

September 04, 2019

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, September 04, 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, Vicky Klukkert-The Reporter, Jeff Francisco-Delaware Engineering, Bonnie Seegmiller, Joan Homovich, Alan Donner and Officer Cawley.

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, August 21, 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.

GUESTS: Jeff Francisco of Delaware Engineering reported that he received confirmation that we can get an increase in our DWSRF Loan; may need a new Bond Resolution; we are in the process of scheduling a conference call with all interested parties; checking with low bidder of the Downsville Water System Improvement Project DWSRF #17537: Contract #TC1-G-2019 if they will still honor their bid; if everything goes as planned we could start construction this year.

VISITOR COMMENTS: Joan Homovich inquired if the EIS for the Park Project is posted. Supervisor replied no. Ms. Homovich asked if FEMA approved the bridge; she saw the FEMA Approved sign in Shinhopple. Supervisor replied that there is no such thing, the property owner put up the sign. Ms. Homovich inquired if the meetings of the Revitalization Committee would be posted for public to attend. Supervisor replied probably.

CORRESPONDENCE:

- Del. Co. Dept. of Watershed Affairs- Report as of July 2019 Lands Acquired by NY City.

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

- Cooks Falls Water District- August 2019- 20 customers balance due \$2,555.00; Receipts of \$874.00 disbursed to Supervisor.
- Downsville Water District- August 2019- 38 customers balance due \$6,236.57; Receipts of \$2,897.12 disbursed to Supervisor.
- Town Clerk- August 2019- Total disbursed \$3,495.02 of which \$3,444.02 was Town revenues.
- Police- August 2019 Activity Report.
- Pool-Swim Lesson Roster 2019; 127 signed up/117 actually attended.
- Town Justice DeRosia- August 2019.

Supervisor Merrill reported that we need to make a request for funds for the Downsville Water District Improvement Project, DWSRF D0-17537 in the amount of \$4,231.31. Board discussed.

NO. 96-2019 09/04/19 DWSRF 17537 Requisition No. 4

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester had applied for funding for the Downsville Water District Improvement Project, D0-17537; and

WHEREAS, the NYS Environmental Facilities Corporation has approved the aforementioned application; and

WHEREAS, the Town may now request disbursements for project costs; and

WHEREAS, such funds will be automatically deposited in the project account,

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes the Town Supervisor to sign and submit such paperwork as is necessary to receive said funds in the amount of \$4,231.31 for Requisition No.4.

Resolution was seconded by Greg Lavorgna.

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 the trusses are being installed in the addition of the Cooks Falls Highway Garage; there was a problem of bees there.

Supervisor Merrill reported that there is a voucher in tonight for the Gregory Hollow Road Stream Crossing Project (Tiffany Hollow Culvert) from DOIG Excavating, Inc., we will be requesting the funds from the Dept. of the Interior for reimbursement.

Highway Supt Kenneth Eck reported that bids are due Sept. 11th for the 4x4 Pickup Truck.

Highway Supt Eck reported that it will cost more than \$20,000 for a new motor for truck #116, a 2012 Ram 5500; he recommends to replace the injectors, approximately \$11,000.

Supervisor is looking at the 2020 Budget and would like to know what other pool repairs are needed or wished for. Committee recommends: need hot water tank (Councilman Lavorgna can get one); lettering on pool; finish drains; pool vacuum; concrete under pavilions and drop the ceilings (Highway Dept. will do); new gate doors; and paint the bathhouse floors gray and not gray and make not slippery.

Supervisor added that if anyone has a special project or additional costs for next year, they need to see him for budget information.

Supervisor Merrill reported that the new mandated Sexual Harassment Prevention Training video has been downloaded to his and the Town Clerk's computers; we need to get the word out to all employees; Supervisor was hoping the County would get it on the County Website so anyone could review it.

Highway Supt Eck reported that GeoStabilization International (GSI) has stated that soil nails would not provide an effective repair at the site of Horse Brook Road; we have put in rocks and they sink; there are two part-time residents on the road; we will continue to do our best in repairing this road.

Highway Supt Eck reported that GeoStabilization International (GSI) has presented a Roadway Stabilization Proposal for Campbell Mtn. Road at the project cost of \$124,472.00 with a five year warranty; they could start end of September/beginning of October. Board discussed.

NO. 97-2019 09/04/19 GSI Contract for Campbell Mtn. Road

Janet Champlin made the following resolution:

WHEREAS, on July 17, 2019 the Town Board of the Town of Colchester accepted the extended Delaware County DPW Bid No.31-18 Soil Nails Proposal of GeoStabilization International; and

WHEREAS, GeoStabilization International has presented a proposal for Roadway Stabilization on Campbell Mountain Road at the project cost of \$124,472.00

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the Roadway Stabilization Proposal of GeoStabilization International and hereby authorizes Highway Supt. Kenneth Eck to enter into contract with GeoStabilization International of 4475 E 74th Ave., Commerce City, CO for FEMA DR#4397 Campbell Mtn. Road at the project cost of \$124,472.00.

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

Highway Supt Eck asked that a State of Emergency be called for Campbell Mtn. Road.

NO. 98-2019 09/04/19 State of Emergency Proclamation for Campbell Mtn. Road

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 sign a State of Emergency Proclamation for Campbell Mtn. Road.

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

Supervisor Merrill reported that a list of surplus inventory has been submitted and the Highway Supt Eck would like to advertise such equipment with Auctions International at an online auction. Board discussed.

NO. 99-2019 09/04/19 Surplus Inventory to Auction

Greg Lavorgna made the following resolution:

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

Model #CB-2500 Clean Burn Waste Oil Furnace
NAPA 7.5hp Two Stage Air Compressor
Model P-50 ARCAN 50ton HD Press
2ton Chain Hoist with I Beam Trolley
Model DP282 2" Douglas Trash Pump

(1) B4-20TE-36SB 36" PPI Roller
(3) 3504-40.5 36" PPI Rollers
Assorted Belts for Koleman Screening Plant
Truck Mount Crane
Mack Spring #62-1287 and assorted others
New Boss Plow Frame (part#LTA03654C)
326'x6' Chain Link Fence and 25" Gate
Police Canine vehicle barrier

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 Fall 2019, in the best interest of the Town.

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

Supervisor Merrill reported that CEO Thomas Zampolin has requested quotes for a new front door at Town Hall; we received one quote from Ace Glass Co.; a 42" medium style door and 2 sidelites with full glass for a total of \$5,259.80; CEO Zampolin suggests an additional \$200.00 for glass and insulated panels on the bottom. Board discussed.

NO.100-2019 09/04/19 Accept Quote of Ace Glass Co.

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the Quote dated 9/4/2019 from Ace Glass Co. for one New Entrance to Town Hall: the removal of existing door and installation of a 42" medium style door and 2 sidelites with glass and insulated panels for a total of \$5,459.80.

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

Supervisor Merrill reported that we have been replacing some of the lights at Town Hall over the past couple of years; we have recently ordered new lights to complete the replacement project at Town Hall.

Supervisor reported that he received a phone call today from a contractor, who was looking for a place to mobilize their equipment for the NYS Route 30 Project; they plan to bring in equipment next week; they will start grinding the road; Highway Dept. will take any extra millings.

Highway Supt. Kenneth Eck reported that we have received an estimate from Tracey Road Equipment to paint the dump body/box of the 2015 Freightliner; this truck was used on Cat Hollow and will go to Cooks Falls once we receive the new Freightliner. Board discussed.

NO.101-2019 09/04/19 Estimate of Tracey Road Equipment

Julie Markert made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts the Estimate Reference #028730000766 dated 9/3/2019 of Tracey Road Equipment to paint the dump body/box of the 2015 Freightliner VIN:1FVHG3DV0FHGN4827 for a cost not to exceed \$10,000.00.

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

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., Sept. 18th at 7PM

Councilwoman Markert inquired how the recent burial went, now that employees have changed. Supervisor replied fine and reported that HEO Dan Bennett helped out.

Board held discussion on a sign for Cooks Falls Court and our LED sign at the end of town.

Town Attorney Michael DeGroat gave an update on the litigation of the petition received on the permissive referendum regarding police building and the Supervisor's challenge of their petition: Court decided that the petition was premature and the motion was denied, making the petition invalidated; the Board did nothing at the time to warrant a permissive referendum; the petition was premature; it is behind us now; Town Attorney stated that he had about forty hours on this. Supervisor thanked Town Attorney DeGroat for all of his hard work.

Joan Homovich asked if a pipeline was going through Downsville; she had heard this on Channel 12 News. Supervisor commented that he was not aware of this.

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.16-2019 Voucher No.489-515; Totaling \$97,031.76.

Julie Markert made the motion to go into executive session to discuss Police personnel, Highway personnel and contract negotiations, seconded by Greg Lavorgna, all in favor, motion carried. Board entered executive session at 8:05PM. Town Attorney, Town Clerk and Hwy Supt were 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 8:36PM. Board held discussion and made the following two resolutions.

NO.102-2019 09/04/19 Hire Ian H. Osonitsch as HEO1

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby hires Ian H. Osonitsch of 50 Hunter Lane, Delancey, New York as a HEO1 provisional for one year, at a pay rate of \$17.55 per hour with benefits, effective October 09, 2019, assignments and duties at the discretion of the Highway Superintendent;

FURTHER RESOLVED, that Ian H. Osonitsch will have the anniversary date of the first day of January 2020.

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

NO.103-2019 09/04/19 Appoint D. Joseph Gifford as Sole Assessor

Janet Champlin made the following resolution:

WHEREAS, on May 01, 2019 the Town Board of the Town of Colchester adopted Local Law No. 1-2019; and

WHEREAS, the purpose of said 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; and

WHEREAS, NYS Department of Taxation and Finance mandates the term of office for Appointed Sole Assessor, a six year term beginning October 01, 2019 to September 30, 2025;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby appoints D. Joseph Gifford as Assessor Assistant for the term beginning October 01, 2019 to December 31, 2019;

BE IT FURTHER RESOLVED that the Town Board of the Town of Colchester hereby appoints D. Joseph Gifford as Sole Appointed Assessor for the term beginning January 01, 2020 to September 30, 2025 with a starting salary of \$25,000.00 annually.

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

With no further business, Janet Champlin made the motion for adjournment, seconded by Mark Mattson, all in favor, motion carried. Meeting adjourned at 8:40 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk