

December 16, 2015

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, December 16, 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 DeGroat-Town Attorney, Justin Harper-Walton Reporter, Bonnie Seegmiller, Mary Brawley-Fuat, Jim Shields, Alan Donner and Greg Lavorgna.

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, December 02, 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: Jim Shields commented that the wooden eagles look very nice in the store on the corner; he thanked Pio Deroda for a job well done; also thanked the Christmas Parade Committee and Mark Butcher for all that they do; the parade was a great success. Supervisor added that there are 13 eagles on display in the shop; two more eagles to be taken down then will be stored with the others in a barn for the winter.

#### CORRESPONDENCE:

- Roscoe/Rockland Fire Dist.- Notice of Reorganizational Meeting- Jan. 05, 2016 at 6:30PM.
- Delaware County Personnel Office- Domestic Partner Health Insurance.
- NYSDOT-Copy of Response to Dayette Zampolin in response to Parking and Cell Phones on NYS30/206 and Co 7- they will be improving signing at the intersection.
- CWC Watershed Currents- Education grant application deadline 02-01-2016.
- NYS Homes & Community Renewal- NY Main Street Program CFA- Town's application for assistance under the NYMS program was not selected for funding in this round.

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

- Town Justice Edward DeRosia- November 2015.
- Town Justice Edward Edel- November 2015.

Supervisor Merrill reported that Cedarwood Engineering has recommended Change Order No. 2 for the Holiday Brook Road Bridge Replacement Project, Contract No. TC-2015-01 Structure H4 in the amount of \$3,534.30; to adjust for overrun on top and binder coats of asphalt, and a credit on the subbase material to the bid price of R. DeVincentis; we also have the final payment to R. DeVincentis in the amount of \$59,401.82; we can now submit paperwork to FEMA as the project is completed. Board discussed.

NO.129-2015 12/16/15 Change Order No. 2 Contract No. TC-2015-01

Upon recommendation from Cedarwood Engineering Services, Gilbert Close 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, Cedarwood Engineering Services approved 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; and

WHEREAS, Cedarwood Engineering Services approves and recommends Change Order No.2 to adjust for overrun on top and binder coats of asphalt, and a credit on the subbase material in the amount of \$3,534.30;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby approves Change Order No. 2 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 the amount of \$3,534.30 to the base bid price of R. DeVincentis Construction, Inc.

FURTHER RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to make final payment and sign the Certificate of Substantial Completion for FEMA#1710-PW150 Holiday Brook Road Structure H4 Project Contract No. TC-2015-01 to R. DeVincentis Construction, Inc.

Resolution was seconded by Mark Mattson, all in favor, resolution declared adopted  
Supervisor added that Payment Application No. 2 for the Berg Brook Road Bridge Replacement Project, Contract No. TC-2015-02 Structure H5 to JB12 Corp is in tonight's vouchers in the amount of \$80,896.07; project is complete waiting for final paperwork from Cedarwood.

Supervisor reported that he has not heard back from Sarah Antonacci regarding the SAM Grant.

Supervisor Merrill reported that Delaware Opportunities has started on Housing Rehabilitation Projects under our NYS CDBG Project #260CRF-HR113-14 Program.

Supervisor reported that all the paperwork has been submitted for the NYSEG- Small Business Energy Efficiency Program.

Supervisor Merrill reported that we have been researching options for to track and catalogue our infrastructure; County uses Google Maps, for most of the same at less expense; it is important for us to look into and to document our infrastructure.

Supervisor reported that the notice has been posted for the expenditure of a new police car from the General Capital Reserve; we will be able to act upon the specific purchase at the second meeting in January 2016.

Supervisor Merrill reported that we have received an application for a Public Facility Permit from Katie and Sarah for the ice skating rink. Board discussed.

NO.130-2015 12/16/15 Public Facility Permit No.15-2015

Janet Champlin made the following resolution:

WHEREAS, Kathryn Mattson and Sarah Hood have applied for a Public Facility Permit to use the Highway Garage located at 15500 State Hwy 30 from November 2015 through April 2016 (i.e. the end of winter) from daylight to dusk every day, weather permitting for the installation of a temporary ice skating rink;

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No. 9-2014 to Kathryn Mattson and Sarah Hood for the use of the Highway Garage Parking lot at 15500 State Hwy 30, Downsville, NY.

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

Highway Supt. Kenneth Eck reported that we have three trucks plus the Alamo sickle bar as surplus inventory and that he would like to place these items online with Auctions International. Board discussed.

NO.131-2015 12/16/15 Surplus Inventory to Auction

Mark Mattson made the following resolution:

WHEREAS, the Town Board of the Town of Colchester has accepted the following as Surplus Inventory:

#125	1989	International Dump Truck	1HTZPGDTXKH613475
#129	2003	Ford Pickup Truck	1FTSF31L83EA93925
#145	2007	Ford Pickup Truck	1FTSX21587EA47655

Alamo Sickle Bar

THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes Supervisor, Arthur M. Merrill to advertise such equipment with Auctions International of 11167 Route20-A, East Aurora, New York, for an online auction being held through January 19, 2016, in the best interest of the Town.

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

Supervisor reported that we need to set the date and notice for the organizational meeting; it will be Jan. 6<sup>th</sup> at 7PM; our regular meeting will follow the organizational meeting. Board discussed.

NO.132-2015 12/16/15 Organizational Meeting

Mark Mattson made the following resolution:

RESOLVED, that pursuant to the Open Meeting Law, (Public Officers Law, Article 7) that the Town of Colchester Town Board will hold its Organizational Meeting on Wednesday, January 06, 2016 at 7:00 PM at the Town Hall, 72 Tannery Road, Downsville, New York;

BE IT FURTHER RESOLVED, that the regular meeting be held immediately following the Organizational Meeting.

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

Supervisor Merrill reported that we need to make a couple of general ledger entries to switch accounts they were paid from; the June 25, 2014 flood event was not declared and we had taken the funds from a FEMA account, therefore we need to correct this and take them out of the highway tax account. Board discussed.

NO.133-2015 12/16/15 Reallocation of Funds

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester anticipated that the June 25, 2014 flood event would be declared by FEMA; and

WHEREAS, the Town of Colchester paid for repairs to Campbell Brook Road, Campbell Mtn. Road and Horton Brook Road in the amount of \$395,636.54 for this said event in 2014 and \$116,953.82 for this said event in 2015; and

WHEREAS, the June 25, 2014 flood event was not declared by FEMA;

NOW, THEREFORE, BE IT RESOLVED that Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to reallocate funds to correct the expenditures of said flood repairs by transferring from Hwy Tax Account ending in 387 to the FEMA Account ending in 417 in the amount of \$512,590.36.

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

Supervisor reported that the Auditors last year reported that we should do something with our unexpended (surplus) funds to designate them for future use; Supervisor recommends that we establish a General Capital Reserve Account in the amount of \$500,000. Town Attorney commented that this will be subject to a permissive referendum as permitted by law as we are not specifically stating what the fund is for, just that it is for general capital reserve. Board discussed.

NO.134-2015 12/16/15 Establishment of General Capital Reserve Account

Julie Markert made the following resolution:

WHEREAS, the Town of Colchester ended the 2014 Fiscal Year with the unexpended funds in the General Account; and

WHEREAS, the Town's Auditors, Mostert, Manaznero & Scott, LLP recommends the establishment of a Capital Reserve Account;

NOW, THEREFORE, BE IT RESOLVED that Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to establish a General Capital Reserve Account in the amount of \$500,000.00, from the General Tax Account ending in 379.

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

Supervisor Merrill reported that we need to make a couple of budget amendments regarding the CHIPS funds; we budgeted \$230,000 for Highway Appropriations Improvements and \$183,000 for Highway Revenues State Aid; we have received \$34,458.79 for Extreme Winter Recovery and \$235,432.46 in CHIPS for a grand total of \$269,891.25; we spent \$285,976.15 and therefore will need to do a transfer from a highway appropriation account, when we do end of year transfers. Board discussed.

NO.135-2015 12/16/15 Budget Amendment

Janet Champlin made the following resolution:

WHEREAS, the State of New York Dept. of Transportation has given the Town of Colchester CHIPS funding in the amount of \$235,432.46 plus another \$34,458.79 for Extreme Winter Recovery;

NOW, THEREFORE, BE IT RESOLVED that Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to amend the 2014 Budget to correct a Budget error by increasing Hwy Revenue 3501.3 State Aid/CHIPS by \$86,891.25 (receipt of additional CHIPS) which will increase Hwy Appropriation 5112.2 Permanent Improvement EQ by \$39,891.25 to a total of \$269,891.25.

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

Supervisor added that we need to clean up a couple of other accounts and suggested two more amendments; we received more funds in snow removal and sale of surplus, than we budgeted for. Board discussed.

NO.136-2015 12/16/15 Budgetary Amendment

Julie Markert made the following resolution:

BE IT RESOLVED, that the Supervisor be and is hereby authorized to make any necessary budgetary amendments for the year 2015:

- \$12,648.89 from Hwy Revenue 2650.3 Sale of Surplus to Hwy General Repairs CE51104.3
- \$14,902.42 from Hwy Revenue 2300.3 Trans Services to Hwy Gen Repairs CE51104.3

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

Supervisor Merrill reported that since we meet early in January, we will have an abstract for 2015 and one for 2016; we can then make the budget transfers once the 2015 vouchers have been paid; auditors have approved this plan.

Supervisor suggested that the Board Members see the Town Clerk to review the Policy and Procedures Book sometime before the Organizational Meeting; you will need to sign off that you have read them.

Supervisor Merrill made the following announcements:

- Town Clerk's Office Closed Thursday & Friday, December 24<sup>th</sup> & 25<sup>th</sup>
- Town Clerk's Office Closing at Noon Thurs, December 31<sup>st</sup> and Closed Fri, January 1<sup>st</sup>
- Next Regular Board Meeting & Organizational Meeting Wed., January 06, 2016 at 7PM

Supervisor Merrill also announced that the winners of the eagle statues were, Paul Burns and Peter Schuenzel.

Supervisor Merrill read and presented the following letter to retiring Councilman Gilbert Close:  
*Gilbert,*

*On behalf of the Town Board, the staff here at Town Hall, the citizens of the Town of Colchester, and myself I would like to thank you for your service and dedication to Colchester.*

*Your eight years as a Councilman is greatly appreciated. You served with honor and integrity and were always a reliable representative who could be counted on to willingly participate in all activities and responsibilities.*

*We all wish you and Sue the best in your retirement. Enjoy more time with your family and continue to think of the Town of Colchester as you always have.*

*Thank you again for your service.*

The crowd then gave Councilman Gilbert Close a Standing Ovation.

SUBMISSION OF BILL/EXPENSES: Gilbert Close made the motion, seconded by Mark Mattson, that the vouchers be approved, subject to any corrections or deletions, all in favor, motion carried. Abstract No.23-2015; Voucher No.672-703; Totaling \$155,857.91.

Town Attorney commented that he is working a Prior Notice Local Law that we will need to adopt next year.

With no further business, Mark Mattson made the motion for adjournment, seconded by Julie Markert, all in favor, motion carried. Meeting adjourned at 7:45 PM.

Respectfully Submitted:

Julie B. Townsend  
Town Clerk