

September 07, 2016

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, September 07, 2016 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
Janet L. Champlin Councilwoman
Julie A. Markert Councilwoman
Gregory L. Lavorgna Councilman
Mark W. Mattson Councilman entered @ 7:05pm

Recording Secretary: Julie B. Townsend Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael P. DeGroat-Town Attorney, Gerry Merrill-Assessor Chairman, Jeff Francisco-Delaware Engineering, Dominick Dominguez, Abby Butler-Walton Reporter, Joan Homovich, Bonnie Seegmiller, Louis Banker, Ron Meiser, Clifford & Carmen Olsen, Amy Brown, Denise Schrang, Tom & Dayette Zampolin 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 17, 2016 had been distributed earlier. Julie Markert made the motion to accept the minutes as written, seconded by Greg Lavorgna, Julie Markert-aye, Greg Lavorgna-aye, Janet Champlin-aye, Arthur Merrill-aye; Mark Mattson-absent, motion carried.

GUESTS: Gerry Merrill, Colchester Assessor Chairman reported that the Roscoe Central School District Tax Bills for Delaware County Residents, Towns of Colchester and Hancock, were printed omitting the STAR Exemptions; new bills for the STAR Exemptions will be mailed tomorrow along with a letter from Delaware County Real Property Tax Office; they still will be due Sept. 30th without penalty.

Councilman Mark Mattson entered the meeting @ 7:05pm.

Chairman Merrill added that NYS took over the STAR Program this year; we did not make the error, but we have taken a lot of verbal abuse over this; 166 tax bills have been corrected.

VISITOR COMMENTS: Denise Schrang a resident on Buck Mountain Road which is off Morton Hill Road commented that a 911 system was created but no street signs were issued; Fire & EMS cannot find us without street signs. Ms. Schrang also commented that a portion of Morton Hill Rd. was paved; can something be done so that it won't be so dusty? Town Attorney replied that the Town is not responsible for signage of private roads; maybe Emergency Services should be contacted. Councilman Mattson commented that 911 numbers should be posted where the driveway meets the public roads. Highway Supt. Kenneth Eck replied that portions of Morton Hill Rd have been paved previously; NYSDEC may have an issue with paving the complete road since it is in the Catskill Park; he will look into it.

Dominick Dominguez inquired if we could do anything to help the situation along New York City Highway 30A; they are fixing culverts and have narrowed the road. Supervisor replied that the County has signed an 8 year contract with NYC; catch basins and ditches first; paving next year, just not sure where they are going to start.

Dominick Dominguez also inquired about the status of the Eagles Project; where are they and who owns them? Supervisor replied that they were a Streetscape Project for one year, a piece of art; the eagles are in storage and are being mended with time and money that is available; they will never go back out on the streets; the Roxbury Arts Group wanted a 501c3 (non-profit) group to sponsor the RAG & O'Connor Foundation grant project, they allowed the Town to sponsor, so the Town owns the eagles; we have offered them to businesses to put inside their establishment;

they will never go back onto the streets; they were not made for that. We wanted to do a different project each year to bring people into our community; we started a new account for the grant projects, it is not taxpayers money; we have talked with the Roxbury Arts Group and some of the eagles may be auctioned off and the proceeds would go back into the grant account. Councilwoman Markert suggested that we get a committee together to fix the eagles. Supervisor replied send me some names; we appreciate everyone's spirit; some were against the pedal car project; a few people did all the work and received a lot of negativity for the pedal cars. Dominick Dominguez asked if we received the parade permit for this Sunday's parade. Supervisor replied yes, we have the permit.

CORRESPONDENCE:

- Homeland Security- a check in the amount of \$21,961.00 for the August 2011 Event- Irene.
- CWC- Watershed Currents August 2016 edition.
- Delaware County Firefighters Association- Clothing Bin Consent Form from Textile Recovery Services Inc.- bin could be placed at transfer station. Board discussed and tabled to get more information regarding the bin already placed at the Community Church.
- NYSDOH- Cooks Falls Water District- Notice of Monitoring Due dated Sept. 2016.
- NYSDOH- Downsville Water District- Notice of Monitoring Due dated Sept. 2016.

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

- Cooks Falls Water District- August 2016- 17 customers balance due \$2,070.50; Receipts of \$450.00 disbursed to Supervisor.
- Downsville Water District- August 2016- 47 customers balance due \$6,016.90; Receipts of \$2,111.33 disbursed to Supervisor.
- Town Clerk- August 2016 -Total disbursed \$3,102.71 of which \$3,030.21 was Town revenues.
- Planning Board- July 21, 2016 Minutes.
- Police Arrests and Tickets Report for July/August 2016.
- Town Justice Edel- August 2016.

Jeff Francisco of Delaware Engineering, DPC reported that the Bid Opening for the Cooks Falls Water System Improvement Project, DWSRF#16601, Contract #TC1-G-2015 was held today; six bid packets were picked up; we received the following five bids:

<u>Contractor</u>	<u>Amount of Base Bid</u>	<u>Bid Alternate -Fence</u>
Louie Banker	\$78,500.00	\$12,500.00
Cowan Excavating, LLC	\$79,243.00	\$18,600.00
Doig Excavating, Inc.	\$79,650.00	no bid
Delaware Bulldozing Corp	\$94,660.00	\$17,500.00
Stevens Excavating	\$95,230.00	\$12,000.00

Board discussed. Town Attorney and Engineer Francisco will meet with low bidder, Louie Banker; if all documents are completed, we will send to NYSEFC for approval; we have sixty days from date of award to submit the Notice to Proceed; we hope to get this done this year. Board discussed further.

NO.109-2016 09/07/16 Award Bid Contract #TC1-G-2015

Julie Markert made the following resolution:

WHEREAS, the Town of Colchester had advertised for bids for Contract #TC1-G-2015 – Cooks Falls Water System Improvement Project- DWSRF #16601; and

WHEREAS, five bids were received and opened on September 07, 2016 and the bids were reviewed by Delaware Engineering, DPC; and

WHEREAS, after reviewing the bids, Delaware Engineering, DPC recommends awarding said bid to the lowest responsible bidder, Louie Banker of 380 River Road, Downsville, New York; and

WHEREAS, after reviewing the bids, Town Attorney also recommends awarding said bid to the lowest responsible bidder, Louie Banker;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby awards Louie Banker the Bid Contract #TC1-G-2015 – Cooks Falls Water System Improvement Project- DWSRF #16601 with a base bid contract price of \$78,500.00;

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

Jeff Francisco reported that they are working on the DWD contract.

Supervisor reported that we have received a letter from NYS Senator John J. Bonacic that he has secured access to funding through the State and Municipal Facilities Capital Program for municipalities in our District that demonstrate a need for municipal improvements. Supervisor Merrill suggests that we apply for funding for the CFWD to rehab the well and pump. Board discussed with Engineer Jeff Francisco. Project is estimated at \$80,850; Supervisor recommends applying to the SAM Grant for \$50,000. Board discussed.

NO.110-2016 09/07/16 SAM Grant for CFWD Well/Pump House

Greg Lavorgna made the following resolution:

WHEREAS, the Town Board has deemed it necessary and in the best interest of the Town to rehabilitate the Cooks Falls Water District (CFWD) well and pump system; and

WHEREAS, NYS Department of Health requires a secondary water source for all water districts; and

WHEREAS, said project is estimated at \$81,000, placing an expensive burden on the residents of the CFWD;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to submit an application to the State and Municipal Facilities Program (“SAM”) Grant in the amount of \$50,000 to help defray the cost of said project.

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

Supervisor Merrill reported that projects are being completed for the NYS CDBG Project #260CRF-HR113-14 Program, Housing Rehabilitation Grant.

Town Attorney Michael DeGroat reported that he has sent the Supervisor a draft of the Garcia Agreement for the Police Department Narcotics Detection Police Service Dog. Supervisor replied he has not had time to review.

Supervisor reported that Paige Cemetery has been flagged; we will contact Mr. Reynolds and we will do a site visit.

Supervisor Merrill reported that the bid opening for Bid Proposal No. 01-16 was held today at 2PM; we received the following bids from two bidders:

No.2 Heating Fuel

Suburban Propane- Vestal OPUS plus a Firm Differential of \$0.25 per gal.
Mirabito Energy Products- JoC Albany plus a Firm Differential of \$0.2775 per gal.
Mirabito Energy Products- Firm Bid Price of \$2.0213 per gal.

Kerosene

Suburban Propane- Vestal OPUS plus a Firm Differential of \$0.25 per gal.
Mirabito Energy Products- JoC Albany plus a Firm Differential of \$0.3224 per gal.
Mirabito Energy Products- Firm Bid Price of \$2.4813 per gal.

Winter Blend

Suburban Propane- Vestal OPUS plus a Firm Differential of \$0.18 per gal.
Mirabito Energy Products- JoC Albany plus a Firm Differential of \$0.2975 per gal.
Mirabito Energy Products- Firm Bid Price of \$2.4708 per gal.

Diesel Fuel

Suburban Propane- Vestal OPUS plus a Firm Differential of \$0.18 per gal.
Mirabito Energy Products- JoC Albany plus a Firm Differential of \$0.2436 per gal.
Mirabito Energy Products- Firm Bid Price of \$2.0108 per gal.

Propane

Suburban Propane- Vestal OPUS Fixed Price of \$1.29 per gal.
Mirabito Energy Products- JoC Albany plus a Firm Differential of \$0.5500 per gal.
Mirabito Energy Products- Firm Bid Price of \$1.34 per gal.
Board discussed and tabled until next meeting. Board would like to research further.

Supervisor reported that the black-top at the transfer station is getting bad; should be cut out and patch or completely do? There is \$5,000 in the equipment line to use; if we are going to do something this year, we need to get going. Board discussed. Highway Supt commented that we could start next week. Board discussed further.

NO.111-2016 09/07/16 Re-pave Transfer Station Parking Area

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Highway Supt. Kenneth Eck to re-pave the parking area of the Transfer Station.

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

Supervisor Merrill reported that 14 projects have been approved on the CDBG -Housing Rehabilitation Program; Delaware Opportunities has approached us with another grant application; this grant is a CDBG-Housing Rehabilitation Program to replace dilapidated or at least seriously distressed mobile homes with a new home and we would get financial assistance to replace some mobile housing units; Del. Opp. has estimated 95 trailers in the Town of Colchester; this Friday they will be doing a site visit and narrow the number down; grant funds will allow approximately 7-8 units; if we would like to move forward with this project for 2017, we need to schedule a public hearing prior to Sept. 28th. Board discussed.

NO.112-2016 09/07/16 Public Hearing CDBG Application: Mobile Home Replacement

Julie Markert made the following resolution:

BE IT RESOLVED, THAT THE Town Board of the Town of Colchester hereby gives notice that the Town of Colchester will be conducting a public hearing on September 21, 2016 at 7:00 PM in the Town Hall, 72 Tannery Road, Downsville, New York. The purpose of the hearing will be to obtain public input in the planning and development of the application to be sent to New York State for funding under the Small Cities, Community Development Block Grant Program. The Town intends to submit said application for financial assistance to replace some mobile housing units within the Town of Colchester.

Resolution was seconded by Gregory Lavorgna, all in favor, resolution declared adopted.

Supervisor reported that we have received an official request to hook-up to the Cooks Falls Water District at 316 Cooks Brook Road; apparently they have been using the water since October of 2013; not sure how this happened, but they have sent a check for the tapping fee of \$120 and are willing to pay previous water bills; the CFWD Water Plant Operator has stated that we have enough water to supply this home; this property is out of the CFWD and will need a contract to sign. Board discussed.

NO.113-2016 09/07/16 New Hook-up to CFWD at 316 Cooks Brook Rd.

Janet Champlin made the following resolution:

WHEREAS, Anna and Angela L. Baracchini have petitioned the Town of Colchester to hook-up to the Cooks Falls Water District at their residence located at 316 Cooks Brook Road, Roscoe, New York and has submitted the required tapping fee of \$120.00; and

WHEREAS, said property is located outside the boundary line of the CFWD; and

WHEREAS, at this time there is ample water supply of the CFWD and already a curb stop located at said property;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby gives authorization to Supervisor Arthur M. Merrill to sign an Agreement with Anna and Angela L. Baracchini to hook-up to the Cooks Falls Water District at 316 Cooks Brook Road, Roscoe, NY.

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

Supervisor commented that he would like feedback on the 2017 Budget; we need to plan ahead.

Supervisor read a letter of recommendation from Bonnie Seegmiller, Planning Board Chair; letter recommends appointing Mary Brawley-Fuat as a regular member of the Planning Board (replacing Ron MacDonald) and appointing Barry Jones to the position of Vice-Chair. Board discussed. Board approved regular member appointment and acknowledges their Vice-Chair.

NO.114-2016 09/07/16 Appoint Mary Brawley-Fuat Regular Member of Planning Board

Upon recommendation of the Planning Board Chair, Julie Markert made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby appointments Mary Brawley-Fuat as a regular member of the Planning Board with the term ending 12-31-2018; resolution is effective immediately.

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

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., September 21, 2016 at 7PM
- Clean Sweep 2016- Chemical Disposal Day- Businesses & Farms Friday, Sept. 23rd 10am-noon Household, Sat. Sept. 24th 8am-noon—Register on-line

Councilwoman Markert suggested that we buy blowers for the cemetery; there is a lot of grass on the grave markers. Supervisor replied that the problem is that they mow in the morning and the grass is wet; they have had a hard time keeping up with mowing this summer; grave markers are not our responsibility. Board discussed further.

Councilwoman Markert inquired about a flea market at Pepacton Park? Councilwoman Champlin stated there was a farmers' market on August 27th and the next one is this weekend.

Councilman Mattson commented that the picnic tables at the Covered Bridge Park are in bad shape. Councilman Lavorgna commented that he has seen some made out of tires that are very durable. Supervisor will look into issue.

Councilwoman Markert inquired if there is accountability for the donations given to the K-9 unit? Supervisor replied that we will get a listing.

Councilman Lavorgna inquired about street signs; would it pay us to do? Could residents pay for them and we get and put up? Supervisor replied that there are so many and we are not responsible for private roads. Town Attorney suggested that this would be a wonderful project for someone to take on; we should allow signs to be placed on our right-of-ways.

Councilwoman Markert asked if there have been any complaints with the new International Codes. Supervisor replied that our policy has not changed since 2003, except that all complaints need to be in writing and signed.

Highway Supt. Eck reported that we have a dangerous tree removal issue in Cooks Falls; it is going to be expensive. Board discussed. Highway Supt suggested getting quotes for removal and Board approved.

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.16-2016; Voucher No.410-453; Totaling \$133,280.25.

Julie Markert made the motion to go into executive session to discuss police personnel issues, seconded by Mark Mattson, all in favor, motion carried. Board entered executive session at 8:55 PM. Board held discussion. Greg Lavorgna made the motion to enter back into regular session, seconded by Janet Champlin, all in favor, motion carried. Board entered regular session at 9:13 PM. Board made no decision forthcoming.

With no further business, Janet Champlin made the motion for adjournment, seconded by Mark Mattson, all in favor, motion carried. Meeting adjourned at 9:13 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk