

February 18, 2015

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, February 18, 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
	Janet Champlin	Councilwoman

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, Scott J. Payne- Walton Reporter, Bonnie Seegmiller, Alan Donner, Rich Pagillo and Khrystyna Yefremova.

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, February 04, 2015 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Mark Mattson, all in favor, motion carried.

Gerry Merrill, Town of Colchester Assessor Chairman explained to the Board the difference between the two types of Veterans' Exemptions: 1) Eligible Funds Exemption: Veterans who served in WWII; maximum of \$5,000; County Veterans' Association calculates exemption. 2) Alternative Tax Exemption: allows 15% for wartime veterans, 25% for combat zone veterans; School Districts have the option to offer this exemption. Town of Colchester has Eligible Funds Exemption. Chairman Merrill was asked from a Sullivan County Reporter regarding Roscoe Central School; Roscoe CS has both Sullivan County and Delaware County residents; they would like RCS to consider this exemption. Chairman Merrill will research this further. Town Attorney commented that the Town Board makes the decisions for the best interest of the town. Chairman Merrill also commented that the Town of Walton is going to do a re-value and costs estimate came in at \$200,000.

Jeff Francisco of Delaware Engineering reported that a grant application was submitted to the NYS 2014 Catskill Smart Growth Implementation Grant for the Cooks Falls Water District and a grant application was also submitted to the NYS 2014 Catskill Smart Growth Implementation Grant for the Downsville Water District. Grant applications were completed on-line and it was a not easy. Supervisor commented that we will definitely do work in Cooks Falls regardless if we get the grant; we still have \$62,000 for Cooks Falls from the DWSRF Grant.

Rich Pagillo introduced Police Applicant Khrystyna Yefremova. Miss Yefremova is from Ukraine and moved to the US when she was 12; graduated from Hunter-Tannersville CS; she will graduate from SUNY Canton in May 2015 with a major in Criminal Justice; has a Basic Police Training Certificate from the David Sullivan Police Academy; getting her FTO with the Athens Police Dept.; she lives in Hunter. Officer Pagillo commented that she would need to qualify at range and would need a gun and vest; he is looking into grants to purchase new vests. Supervisor commented that an interview was held previously and that the Board will discuss her application later and thanked her for coming tonight to introduce herself.

VISITOR COMMENTS: none

CORRESPONDENCE:

- NYSDOH- CFWD all 2014 sampling has been completed.
- NYSDOH- DWD all 2014 sampling has been completed.
- NYSERDA- Solar PV Permitting and Inspection Workshop- Feb. 27<sup>th</sup> at SUNY Delhi.

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

- Town Justice Arthur C. Edel- January 2015.
- Town Justice Edward J. DeRosia III- January 2015.

Supervisor Merrill reported that we have received a partial payment for FEMA#1710 PW123-Holiday Brook Road Resurfacing Project; we need to pay back CWC within 30 days of receiving FEMA funds; we deposited FEMA's Check on Jan. 22<sup>nd</sup>; balance of this loan is \$23,735.24 plus 508,991.49, both are due June 24, 2015. Board discussed.

NO. 20-2015 02/18/15 Partial Payment to CWC

Gilbert Close made the following resolution:

WHEREAS, on March 26, 2008, the CWC Board of Directors per Resolution No. 1307, approved an application by the Town of Colchester for a loan in an amount of up to \$2,500,000 in the form of a note or bond at 0% interest for a term of one year renewable up to four times for FEMA eligible expenses related to infrastructure repairs in the portion of the Town of Colchester that is within the West of Hudson Watershed; and

WHEREAS, on June 25, 2014, the Town of Colchester received an aggregate principal amount of \$800,000 from the CWC Bond Anticipation Notes, Series 2014A for Holiday Brook Road (No.R-5 rollover \$291,008.51 and No.R-6 new money \$508,991.49; and

WHEREAS, on January 22, 2015, the Town of Colchester received FEMA Funds in the amount of \$267,273.27 for FEMA#1710 PW123-Holiday Brook Road; and

WHEREAS, under the CWC loan agreement the Town of Colchester must repay the CWC within thirty days of receiving FEMA Funds;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes and directs, Supervisor Arthur M. Merrill to make Voucher #110 to the Catskill Watershed Corporation in the amount of \$267,273.27 for a partial payment on the CWC Bond Anticipation Notes, Series 2014A.

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

Supervisor reported that we would like to close-out the FEMA #4031-PW2238- Holiday Brook Road Bridge Replacement Project Contract No. TC-2014-01 General that was awarded to Tweedie Construction Services, Inc.; we have to formally by resolution agree to the change order; this additional asphalt pavement, and additional material installed adjacent to and on the deck to meet the requirements of the County, for a net increase of \$6,970.00 for a final contract price of \$414,203.00. Board discussed.

NO. 21-2015 02/18/15 Change Order No. 1 Contract No. TC-2014-01 General

Upon recommendation from Cedarwood Engineering Services, Janet Champlin made the following resolution:

WHEREAS, on August 20, 2014, per Resolution No. 78-2014, the Town Board of the Town of Colchester awarded the FEMA #4031-PW2238- Holiday Brook Road Bridge Replacement Project Contract No. TC-2014-01 General to Tweedie Construction Services, Inc., for the base bid contract price of \$407,233.00; and

WHEREAS, Cedarwood Engineering Services has approved and recommends Change Order No. 1 to adjust the costs to furnish and install additional asphalt pavement, and additional material installed adjacent to and on the deck to meet the requirements of the County, for a net increase of \$6,970.00 for a final contract price of \$414,203.00;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby approves Change Order No. 1 for FEMA #4031-PW2238- Holiday Brook Road Bridge Replacement Project Contract No. TC-2014-01 General and hereby authorize Supervisor Arthur M. Merrill to sign said Change Order to add \$6,970.00 to the bid price. Resolution was seconded by Mark Mattson, all in favor, resolution declared adopted.

Board continued their discussion of the FEMA #4031-PW2238- Holiday Brook Road Bridge Replacement Project Contract No. TC-2014-01 General that was awarded to Tweedie Construction Services, Inc.; Board inquired about a fine for not being done on time. Highway Supt. Eck reported that Michael O'Reilly has stated that since there was not an incentive for being done early, we cannot fine for doing late; we could have a problem with FEMA, taking money away from Tweedie. Supervisor commented that the project is now complete and we have made all of our payments to Tweedie (\$414,203) and to Cedarwood (\$64,700), now we can submit to FEMA for reimbursement.

Supervisor Merrill reported that he spoke to Thomas Buchholz the other day regarding the position of Water Plant Operator for the Cooks Falls Water District; he is certified and was the WPO for CFWD many years ago; he is interested in the position again. Supervisor commented that we need to get the committee together and discuss our options.

Supervisor reported that the 2015 Freightliner has arrived and is in use. Board questioned the voucher for a new plow wing. Highway Supt. Eck replied that the wing was not ordered at the time of the truck, because he believed that he had one to put on the new truck, had to use it on another truck we already had; therefore he went off state bid pricing and picked up a new one from Tracey Road Equipment.

Supervisor Merrill reported that Cedarwood Engineering has submitted a contract for the Replacement Salt Storage Shed Project; contract includes scope of engineering for design, bidding and awarding, and engineering during construction review; 10 sets of bid with 2 bid packages (concrete work & roofing) at cost of \$5,500; if we wanted to do 1 bid package it would be \$1,250 less; in-house can do prep work and possibly put the roof on; we have a \$50,000 grant award; it will not cover all of the project; Supervisor has estimated the project to be \$65,000-70,000; the Town would need to come up with approximately \$20,000. Board discussed.  
NO. 22-2015 02/18/15 Cedarwood Engineering Contract-Replacement Salt Storage Shed  
Mark Mattson made the following resolution:

WHEREAS, the Town Board has deemed it necessary and in the best interest of the Town to re-locate its' Salt Storage Building to the site of the new highway garage; and

WHEREAS, the Town of Colchester has been approved by the State to receive a State and Municipal Facilities Program ("SAM") Grant in the amount of \$50,000 to help defray the cost of said project; and

WHEREAS, the Town of Colchester will require professional engineering services for said project;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to execute an Engineering Agreement for the Replacement Salt Storage Building Project to enter into Contract with Cedarwood Engineering Services PLLC in accordance with the scope of services and terms of payments. Resolution was seconded Janet Champlin, all in favor, resolution declared adopted.

Supervisor and Board reviewed the SEQR that was prepared by Cedarwood for the Replacement Salt Storage Shed Project; Supervisor read the Project File Letter that gave information about the Project Description, SEQR Review and Determination.

Gilbert Close made the following resolution:

WHEREAS, the Town of Colchester, as Lead Agency, has conducted a review pursuant to Article 8 (State Environmental Quality Review Act-SEQR) and in accordance with 6NYCRR Part 617 for this Unlisted Action Project, and has prepared a Short Environmental Assessment Form; and

WHEREAS, the Town's proposed project, "Replacement Salt Storage Building Project", to build a new storage building adjacent to the recently constructed highway garage building; and

WHEREAS, the project scope does not appear to have any adverse environmental impacts based upon Town determination; and

WHEREAS, the Town needs to render a SEQR determination; and

WHEREAS, the Town believes that the requirements of the state environmental review process (6NYCRR Part 617) have been met;

THEREFORE, the Town Board of the Town of Colchester hereby resolves that, to the best of their knowledge:

1. The requirements of 6NYCRR Part 617.11 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating conditions to the decision those mitigating measures that were identified as practicable; and
3. (if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19NYCRR Part 600.5, this action will achieve balance between the protection of the environment and the need to accommodate social and economic considerations; and
4. The project will not result in any large or important impact(s) and therefore, is one which will not have a significant impact on the environment, and therefore a negative declaration is hereby declared.

Resolution seconded by Mark Mattson.

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, 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 reported that the Roxbury Arts Group Grants Concert Series was denied.

Town Attorney commented that he will forward a few cell phone policies to the Supervisor.

Supervisor reported that the 2014 Catskill Smart Growth Implementation Grant Application for the Colchester Recreational/Fitness Trail did not get submitted; application was on-line and having a difficult time submitting before deadline.

Board discussed the proposal of purchasing two rolling jacks for the highway garage; the jacks would go along with our lift; they should have been ordered when the garage was built. Board tabled the proposal. Supervisor suggested that the Board visit the highway garage.

Supervisor reported that the Community Bank Credit Cards have arrived and are locked up; credit card agreements have been signed.

Supervisor Merrill reported that the Planning Board computer that is also used by the Code Enforcement Officer for internet (dig safely) has died; Planning Board Chair, Bonnie Seegmiller received a quote from The Frame Shop and Computer Doctor in Walton for a Dell Optiplex 755 mid-sized tower with Microsoft Windows 7 Operating System and all programs needed for \$300.

Supervisor advised the Board that he made a decision to pay a VerNooy's Automotive claim instead of submitting to our insurance company; one of our highway trucks was backed into a parked car; the estimate for repairs of the parked car were \$985, we have a \$500 deductible, so it made more sense not to submit. Town Attorney suggested having the owner of the parked car sign a release. Board discussed further.

Supervisor Merrill reported that he attended a Community Building/Complete Streets Conference the other day in Walton; there were other community members present also; he will present more info to the Board in the future.

Supervisor reported that the Highway Supt. would like to hire two CDL Drivers to help out with winter plowing; days come up that drivers are sick or have appointments and we need to keep the roads clear of snow and ice. Board discussed.

NO. 24-2015 02/18/15 Hire Call-in Temporary Highway

Julie Markert made the following resolution:

BE IT RESOLVED, that the Superintendent of Highways for the Town of Colchester, be authorized to employ on a call-in basis, Donald J. Ryan and Timothy R. Wilbur as Part-Time Highway Employees at an hourly rate of \$12.65 per hour with no benefits, effective immediately for the duration of the 2015 winter season.

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

Board held discussion of snow removal and budget; Supervisor reported that we have spent 41% of Snow Removal Personal Services so far this year.

Supervisor commented that he has received several request for funds from: Delaware County Historical Association; Colchester Chamber of Commerce; Delaware County Senior Citizens; and Delaware County Fair 5K Run. Board discussed. Supervisor will submit vouchers at next Board Meeting.

Supervisor Merrill made the following announcements:

Next Board Meeting-Wed., March 04, 2015 at 7:00 PM.

Planning Board Meeting for 02-19-2015 has been canceled.

Supervisor Merrill commented that we have met Khrystyna Yefremova; would the Board like to hire her as a part-time officer? Board discussed.

NO. 25-2015 02/18/15 Appoint Part-time Police Officer

Mark Mattson made the following resolution:

WHEREAS, the Town Board of the Town of Colchester recognizes the need of continuing its Police Dept. for the safety and welfare of its residents; and

WHEREAS, the Town Board of the Town of Colchester recognizes the need of Part-time Police Officers for the future of the Police Dept.; and

WHEREAS, the Town of Colchester had advertised for certified part-time police officers and an interview was held with the Police Committee;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby appoints the following certified officer, Khrystyna Yefremova of Hunter, NY 12442, as a Town of Colchester Part-time Police Officer upon completion of all necessary forms at the pay rate of \$20.00 per hour with no benefits.

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

SUBMISSION OF BILL/EXPENSES: Gilbert Close 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.04-2015; Voucher No.84-111; Totaling \$694,384.61.

Gilbert Close made the motion to go into executive session upon recommendation of the Supervisor to discuss Personnel and litigation issues, seconded by Julie Markert, all in favor, motion carried. Board entered executive session at 9:09 PM. Town Attorney and Highway Supt. were invited to stay. Board held discussion. Janet Champlin made the motion to enter back into regular session, seconded by Gilbert Close, all in favor, motion carried. Board entered regular session at 9:37 PM. Board made no decision forthcoming.

With no further business, Mark Mattson made the motion for adjournment, seconded by Gilbert Close, all in favor, motion carried. Meeting adjourned at 9:37 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk