

October 07, 2015

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, October 07, 2015 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
 Janet L. Champlin Councilwoman
 Mark W. Mattson Councilman
 Julie A. Markert Councilwoman
 Gilbert D. Close 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, Bonnie Seegmiller, Mary Brawley-Fuat, Alan Donner, Ron MacDonald, Greg Lavorgna, Joan Homovich and Officer Rich Pagillo.

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, September 16, 2015 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Gilbert Close, all in favor, motion carried.

VISITOR COMMENTS: Jeff Francisco of Delaware Engineering reported that he has received a letter asking a few more questions regarding the grant application for the CFWD proposed Water System Rehabilitation Project; he will get them answered as soon as possible.

CORRESPONDENCE:

- Gerald F. Townsend Jr- Letter of Retirement- last day of work will be December 7, 2015.
- Nicholas & Christina Townsend- Request to hook up to the DWD for their new property at 44 Money Point Road; a \$250.00 check attached for tapping fee. Board discussed.

NO.101-2015 10/07/15 DWD Water Service at 44 Money Point Road

Gilbert Close made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Nicholas & Christina Townsend to tap into the system of the Downsville Water District from the homeowners' house located at 44 Money Point Road (Tax Map No. 339.-1-31.2); their water main (curb box) will be located between 150 - 164 Montgomery Avenue;

FURTHER RESOLVED, that the Downsville Water District acknowledges the payment of \$250.00 Tapping Fee which includes curb box, meter, remote and labor to install; Mr. & Mrs. Townsend are responsible for labor and materials from the curb box to their home.

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

- NYS Homes and Community Renewal- Approval of Request for Release of Funds, NYS CDBG Project#260CRF-HR113-14.
- NYS Senator John J. Bonacic- Seeking funding under the State and Municipal Facilities Capital Program for municipalities in his Senate District with a demonstrated need for municipal improvements; max grant is \$100,000; request deadline is Nov. 1st.

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

- Cooks Falls Water District- September 2015- 11 customers balance due \$1,369.55; Receipts of \$100.00 disbursed to Supervisor.

- Downsville Water District- September 2015- 32 customers balance due \$4,984.93; Receipts of \$881.51 disbursed to Supervisor.
- Town Clerk- September 2015- Total disbursed \$1,152.00 of which \$1,074.50 was Town revenues.
- Planning Board- August 20, 2015 Minutes.
- Town Justice Arthur C. Edel- September 2015.
- Town Justice Edward J. DeRosia- September 2015.

Supervisor reported that we have received Payment Request #1 from JB12 Corp. for the project of FEMA#1710-PW150-H5 Berg Brook Rd Bridge- TC-2015-02; voucher is in tonight in the amount of \$180,741.53. Highway Supt. added that the deck will be set in a couple of weeks.

Supervisor Merrill commented that last meeting we tabled the discussion of a 3-way STOP sign at the intersection of River Road and Fuller Hill Road; did you do a site visit? Council Mattson commented that he clocked a bus stop at 15-18 seconds; a car 5-6 seconds; we have had many other accident sites; does not believe a STOP sign will help; address the signage issue first; less safe with added STOP sign. Councilwoman Champlin agrees; where you put the sign, you have to keep nosing ahead, house is in the way; we need 2 signs: one for NO tractor trailers and one for turnaround spot. Councilman Mattson added that the last accident the truck was not in compliance. Councilwoman Markert commented that the residents in the area are in support of it; personally, I am not in favor. Councilman Close commented that like the covered bridge, people don't read the signs. Supervisor stated that he was in favor of the STOP sign. Officer Pagillo commented that the signs are not just for tractor trailers, other vehicles have smoking tires also. Hwy Supt commented that the signs would give people a chance. Supervisor added that some people will slow down and look up the hill. It was reported that DCS Transportation is not in favor. Hwy Supt added that Del. Co. DPW Commissioner thought it was a good idea, but stated that the Board could vote it down.

NO.102-2015 10/07/15 3-Way STOP Sign Intersection of Fuller Hill Road & River Road
Julie Markert made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby requests that a 3-Way STOP Sign be established at the intersection of River Road and Fuller Hill Road for the safety of its community.

Resolution was seconded by Arthur Merrill, Mark Mattson-no, Julie Markert-no, Gilbert Close-no, Janet Champlin-no, Arthur Merrill-aye, resolution defeated.

Supervisor makes the recommendation that the Town renovate one of the Town Pool Pavilions, making it 16 feet in length (double the size) and construct gables on the two sides for more shade; approximately \$1,500.00 and the Cemetery Crew could do this Fall. He suggested doing one now and possibly the other next year. Board discussed.

NO.103-2015 10/07/15 Renovate Pool Pavilion
Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the proposed project to renovate of one of the Town Pool Pavilions with labor being provided by the Cemetery Crew.

Resolution seconded by Julie Markert, all in favor, resolution declared adopted.

Supervisor reported that Mark Fenton a National public health, planning and transportation consultant and foremost expert on designing healthy, walkable communities will be here on Thursday, October 15th at 8am to do a walk thru of the Colchester Recreational/Fitness Trail; he will give us his perception of what we should do to our trail.

Supervisor Merrill reported that the Town Clerk/Water Clerk has presented a list of delinquent water bills for the Cooks Falls and Downsville Water Districts; we would like to add any delinquent water bill and/or water thawing to their 2016 Tax Bill if not paid by October 31st. Board discussed.

NO.104-2015 10/07/15 Delinquent Water Bills Added to Property Taxes

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to submit a list of all delinquent water bills of the Downsville and Cooks Falls Water Districts to the County to be added to the property owners' tax bills for 2016, if these bills are not paid by October 31, 2015.

Resolution was seconded by Gilbert Close, all in favor, resolution declared adopted.

Supervisor reported that Bill Reichert has asked that we complete the NYSDOT Special Use Permit Application (Perm33b) on behalf of the Downsville Fire Dept. for the annual Christmas Parade to be held on Sat., Dec. 12th. A Public Facility Permit is also needed. Board discussed.

NO.105-2015 10/07/15 Sponsor Christmas Parade & File Perm33b

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby sponsors the Christmas Parade to be held at 4:30PM Saturday, December 12, 2015 on NY State Highway 30 and 206, Downsville, New York and hereby authorizes the Supervisor to file the NYSDOT Special Use Permit Application (Perm33b) on behalf of the Downsville Fire Department.

Resolution seconded by Julie Markert, all in favor, resolution declared adopted.

NO.106-2015 10/07/15 Public Facility Permit No.13-2015

Mark Mattson made the following resolution:

WHEREAS, William Reichert on behalf of the Downsville Christmas Parade Committee has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, on Saturday, December 12th from 4:30PM to 6:00PM for parking of Christmas Parade Floats after the parade has ended;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.13-2015 to the Downsville Christmas Parade Committee for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY.

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

Supervisor Merrill reported that the two Town Justices would like to apply to the NYS Justice Court Assistance Program for a grant to purchase 4 chairs and 1 air conditioner for the Cooks Falls Court and make modifications to the Town Hall break room/kitchen and exterior chimney needed for heating the Downsville Court plus purchase 1 desk and 2 computer chairs. Board discussed.

NO.107-2015 10/07/15 Apply for Justice Court Assistance Program

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester is in need of funds to aid the Courts in updating the court rooms and court offices; and

WHEREAS, there are funds available through the New York State Justice Court Assistance Program;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester does hereby authorize Town Justice Arthur C. Edel and Town Justice Edward J. DeRosia III to make application to the New York State Justice Court Assistance Program for the Downsville Court: modifications to the Town Hall exterior chimney needed for heating, the renovation of the staff break room & kitchen facilities and ADA Conference Room, 2 computer chairs and 1 desk and for the Cooks Falls Court: 1 air conditioner and 4 guest chairs not to exceed the cost of \$30,000.00.

FURTHER, RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to sign the certification of said application. Resolution seconded by Gilbert Close, all in favor, resolution declared adopted.

Highway Supt. Kenneth Eck submitted quotes for a used brush mower machine; quotes are off the NY/NJ/PA National Bid List. Board discussed and agreed to purchase the 2013 New Holland TS6 110 Model from Tracey Road Equipment in the amount of \$75,900.00, pending final opinion from Town Attorney.

NO.108-2015 10/07/15 Purchased Used Brush Mower off NY/NJ/PA National Bid List
Julie Markert made the following resolution:

WHEREAS, General Municipal Law 103 Subdivision 16 authorizes governments to purchase apparatus, materials, equipment and supplies through the use of contracts let by United States or any agency thereof;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the Bid Reference Piggy Back NY/NJ/PA National Bid Contract 78132 of Tracey Road Equipment for a used 2013 New Holland TS6 110 Brush Hog Machine;

FURTHER RESOLVED that the Town Board of the Town of Colchester hereby authorizes the purchase of one used 2013 New Holland TS6 110 Brush Hog Machine from Tracey Road Equipment of 6803 Manlius Center Road, East Syracuse, New York for the total price of \$75,900.00 pending final determination from the Town Attorney.

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

Town Attorney Michael DeGroat reported that the Supervisor had received a letter from Henry Miller, that was turned over to him for review; the letter asked questions in regards to the conflict of interest with Councilwoman Markert and the Police and if Board Members could speak as an individual. In the Town Attorney's opinion it is a far stretch to call a conflict of interest. He added that the Supervisor is in control of the meeting; the Supervisor and Board can set limits on how the agenda is followed; we have had an agenda for many years, which has a public comment section (it is not required); public comment should not be personal debates. Town Attorney stated that he could not find any cases in the Open Meetings Law that fit into this letter; we also have a Code of Ethics Policy that was adopted in 1970; the Town Board is to represent the residents, but they should not be afraid to say their feelings or point of view; important to conduct meetings openly. Town Attorney will make a written response to the Supervisor and then the Supervisor will respond to the letter.

Supervisor Merrill made the following announcements:

- Streetscape and Farmers' Market and Lion's Club Maple Leaf Festival is Sat. Oct. 10th
- Town Hall Offices Closed Mon. Oct. 12th – Columbus Day
- Next Regular Board Meeting Wed., Oct. 21st at 7PM

Officer Pagillo reported that Downsville Central School's Principle, Superintendent and Guidance Dept. agreed that the Colchester Police could have a room at DCS to interact with students; they will be there two hours each Wednesday & Friday; County has a Resource Officer going to all of the schools; they have been turning over DCS cases to Colchester Police. Supervisor added that Officer Pagillo has passed his physical agility test; reviewing paperwork to become full-time status.

Supervisor reported that we will now review the Tentative 2016 Budget; Board had previously discussed making the Code Enforcement Officer and the Account Clerk positions as salary positions; County has asked information on health care insurance; some towns offer a stipend if they do not take the insurance, but they must prove they have insurance; we should think about

this. Tentative Budget General Appropriations increased \$15,187; General Revenues increased \$2,000; Highway Appropriations and Revenues both increased \$52,000; total increase of \$13,187, a 0.006126 increase which is under the tax cap.

Mark Mattson made the motion to go into executive session upon recommendation of the Supervisor to discuss the negotiation of a contract, seconded by Janet Champlin, all in favor, motion carried. Board entered executive session at 8:44 PM. Town Attorney was invited to stay. Board held discussion. Mark Mattson made the motion to enter back into regular session, seconded by Julie Markert, all in favor, motion carried. Board entered regular session at 8:47 PM. Board discussed and made the following resolution.

NO.109-2015 10/07/15 Proceed with Land Purchase at 15276 State Hwy 30

Julie Markert made the following resolution:

WHEREAS, the Town Board of the Town of Colchester looks to the future of the Township and see the opportunity to purchase property on Main Street, Downsville for a future Town Hall/Community Center; and

WHEREAS, the Town has surplus funds available for said purchase;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes the Town Attorney to proceed with a land purchase at 15276 State Highway 30, Downsville, New York designated by tax parcel number 358.2-5-30 (1.8/1.99 acres).

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, 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

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.18-2015; Voucher No.521-558; Totaling \$448,794.17.

With no further business, Mark Mattson made the motion for adjournment, seconded by Janet Champlin, all in favor, motion carried. Meeting adjourned at 8:50 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk