

May 01, 2019

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, May 01, 2019 at 7:00 PM at the Town Hall.

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

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Jeff Francisco-Delaware Engineering, Bonnie Seegmiller, Joan Homovich and Vicky Klukkert-The Reporter.

The Meeting was called to order by Supervisor Arthur M. Merrill and led the group in the Pledge of Allegiance.

The minutes of the Public Hearing, April 17, 2019 had been distributed earlier. Mark Mattson made the motion to accept the minutes as written, seconded by Greg Lavorgna, all in favor, motion carried. The minutes of the last regular meeting, April 17, 2019 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Mark Mattson, all in favor, motion carried.

VISITOR COMMENTS: Joan Homovich asked about the plans for the walking bridge over Downs Brook and the plans for the Downsville Park Paddle Trail Waterfront Park Development Project. Supervisor replied that a copy was left with the Town Clerk for the walking bridge; the other is on his computer and there are 35 pages, no hard copy. Ms. Homovich inquired about the police building; will there be a vote on this? Supervisor replied that we approved getting bids; once the bids come in we will hold a public hearing and then adopt a resolution subject to a permissive referendum; we have \$750,000 in the General Capital Reserve Fund; we estimate the total project to be under \$200,000. Ms. Homovich asked how many part-time police officers we have. Supervisor replied that we have 2 full-time and 6 part-time who work approximately 20 hours a week. Police vehicles and budget was discussed.

CORRESPONDENCE:

- Catskill Watershed Corporation Annual Report 2018.
- R.J.Auslander for Animal Rescue Station, Inc. - Forgive both water bills due to the CFWD and refund amount charges to property taxes for the years of 2017 and 2018. This was turned over to the Town Attorney: those who have connections are required to pay water bills.
- NYSEG (email)-They are in receipt of our contract to turn into LED Streetlights.

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

- Cooks Falls Water District- April 2019- 35 customers balance due \$2,470; Receipts of \$2,615.01 disbursed to Supervisor.
- Downsville Water District- April 2019- 81 customers balance due \$8,102.80; Receipts of \$24,057.04 disbursed to Supervisor.
- Town Clerk- April 2019- Total disbursed \$1,666 of which \$1,625 was Town revenues.
- Police- April 2019 Activity Report.
- Planning Board- February 21 and March 21, 2019 Minutes.

Jeff Francisco of Delaware Engineering reported that he had spoken to contractors and we can't get the project costs down, therefore he is recommending that we reject all bids for the

Downsville Water System Improvement Project Contract #TC1-G-2019. Board discussed. It was suggested to look into more grant money.

NO. 47-2019 05/01/19 Reject All Bids for Downsville Water System Improvement Project Contract #TC1-G-2019

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester had advertised for bids for the Downsville Water System Improvement Project Contract #TC1-G-2019; and

WHEREAS, five bids were received and opened on April 10, 2019; and

WHEREAS, the Town Board had reserved the right to reject any and all bids; and

WHEREAS, all bids came in far above the estimated cost of project; and

WHEREAS, the Downsville Water District does not have sufficient funds to cover the lowest bid amount;

THEREFORE, BE IT RESOLVED that in the best interest of the Downsville Water District, the Colchester Town Board hereby rejects all bids for the Downsville Water System Improvement Project Contract #TC1-G-2019.

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

Supervisor reported that Paul Rider has started working on the Cooks Falls Highway Garage Project and there is a voucher in tonight for expenses.

Supervisor Merrill reported that he met with Mike of Principle Design & Engineering to review the Downsville Paddle Park Project; Supervisor read PD&E's proposal. Board discussed.

NO. 48-2019 05/01/19 Design Services Contract with Principle Design & Engineering

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester will require professional engineering and design services for the Downsville Paddle Park Project including designs for a new park with boat dock, picnic pavilion and storage building along with bid documentation;

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 mentioned project and to enter into Contract with Principle Design & Engineering, PLLC, Norwich, New York in accordance with the scope of services and not to exceed \$10,000 in costs. Resolution was seconded by Mark Mattson, all in favor, resolution declared adopted.

Supervisor added that last week, he and Pio Deroda met with CEO Zampolin, Soil & Water and DEC to talk and review the project and permits; we would like to drive straight back to build a boat ramp, so trailers can be backed into the space and build a dock that goes over the water and also be able to fish from the dock; build a pavilion and have the ice skating rink there in the winter and also have a building for storage. Town Attorney asked if NYCDEP had any riparian rights. Supervisor will look into this with DEC and Soil & Water.

Highway Supt Eck presented a NYSGOS Mini-Bid for a 2019 Ford F-150 XLT R/C Pickup Truck. Board reviewed and authorized the purchase.

NO. 49-2019 05/01/19 2019 Ford F-150 XLT R/C Pickup Truck

Janet Champlin 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 NYSGOS Mini-Bid #19040063 Award22898 of VanBortel Ford, Inc. of 71 Marsh Road, East Rochester, NY 14445 for a 2019 Ford F-150 XLT Regular Cab Pickup Truck;

FURTHER RESOLVED that the Town Board of the Town of Colchester hereby authorizes the purchase of one 2019 Ford F-150 XLT R/C Pickup Truck from VanBortel Ford, Inc. for the price of \$26,612.92.

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

Supervisor Merrill opened up for discussion on the local law to change from an Elected Board of Assessors to an Appointed Sole Assessor. Town Attorney suggested that we do a short environmental review for this local law. Town Attorney read the SEQR Review stating there were mostly no in comments and having no significant effect. Board discussed.

NO. 50-2019 05/01/19 SEQR Review – Negative Declaration

Greg Lavorgna 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 held a public information meeting on September 05, 2018 regarding the project at which time no comments were received; 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 was 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, Gregory L. Lavorgna	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.

NO. 51-2019 05/01/19 Adopt Local Law 1 of the Year 2019

Janet Champlin made the following resolution:

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Colchester for a public hearing to be held by said Governing Body on April 17, 2019 at 7:10 PM at the Town Hall, 72 Tannery Road, Downsville, New York 13755 to hear all interested parties on a proposed Local Law entitled A Local Law to Change From Elected Board of Assessors to a Single Appointed Assessor for the Town of Colchester, Delaware County, New York; and

WHEREAS, notice of said public hearing was duly advertised in The Reporter, the official newspaper of said Town, on April 3rd & 10th, 2019, and

WHEREAS, said public hearing was duly held on April 17, 2019 at 7:10 PM at the Town Hall, 72 Tannery Road, Downsville, New York 13755 and all parties in attendance were

permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that the adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Colchester, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby adopts said Local Law Number 1 of the Year 2019 entitled A Local Law to Change From Elected Board of Assessors to a Single Appointed Assessor for the Town of Colchester, Delaware County, New York, a copy of which is attached hereto and made a part of this resolution;

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Colchester and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Resolution was 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, Gregory L. Lavorgna	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.

TOWN OF COLCHESTER LOCAL LAW NO.1 OF THE YEAR 2019

A LOCAL LAW CHANGING FROM ELECTED BOARD OF ASSESSORS TO SINGLE APPOINTED ASSESSOR FOR THE TOWN OF COLCHESTER, DELAWARE COUNTY, NEW YORK

Be it enacted by the Town Board of the Town of Colchester, in the County of Delaware, as follows:

Section 1. Intent, Authority

The purpose of this Local Law is to permit the Town of Colchester, New York, to change from an elected Board of Assessors to a single appointed Assessor. It is adopted pursuant to New York Real Property Tax Law Section 328 and New York Municipal Home Rule Law Section 10.

Section 2. Termination of Terms of Current Assessors

The terms of office for the present elected Assessors for the Town shall terminate on December 31, 2019, and from and after that date shall be one appointed Assessor for the Town.

Section 3. Appointment and Term of Office of Appointed Assessor

The single appointed Assessor shall be appointed by the Town Board. The term of office for the initial appointed Assessor shall be for the period of January 01, 2020 through September 30, 2020 in order to coordinate with the terms of Assessors set forth in Section 310 of the Real Property Tax Law. Commencing October 01, 2020, the term for the appointed Assessor shall be six (6) years, commencing October 1st and terminating September 30th, as set forth in Section 310 of the Real Property Tax Law.

Section 4. Severability

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 5. Repealer; Supersession

All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

Section 6. Referendum Clause

This Local Law shall not be subject to mandatory or permissive referendum.

Section 7. Inconsistency

All other Local Laws and Ordinances of the Town of Colchester that are inconsistent with the provisions of this Local Law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other Local Laws or Ordinances regulating and governing the subject matter covered by this Local Law.

Section 8. Savings Clause

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective Date

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State as provided by law.

Board discussed the salary for the Sole Appointed Assessor. Supervisor commented that he has seen salaries from \$20,000 to \$50,000; total number of parcels should be considered; we may have more parcels or less than other towns; we have \$22,500 budgeted for 2019 for the three Assessors; Board agreed to start out with \$25,000; may have to negotiate. Town Attorney stated that we should advertise for the position. Supervisor suggested that we should request at least once a month for office hours.

NO. 52-2019 05/01/19 Advertise for Sole Assessor

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to advertise for the position of Sole Appointed Assessor at annual salary of \$25,000;

FURTHER RESOLVED that said initial term of the appointed Assessor shall be for the period of January 01, 2020 through September 30, 2020 in order to coordinate with the terms of Assessors set forth in Section 310 of the Real Property Tax Law; Commencing October 01, 2020, the term for the appointed Assessor shall be six (6) years, commencing October 1st and terminating September 30th, as set forth in Section 310 of the Real Property Tax Law.

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

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., May 15th at 7PM

Councilman Lavorgna commented that he and Hwy Supt Eck spoke last week concerning an incident and he wished that things could have been handled better.

SUBMISSION OF BILL/EXPENSES: Janet Champlin 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.08-2019 Voucher No.234-260; Totaling \$31,586.46.

Janet Champlin made the motion to go into executive session to discuss highway personnel issues, seconded by Greg Lavorgna, all in favor, motion carried. Town Attorney and Hwy Supt were invited to stay. Board entered executive session at 7:55 PM. Board held discussion. Julie Markert made the motion to enter back into regular session, seconded by Janet Champlin, all in favor, motion carried. Board entered regular session at 8:36 PM. Board adopted the following resolutions.

NO. 53-2019 05/01/19 Letter of Resignation from Michael Steele

Mark Mattson made the following resolution:

WHEREAS, on April 22, 2019 a Letter of Resignation was presented to Supervisor Arthur M. Merrill from Michael Steele from the Highway Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts said Letter of Resignation from Michael Steele as a Town of Colchester HEO effective immediately.

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

NO. 54-2019 05/01/19 Pay All Accumulated Days to Michael Steele

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to pay all accumulated days; sick days, vacation days, floating holidays and personal days earned to Michael Steele.

Resolution was seconded by Arthur Merrill, Greg Lavorgna-aye, Arthur Merrill-aye, Janet Champlin-no, Mark Mattson-no, Julie Markert-no, resolution declared defeated.

NO. 55-2019 05/01/19 Paid Days to Michael Steele

Janet Champlin made the following resolution:

WHEREAS, the Town Board has accepted a Letter of Resignation from Michael Steele from the Highway Department; and

WHEREAS, Resolution NO. 03-2019 dated 01/02/19, titled 2019 Blanket Resolution states "that Upon retirement, after twenty years (20 yr.) of continuous service, retiree may be paid in full for accumulated sick days, up to one hundred forty-four days (144 days) at current rate at time of retirement";

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to pay Michael Steele his vacation days, floating holidays and personal days earned to April 22, 2019; but not his sick days as he did not retire.

Resolution was seconded by Mark Mattson, Greg Lavorgna-aye, Arthur Merrill-aye, Janet Champlin-aye, Mark Mattson-aye, Julie Markert-no, resolution declared adopted.

With no further business, Mark Mattson made the motion for adjournment, seconded by Janet Champlin, all in favor, motion carried. Meeting adjourned at 8:39 PM.

Respectfully Submitted:

Julie B. Townsend
Town Clerk