

July 15, 2020

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, July 15, 2020 at 7:00 PM at the Town Hall.

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

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Alan Donner, Upper Delaware Realty: Chris Gross, Barry Jones & Jim Shields, DeAnna Hyche-Broadway Group (Developer), Brian Grose- Fagan Engineers & Land Surveyors, PC and Officer Cawley. ZOOM Attendees: Lillian Browne Reporter, Bonnie Seegmiller, Rob Hafele, Sterling Murphy, Jeremy Jenkusky, JVMelton, Galaxy A10e, Diane and Joanie Kownk.

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, July 01, 2020 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: Supervisor asked each guest to introduce themselves and stated that we will go into executive session to discuss negotiations. DeAnna Hyche- Broadway Group (Developer), Brian Grose- Fagan Engineers & Land Surveyors, PC, and Upper Delaware Realty: Chris Gross, Barry Jones & Jim Shields.

VISITOR COMMENTS: none.

CORRESPONDENCE:

- Del. Co. Dept. of Planning & Watershed Affairs- June 2020 NCY Land Acquisition Report for Delaware County.
- Gene & Ruth Wilhowsky- - Registered letter to Town Clerk and Hwy Supt.- Request that Colchester Township take action to address dangerous road conditions on Money Point Road by installing a guard rail; this is noted as Written Notice of Defect No. 02-2020; it has been turned over to the Hwy Supt. to investigate. Hwy Supt Eck responded to Corrective Action of No Action Taken; no hazardous or dangerous conditions exist; the roadway and shoulder are in the highway standards.

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

- Town Justice DeRosia- June 2020.
- Town Justice Edel- March-April-May-June 2020.

Supervisor Merrill reported that the Downsville Water District Improvement Project is moving along; we need to make a request for funds for the in the amount of \$6,562.22 to the NYS Environmental Facilities Corporation for DWSRF D0-17537. Board discussed.

NO.50-2020 07/15/20 DWSRF 17537 Requisition No. 2

Julie Markert 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 \$6,562.22for Requisition No.2.

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 we are still waiting for trim work to be completed at the Cooks Falls Court/Garage Project.

Supervisor Merrill reported that guide rail will be installed next week for the Tiffany Hollow NFPP Grant- Gregory Hollow Road Culvert Replacement project.

Supervisor reported that we have not heard anything new from NYCDEP regarding the Downsville Water District Contract.

Supervisor Merrill reported that some documents were signed for the NYS CDBG Project #260HR301-18 \$500,000 Housing Rehabilitation Program Project.

Supervisor reported that we have applied for the permit for the Boat Launch of the Downsville Park Paddle Trail Development Project.

Councilwoman Markert gave a report on the Town Pool: 58 applications; 93 adult wristbands and 90 children wristbands handed out as of July 14th; have had 50-60 swimmers scattered throughout the day, so have not asked anyone to leave; complaints from those who were non-resident; increase of swimmers for Cooks Falls and Horton; new procedures working well. Supervisor added that he had to send a video to Dept. of Health of the self-latching gate.

Town Clerk explained that it was time to do the Standard Work Day & Reporting Resolution for Elected & Appointed Officials; we need to add the Sole Assessor and change Hwy Supt, both had to do a new 3month calendar of hours worked. Board discussed.

NO. 51-2020 07/15/20 SWD & Reporting Resolution for Elected & Appointed Officials

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town of Colchester/Location Code 30554 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping systems records or record of activities maintained and submitted by these officials to the clerk of this body.

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs./day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
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Elected Officials

Supt. of Highways	Kenneth R. Eck Jr.	6	01/01/2020-12/31/2021	N	26.83
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Appointed Officials

Code Enforcement Officer	Thomas R. Zampolin	6	01/01/2020-12/31/2020	N	14.97
Supervisor's Bookkeeper/Account Clerk	Dawn R. D'Addezio	6	01/01/2020-12/31/2020	N	24.11
Sole Assessor	D. Joseph Gifford	6	10/01/2019-09/30/2025	N	10.56
Water Superintendent	Ronnie L. MacDonald	6	01/01/2020-12/31/2020	N	10.82

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 L. Champlin	voting aye
Councilperson, Mark W. Mattson	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, Greg 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 we have received one more application for employment as life guard. Board discussed.

NO. 52-2020 07/15/20 Appoint Kacie S. Banker as Lifeguard

Upon the recommendation of Supervisor Merrill, Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby appoints Kacie S. Banker as a Town of Colchester Lifeguard at the rate of \$11.80 per hour for the remainder of the 2020 Pool Season.

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

Councilwoman Champlin stated that the military flag marker on the grave of Leo Barnes is broken. Supervisor replied that he will mention it to the Cemetery Supervisor to investigate and then contact the American Legion.

Councilman Lavorgna stated that the Cooks Falls Court is pleased with the maintenance of the Cooks Falls Court grounds.

Councilwoman Markert stated that Back River Road looks good.

Officer Cawley reported that Police Vehicle ordering has been pushed back until September and there will be an increase of at least \$5,000; we won't get the vehicle delivered until next year.

Janet Champlin made the motion to go into executive session for negotiations of sale of property located at tax map no.358.2-5-30; 15276 State Hwy 30 (the former Eagle Hotel Lot), seconded by Mark Mattson, all in favor, motion carried. Board entered executive session at 7:18 PM. Town Attorney, Hwy Supt, Town Clerk, DeAnna Hyche- Broadway Group (Developer), Brian Grose- Fagan Engineers & Land Surveyors, PC, and Upper Delaware Realty: Chris Gross, Barry Jones & Jim Shields were invited to stay. 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 8:48 PM. Board held discussion in regular session.

Town Attorney stated that to proceed with the sale of the of property located at tax map no. 358.2-5-30; 15276 State Hwy 30 (the former Eagle Hotel Lot) under the terms of negotiations we need to name ourselves as Lead Agency; accept Part 1 of the Short Environmental Assessment Form completed by The Broadway Group, LLC; complete Part 2 of the Short Environmental Assessment Form and make a Negative Declaration; and adopt a Resolution to Sell Real Property Subject to Permissive Referendum with negotiation of the provision of site preparation including placement of fill to designated areas to compact to 6” (six inches), removal of boulders and relocate the waterline to the Town Pool. Town Attorney read and explained each document.

NO. 53-2020 07/15/19 Lead Agency for SEQR Review

Greg Lavorgna made the following resolution:

WHEREAS, the Town of Colchester proposes to proceed with the sale of the of property located at tax map no. 358.2-5-30; 15276 State Hwy 30 (the former Eagle Hotel Lot); and

WHEREAS, the buyer, Remlap Properties LLC proposes to redevelop this vacant lot into a commercial building; and

WHEREAS, the State of New York requires an environmental review of such projects,

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester does hereby designate itself as lead agency as required by the State Environmental Quality Review Act and shall by this act commence the required review;

FURTHER RESOLVED, that the Town Board of the Town of Colchester hereby accepts Part 1 of the Short Environmental Assessment Form completed by The Broadway Group, LLC.

Resolution was seconded by Julie Markert.

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.

NO. 54-2020 07/15/20 Resolution Determining that there are No Adverse Impacts on the Environment from the Sale of Property for the Purpose of Erecting a Commercial Building

Greg Lavorgna made the following resolution:

WHEREAS, Part 2- Impact Assessment of the Short Environmental Assessment Form is required; and

WHEREAS, the proposed use of the property may result in the construction of a commercial building which has the potential to increase traffic in the area as well as to increase the impact on the public water system. However, sponsor has adequate water supply and the site has adequate area to accommodate increased traffic and parking in the hamlet;

NOWTHEREFORE BE IT RESOLVED that the Town Board has determined that the Town of Colchester Sale of Property for the Purpose of Erecting a Commercial Building will not have significant adverse impacts on the environment.

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, 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.

NO. 55-2020 07/15/20 RESOLUTION TO SELL REAL PROPERTY
SUBJECT TO PERMISSIVE REFERENDUM

Julie Markert made the following resolution:

WHEREAS, the Town Board of the Town of Colchester has determined that a vacant parcel of land, owned by the Town, situate on Main Street of the Hamlet of Downsville, known as the former Eagle Hotel lot, tax map number 358.2-5-30, located at 15276 State Hwy 30, is no longer necessary for Town purposes; and

WHEREAS, the Town of Colchester entered into an Agreement with Remlap Properties LLC, or its assignee, as proposed purchaser, dated August 30, 2019 and amended October 10, 2019, allowing purchaser to conduct due diligence to determine the feasibility of purchasing the above property for the sum of One Hundred Thousand Dollars (\$100,000.00) and the provision of site preparation including placement of fill to designated areas to compact to 6" (six inches), removal of boulders and to relocate the waterline to the Town Pool; and

WHEREAS, purchaser has conducted due diligence and has determined to proceed with the purchase of the property at the agreed upon price of One Hundred Thousand Dollars (\$100,000.00);

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Supervisor to proceed to finalize and to perform the Contract to sell the parcel of property to Remlap Properties LLC, or its assignee, for the sum of One Hundred Thousand Dollars (\$100,000.00), subject to the provisions of the State Environmental Quality Review Act and any contingencies considered necessary by the Town Attorney. This Resolution shall be subject to a Permissive Referendum.

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 Merrill made the following announcements:

- Next Regular Board Meeting Wed., August 5th at 7PM

SUBMISSION OF BILL/EXPENSES: Janet Champlin 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. 14-2020 Voucher No.343-378; Totaling \$130,705.88.

With no further business, Greg Lavorgna made the motion for adjournment, seconded by Mark Mattson, all in favor, motion carried. Meeting adjourned at 9:09 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk