay. Board held

discussion. Julie Markert made the motion to enter back into regular session, seconded by Janet Champlin, Gilbert Close-aye, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried. Board entered regular session at 8:16 PM. Board made no decision forthcoming.

Town Clerk reported that she had spoken to Carol Bogart in regards to the Shinhopple Memorial Center's application to use the Pepacton Park for parking on Sept. 26th; they will seek alternate parking on their own.

With no further business, Gilbert Close made the motion for adjournment, seconded by Janet Champlin, Gilbert Close-aye, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried. Meeting adjourned at 8:17 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk