

December 06, 2017

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on Wednesday, December 06, 2017 in the Town Hall for the purpose of hearing the public's comments on the approval between Time Warner Cable Northeast LLC and the Town of Colchester regarding granting a cable television franchise agreement. Proof of Notice having been read by the Town Clerk, the Public Hearing was called to order by Supervisor Arthur M. Merrill.

No one spoke in favor of the Time Warner Cable television franchise agreement.

No one spoke against of the Time Warner Cable television franchise agreement.

All persons desiring to be heard, having been heard, the Public Hearing was declared closed by Supervisor Merrill at 7:04PM.

Respectfully Submitted:  
Julie B. Townsend, Town Clerk

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December 06, 2017

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, December 06, 2017 immediately following the Public Hearing at 7:04 PM at the Town Hall.

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

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Jeff Francisco-Del. Eng., Lillian Browne-The Reporter, Bonnie Seegmiller, Joan Homovich, Alan Donner and Jim Shields.

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, November 15, 2017 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Julie Markert, all in favor, motion carried.

GUESTS: Jeff Francisco of Delaware Engineering reported that Louis Banker will be done in two weeks on Contract #TC1-G-2015 the Cooks Falls Water District- DWSRF #16601 Water System Improvements Project; one hookup left to do and two tests within 48 hours need to be completed; Mr. Francisco will be going over on Monday to check the progress. Mr. Francisco reported that the plans& bid specs for the Downs ville Water District- Filtration of the DWD Spring System-DWSRF Project No.17537 will be finalized this month, then send to DOH for approval; will go out to bid early spring and construction to start in April 2018.

VISITOR COMMENTS: none.

## CORRESPONDENCE:

- University of California (Davis) - Thank you for responding to FOIL Request; they were researching information on hydraulic fracturing.
- Best Dam Race Committee- Thank you for sponsorship and support.
- NYS Homeland Security and Emergency Services- all eligible Claims for disaster assistance under FEMA 1710 have been paid; NYS has closed our claim on Sept. 19, 2017.
- NYS Homeland Security and Emergency Services- Check #05963283 in the amount of \$683.75 related to the Severe Storms and Flooding occurring in November 2006, and declared on Dec. 12, 2006, FEMA 1670. (Supervisor reported that FEMA 1670 was rolled into FEMA 1710, which was closed out 9-19-17; Colleen has been in helping Dawn with FEMA paperwork- we have sent in for overtime of the highway dept. for the last event).

Supervisor reported that Jim Shields had presented him with a newspaper article “Tappan Zecycling sends parts upstate” – steel & concrete panels that were once part of the Tappan Zee Bridge will soon find new life along sleepy country roads; some 2,000 panels are being offered at \$1.00 apiece. Supervisor has spoken with Del. Co. DPW Commissioner: a lot of difficulties with large panels, hard to refit, over size/weight trucking needs permits; may be worth it to contact them to see if they have smaller panels; we were thinking of the walking bridge. Supervisor will contact Commissioner for contact person and asked Board to think of projects.

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

- Cooks Falls Water District- November 2017- 7 customers balance due \$350.00; Receipts of \$300.00 disbursed to Supervisor. 13 Customers turned over to 2018 County Tax Bill in the amount of \$2,581.66.
- Downsville Water District- November 2017- 20 customers balance due \$1,245.70; Receipts of \$1,998.04 disbursed to Supervisor. 19 Customers turned over to 2018 County Tax Bill in the amount of \$5,201.93.
- Town Clerk- November 2017- Total disbursed \$1,649.00 of which \$1,621.00 was Town revenues.
- Planning Board- September 21, 2017 Minutes.
- Police Report- November 2017.
- Town Justice DeRosia- November 2017.
- Town Justice Edel- November 2017.

Town Attorney, Michael DeGroat presented proposed resolutions for the Board to consider regarding reserve accounts and surplus funds. Board discussed. Supervisor commented that we already have a Capital Reserve Account for General and one for Highway. Supervisor stated that he will have figures for the next meeting so we can establish a new Repair Reserve Fund for emergencies (we have \$2.2million in FEMA funds) and add funds to the General and Highway Capital Reserve Accounts, and possibly the Police Vehicle Fund; we will also need to adopt a policy regarding surplus funds at the next meeting.

Supervisor reported that he has received some information on the charging station for the Clean Energy Communities Program; this is not going to be free, it’s going to cost us money; he suggests that this gets turned over to the Revitalization Committee the first of the year.

Supervisor Merrill commented that previously we held the public hearing for the approval between Time Warner Cable Northeast LLC and the Town of Colchester regarding granting a cable television franchise agreement. Supervisor read a proposal resolution and then Board discussed.

NO.108-2017 12/06/17 Time Warner/Charter Communications Cable Franchise

The following resolution was offered by Greg Lavorgna, and seconded by Janet Champlin:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby grants a non-exclusive franchise to Time Warner Cable Northeast LLC, locally known as CHARTER COMMUNICATIONS to operate a cable system within a portion of the Town of Colchester specifically the area presently in Cooks Falls;

IT IS FURTHER RESOLVED, that the Town Supervisor of the Town of Colchester and/or the Deputy Supervisor of the Town of Colchester is authorized to execute the Franchise Agreement on behalf of the Town of Colchester in the form submitted by the Town Attorney.

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, Julie A. Markert	voting aye
Councilperson, Mark W. Mattson	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. Dated: December 06, 2017, Town of Colchester, Delaware County, New York.

Supervisor Merrill asked for a discussion on the proposed purchase of a 2018 Ford Utility Police Interceptor; Van Bortel Ford has a NYS Bid of \$36,029.80, this does not include the cost of approximately \$2,000 for a cage, radio & console and \$1,000 for installation; we have agreed to purchase a police vehicle every two years, that gives us four years per vehicle; this 2018 Ford would replace the 2014 Ford Taurus; the 2009 Chevy Suburban is going to action. Town Attorney stated that if this is coming out of surplus funds a permissive referendum is not needed; if it is coming out of the Police Reserve Account, then a notice must be given subject to a permissive referendum; the public has 30 days from date of notice to file a petition with Town Clerk. Board discussed further and agreed to purchase police vehicle out of surplus funds.

NO.109-2017 12/06/17 Purchase 2018 Ford Utility Police Interceptor

Mark Mattson made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the State Contract Onondaga Bid#8771-2018 of Van Bortel Ford Inc., 71 Marsh Road, East Rochester, New York for 1 (one) 2018 Ford Utility Police Interceptor AWD Police Package (3.7L V-6 Ti-VCT Engine) Shadow Black in color for the price of \$36,029.80;

FURTHER RESOVED that said police vehicle will be purchased with surplus funds.

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

Supervisor reported that there is \$8,834.00 remaining in the Cemetery Equipment line of the budget; Supervisor presented three quotes for a new riding mower:

Delaware Sport Center	2018 John Deere Zero Turn	\$7,500.00
Mullally Tractor Sales	2018 SCAG Tiger Cat II	\$7,750.00
White's Farm Supply	2018 SCAG Tiger Cat II	\$7,750.00

Cemetery Supervisor JR MacDonald suggests purchasing the SCAG from Mullally Tractor Sales due to their service/maintenance department and sales representative. Board discussed.

NO.110-2017 12/06/17 Purchase 2018 SCAG Tiger Cat II Mower

Greg Lavorgna made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the quote of Mullally Tractor Sales, Inc. of 4510 State Route 52, Jeffersonville, New York for 1 (one) 2018 SCAG Tiger Cat II Mower for the price of \$7,750.00.

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

Councilwoman Markert inquired about the flag pole at the top of Paige Cemetery. Board discussed. Jim Shields and Kenny Eck volunteered as a committee to review the issue and present a plan for next spring.

Supervisor Merrill reported that New York State has begun to implement a new, recently legislated, benefit "Paid Family Leave"; Private-sector employers are required to offer this leave; Public-sector employers are not required to offer this leave; the County has opted not to offer this. Board discussed. Board agreed not to offer "Paid Family Leave"; notification will be sent to all employees.

NO.111-2017 12/06/17 Opt Out of Paid Family Leave

Julie Markert made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby elects not to provide the Paid Family Leave benefit to its officials and employees.

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

Town Attorney has looked into the issue of parked cars in the Town's right-of-way; he will research further.

Supervisor reported that Ron MacDonald has recently received a Certificate of Completion for Chlorinator System Maintenance, a 10-hour on-line course for his Water Operator Certification Renewal.

Supervisor Merrill read a Letter of Resignation from Matthew Davis as a Town of Colchester Police Officer; his last day of work was November 30<sup>th</sup>. Board discussed.

NO.112-2017 12/06/17 Accept Letter of Resignation Matthew Davis

Mark Mattson made the following resolution:

WHEREAS, on December 05, 2017 a letter of resignation was presented to Supervisor Arthur M. Merrill from Matthew Davis as Police Officer;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts said Letter of Resignation from Matthew Davis as a Town of Colchester Police Officer effective November 30, 2017;

FURTHER RESOLVED that the Town Board hereby thanks Matthew for his service to the township and wishes him well in future endeavors.

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

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., December 20<sup>th</sup> at 7PM
- Town Clerk's Office Closed Mon. Dec. 25<sup>th</sup> and Tues. Dec. 26<sup>th</sup>

Councilwoman Champlin questioned the voucher for Senior Meals? Do we utilize this service? Supervisor replied that some meals are delivered and it can be a good social gathering. Councilwoman Markert inquired about the voucher for truck box warranty? Highway Supt explained that Tracey Road and Everest paid over one-half of the cost. Board asked if reflective jackets are ordered each year? Highway Supt replied that six small jackets were ordered for the new men hired.

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.22-2017 Voucher No599-636.; Totaling \$171,329.83.

Mark Mattson made the motion to go into executive session to discuss highway negotiations, seconded by Greg Lavorgna, all in favor, motion carried. Hwy Supt Eck was invited to stay. Board entered executive session at 8:45 PM. Board held discussion. Mark Mattson made the motion to enter back into regular session, seconded by Greg Lavorgna, all in favor, motion carried. Board entered regular session at 9:22 PM. Board made no decision forthcoming.

With no further business, Janet Champlin made the motion for adjournment, seconded by Julie Markert, all in favor, motion carried. Meeting adjourned at 9:22 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk