

October 21, 2020

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, October 21, 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., Alan Donner, Pio DeRoda and Officer Cawley. ZOOM attendees: Ron MacDonald, Bonnie Seegmiller, Whodat, Rick Shaw, Tim McCausland and Private Banking.

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, October 07, 2020 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Greg Lavorgna, all in favor, motion carried.

VISITOR COMMENTS: Bonnie Seegmiller asked if Bull Run Road would be smoothed out before winter. Supervisor commented that he was sure the Hwy Supt will take care of it.

CORRESPONDENCE:

- NYS Dept. of Ag & Markets- Dog Control Officer Inspection Report completed on 09/23/2020 was rated Satisfactory.

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

- Downsville Water District- Partial as of 10/16/2020- 124 customers balance due \$15,074.61; Receipts of \$10,093.59 disbursed to Supervisor.

Supervisor reported that Mirabito is relocating the propane tank at the DWD Filtration Plant; they had installed them too close to the building.

Supervisor Merrill reported that Delaware Opportunities has sent us another project to approve for the NYS CDBG Project #260HR301-18 Program, Housing Rehabilitation Grant; Del. Opp. has approved bid for File No.TCOL-11 to Christian Brothers Home Improvement, Inc. in the amount of \$15,000.00; the Community Development Specialist estimated the total cost of the project at \$15,144.21. Board discussed.

NO. 79-2020 10/21/20 CDBG #260HR301-18 Board Approval No. TCOL-11

Upon recommendation of Delaware Opportunities Inc., Julie Markert made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby approves File No. TCOL-11 for the CDBG Project #260HR301-18, Housing Rehabilitation Grant and hereby authorize Supervisor Arthur M. Merrill to sign said grant approval in the amount of \$15,000.00.

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

Supervisor reported that SHIPO has given approval for the boat launch for the Downsville Park Paddle Project; permit should be forthcoming.

Supervisor Merrill asked the Board Members if they had any questions regarding the 2021 tentative budget; after preparing the property tax cap calculation, we still could use 17,360 and stay under the tax cap; Supervisor suggested to lower the General Less Unexpended Balance by 8,000; this will be an increase of 43,690 which is a 1.863% increase over last year's budget and still under the tax cap. Board discussed and agreed to lower 8,000. Supervisor stated that if there are no more changes, we need to accept this as the Preliminary Budget and set the date for the Budget Hearing.

NO. 80-2020 10/21/20 Budget Public Hearing

Julie Markert made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby gives notice that the preliminary budget of the Town of Colchester, Delaware County, New York for the fiscal year beginning January 01, 2021 has been filed in the office of the Town Clerk of said Town, where it is available for inspection by any interested person during regular office hours. Further notice is hereby given that the Town Board of said Town of Colchester will meet and review said preliminary budget and hold a Public Hearing thereon at 7:00 PM on Wednesday, the 4th day of November, 2020 at the Town Hall, 72 Tannery Road, Downsville, New York and that at such hearing any person may be heard in favor or against any item therein contained. And further notice is hereby given pursuant to Section 108 of the Town Law that the following are proposed yearly salaries of the Town Officers of this Town:

Supervisor	\$22,500.00	Town Clerk	\$35,500.00
Councilman (4@)	3,485.00 each	Supt. of Highways	52,250.00
Town Justice (2@)	13,100.00 each	Tax Collector	6,950.00

And further notice is hereby given that the regular monthly meeting of the Town Board will be held immediately following the Preliminary Budget Hearing.

Resolution was seconded by Mark Mattson. Roll Call Vote: Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Mark Mattson-aye, Arthur Merrill-aye, resolution declared adopted.

Supervisor reported that the bid opening for Bid Proposal No. 1-20 Fuel was held today at 2PM; we received the following bids from one bidder:

No.2 Heating Fuel

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.3233 per gal.

Mirabito Energy Products- Firm Bid Price of \$1.8775 per gal.

Kerosene

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.3233 per gal.

Mirabito Energy Products- Firm Bid Price of \$2.1775 per gal.

Winter Blend

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.2975 per gal.

Mirabito Energy Products- Firm Bid Price of \$1.9888 per gal.

Diesel Fuel

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.2975 per gal.

Mirabito Energy Products- Firm Bid Price of \$1.8888 per gal.

Propane

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.5500 per gal.

Mirabito Energy Products- Firm Bid Price of \$1.58 per gal.

Board discussed.

NO. 81-2020 10/21/20 Award Bid Proposal No. 1-20 Fuel

Greg Lavorgna made the following resolution:

WHEREAS, the Town of Colchester had advertised for Bid Proposal No. 1-20 Fuel; and
WHEREAS, on October 21, 2020 the Town received said fuel bid from one bidder; and
WHEREAS, on October 21, 2020 the Town opened said fuel bid from the one bidder;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the bid from Mirabito Energy Products for Bid Proposal No. 1-20 Fuel at a rate of:

No.2 Heating Fuel - Firm Bid Price of \$1.8775 per gal.

Kerosene- Firm Bid Price of \$2.1775 per gal.

Winter Blend - Firm Bid Price of \$1.9888 per gal.

Diesel Fuel- Firm Bid Price of \$1.8888 per gal.

Propane - Firm Bid Price of \$1.5800 per gal.

FURTHER RESOLVED, that the Town Board hereby gives authorization to Supervisor Arthur M. Merrill to enter into contract with Mirabito Energy Products of 49 Court Street, PO Box 5306, Binghamton, New York 13902 for fuel to be delivered at various locations within the Town of Colchester.

Resolution was seconded by Janet Champlin. Roll Call Vote: Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Mark Mattson-aye, Arthur Merrill-aye, resolution declared adopted.

Supervisor reported the Town Clerk presented the past due water bills and by law we need to take a resolution to add them to the property tax bills. Town Clerk added that everyone received a notice in their October billing that if not paid by October 31st their past due account would get added to the tax bill. Board discussed.

NO. 82-2020 10/21/20 Delinquent Water Bills Added to Property Taxes

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to submit a list of all delinquent water bills of the Downsville and Cooks Falls Water Districts to the County to be added to the property owners' tax bills for 2021, if these bills are not paid by October 31, 2020.

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

Supervisor Merrill reported that Bill Reichert has asked that we complete the NYSDOT Special Use Permit Application (Perm33C) on behalf of the Downsville Christmas Parade Committee to be held on Saturday, December 14th. A Public Facility Permit is also needed. Board discussed

NO. 83-2020 10/21/20 Sponsor Christmas Parade & File Perm33c

Julie Markert made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby sponsors the Christmas Parade to be held at 4:30PM Saturday, December 12, 2020 on NY State Highway 30 and 206, Downsville, New York and hereby authorizes the Supervisor to file the NYSDOT Special Use Permit Application (Perm33c) on behalf of the Downsville Christmas Parade Committee.

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

NO. 84-2020 10/21/20 Public Facility Permit No.07-2020

Mark Mattson made the following resolution:

WHEREAS, William Reichert on behalf of the Downsville Christmas Parade Committee has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, on Saturday, December 12th from 4:30PM to 7:00PM for parking of Christmas Parade Floats after the parade has ended;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.07-2020 to the Downsville Christmas Parade Committee for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY.

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

Officer Ernest Cawley state that the quotes have come in to purchase new police vehicles; VanBortel Chevrolet has quoted \$38,291.16 for a 2021 Chevrolet Tahoe off the Onondaga Bid 8771 2021 C4WD; estimated \$5,000 for extras (console, cage, lights, lettering, etc.); and

TelrepcO has quoted \$6,032.50 for new Public Safety Laptop Computer, including docking station, mounts, keyboard, etc. and 2year extended warranty (total 5 years). Supervisor suggested that we could purchase two vehicles, one out of this year's budget and one out of the 2021 budget line and should order now as we would not get until next year and the last new police vehicle is 2018; if we do this and not use the police car fund, a permissive referendum is not needed. Board discussed. Board agreed to purchase two police vehicles with the understanding that each vehicle would not go over \$50,000 with all the extras and computer.

NO. 85-2020 10/21/20 Purchase Two 2021 Chevrolet Tahoe

Greg Lavorgna made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the State Contract Onondaga Bid#8771-2021 C4WD of VanBortel Chevrolet, 1338 W. Main Street, Macedon, New York for 2 (two) 2021 Chevrolet Tahoe 4WD Special Services Package (5.3L V-8 AFM Engine) Black in color for the price not to exceed \$40,000.00 for each vehicle;

BE IT FURTHER RESOLVED that the Town Board of the Town of Colchester hereby accepts NYS Contract 22802 Quote Order Number 0103252 of Foertsch Holdings Inc. dba TelrepcO for 2 (two) Panasonic CF-33 Tough Books Laptops for the price of \$12,065.00;

FURTHER RESOLVED that said police vehicles will be purchased with funds from the 2020 Budget Police Equipment Line and the 2021 Budget Police Equipment Line.

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, Gregory L. Lavorgna-voting aye

Councilperson, Mark W. Mattson-voting aye Councilperson, Julie A. Markert-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 need to post notice before November 1st of the Seasonal Limited Use Highways and the Winter Road & Sidewalk Maintenance Public Notice. Highway Supt. Eck stated there were no changes. Board discussed.

NO. 86-2020 10/21/20 Seasonal Limited Use Highways

Janet Champlin made the following resolution:

WHEREAS, pursuant to Section 205-a of the Highway Law which authorizes the Town Highway Superintendent annually before November 1st to designate any highway without occupied residences or commercial buildings dependent upon the road access as a "Seasonal Limited Use Highway";

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the Highway Superintendent's recommendation to designate the following Town of Colchester Highways as Seasonal Limited Use Highways:

- Dry Brook Road
- Hawks Hollow Road
- Berg Brook Road
- Horse Brook Road- from the junction of Rogers Hill Road to Morton Hill Road
- Lower Russell Brook Road- from entrance of Russell Brook Campground northeasterly to said point of abandonment, being 523 feet.
- Upper Russell Brook Road- from its intersection with Morton Hill Road southwesterly to said point of abandonment, being 4,137 feet.
- Murphy Hill Road- from 1407 Murphy Hill Road to the end.
- Baxter Mt. Road- from Rosencranse to the end.

FURTHERMORE, these highways shall be appropriately posted that snow & ice removal and maintenance may be temporarily discontinued from December 01, 2020 until April 01, 2021. Resolution was seconded by Mark Mattson, all in favor, resolution declared adopted.

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester has hereby approved the Winter Road & Sidewalk Maintenance Public Notice to be posted.

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

PUBLIC NOTICE

- It is the Town of Colchester Highway Department's goal to keep Town Highways in a passable condition during the winter months. Any obstructions located in the Town's right-of-way may hinder the ability of snow removal and storage.
- In an attempt to clear roads, drivers try to be careful not to damage any obstruction in the right-of-way; however, that is not always possible. Therefore, any damage which may be done to mailboxes and fences while the Town Highway Department is trying to maintain the roads during the winter, will no longer be repaired or replaced by the Town, but will be the owner's expense.
- Vehicles parked on the Town right-of-way are also a hindrance when trying to clear roads of snow. Attempts will be made to contact the owners of such vehicles so they can be removed. However, if the Highway Dept. is unable to reach the owner, or if the vehicle is not removed, the Town will have the vehicle towed, at the owner's expense.
- It is also a violation to plow snow across or shovel snow back into Town Highways when residents clear out their own driveways and/or sidewalks. Be it noted that violators will be prosecuted.
- Reminder to all Town of Colchester Residents, the Town has a Sidewalk Ordinance which states: Snow and ice shall be removed from sidewalks within twelve hours after the snow has stopped falling and that the sidewalk shall be continuously maintained to be kept free of snow and ice.
- Local Law No. 2-1989 states no person, firm, corporation, association or other organization shall commence the construction, enlargement, alteration, improvement of an access road or driveway from private lands to a Town Highway located in the Town of Colchester, without having applied for or obtained a Highway Access Permit from the Town Code Enforcement Officer.

Supervisor reported that we have had one application for sidewalk snow removal; we should appoint one or two individuals at our next meeting; we will have one less sidewalk this year.

Supervisor Merrill made the following announcements:

- Next Regular Meeting Wed., November 4th with Public Hearing at 7PM then meeting - Live and ZOOM.

Councilwoman Markert inquired that since we have installed new sidewalks on Lindsley and Union; maybe we should consider making that a one way street. Hwy Supt Eck replied that it would have to go through NYSDOT; he doesn't think it is necessary, we have installed heavy bluestone and installed in driveways, so residents can drive over them; we should be wrapping up this project very soon.

SUBMISSION OF BILL/EXPENSES: Julie Markert 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. 20-2020 Voucher No.551-574; Totaling \$145,184.32.

Supervisor Merrill commented that they thought the County Sales Tax was going to take a hit this year; we are over what we collected from last year; and well within the budget. Supervisor also submitted drawings for the 3 new DPW Buildings and cost estimates; a garage on the Neal

Lot (just before solid waste facility), an administrative office at the old Wickham Lot, and a garage in Bloomville; a total cost of \$25,400,000.

Julie Markert made the motion to go into executive session to discuss highway personnel issues, seconded by Janet Champlin, all in favor, motion carried. Board entered executive session at 8:02 PM. Hwy Supt was invited to stay. Board held discussion. Mark Mattson made the motion to enter back into regular session, seconded by Janet Champlin, all in favor, motion carried. Board entered regular session at 8:16 PM. Board made no decision forthcoming.

With no further business, Greg Lavorgna made the motion for adjournment, seconded by Julie Markert, all in favor, motion carried. Meeting adjourned at 8:16 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk