

January 06, 2021

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, January 06, 2021 at 7:21 PM following the Organizational Meeting at the Town Hall. Present:

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| 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., Alan Donner, Rob Hafele, Jim Shields and Officer Cawley. ZOOM Attendees- Nicholas S. Cortese, Esq. - Town Attorney, Jeff Francisco-Delaware Engineering, DWD WPO Ron MacDonald, Bonnie Seegmiller and Jeff Keiter.

The minutes of the last regular meeting, December 16, 2020 had been distributed earlier. Greg Lavorgna 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 next week Wakeman should finish the punch list that includes the radio system and other items; the Downsville Water System Improvement Project DWSRF #17537 will then be completed.

Supervisor Merrill introduced the Town Board Members to Nicholas Cortese via ZOOM; Nick Cortese has been assigned to the Town of Colchester to represent Coughlin & Gerhart, LLP.

VISITOR COMMENTS: Jim Shields congratulated Janet Champlin and her crew for an outstanding job on the senior meals program; there is an article in The Reporter today regarding this program. Mr. Shields also commented that the staff of Dollar General is stocking the shelves on Saturday and plan to open next week. Mr. Shields inquired to the status of the foot bridge. Hwy Supt Eck replied not yet.

CORRESPONDENCE:

- Association of Towns- The 2021 Training School and Annual Meeting will be held virtually, February 14-17, 2021. Info packet filed with Town Clerk.
- Town of Hamden- Resolution Authorizing Chief Executive Officer to Sign a Contract for Shared Highway Services on Behalf of the Town of Hamden.
- State Farm Insurance Agency- Claim of hydrant and guiderail.
- NYS Unified Court System- Need copy of Town Board Audit of Courts by March 1st.

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

- Police- December 2020 Activity Report.
- Town Justice Edel- December 2020.
- Planning Board- November 19, 2020 Minutes.

Supervisor Merrill reported on the DWD Filtration Plant Project: DWD is low on funds and does not have enough funds to pay for the project; since we need more funds, we would like to consider adding 125 new meters to the project; we would like to increase our loan amount by \$138,000; to do this we need to have a public hearing to amend our loan; because of time frame we must do as soon as possible and also hold a special meeting to take further action. Engineer Jeff Francisco commented that the estimate for meters seemed high. Supervisor replied that we had just purchased one complete meter & remote unit for \$440.00; we will have to bid out the

installation, depending on that bid amount, we may not be able to install 125 units. Supervisor read proposed resolution. Board discussed.

NO. 10-2021 01/06/21 RESOLUTION AND ORDER CALLING PUBLIC HEARING TO BE HELD ON JANUARY 27, 2021 REGARDING AMENDMENT OF PROJECT SCOPE AND INCREASED ESTIMATED MAXIMUM COST FOR THE WATER SYSTEM IMPROVEMENT PROJECT FOR DOWNSVILLE WATER DISTRICT, IN THE TOWN OF COLCHESTER, IN THE COUNTY OF DELAWARE, STATE OF NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW

Janet Champlin offered the following resolution:

WHEREAS, the Town Board of the Town of Colchester (herein called "Town Board" and "Town", respectively, in the County of Delaware, New York, on behalf of the Downsville Water District, in the Town (herein called "District"), after a public hearing duly called and held on February 21, 2017, and a further public hearing duly called and held on October 16, 2019, approved the improvement of facilities of the District, consisting of water system improvements as described in the Preliminary Engineering Report prepared by Delaware Engineering, P.C., engineers duly licensed by the State of New York (herein called "Engineer") dated February, 2017, as amended September 20, 2019. Such improvements include construction of a new water filtration plant for the existing spring source, and including original furnishings, equipment, machinery and apparatus required therefor at an estimated maximum cost thereof not to exceed \$495,000; and

WHEREAS, it has previously been determined by the Town Board acting as lead agency that the aforesaid purpose constitutes an unlisted action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, evaluated as a Type I action in connection with its financing application to NYS Environmental Facilities Corporation; and

WHEREAS, by its Resolution No. 62-2016 dated May 4, 2016, the Town Board as lead agency in accordance with the State Environmental Quality Review Act ("SEQRA"), adopted a negative declaration, determining that the project would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, the Engineer has completed and filed with the Town Clerk an amendment to the Engineer's report dated January 5, 2021 ("2021 Amendment") describing the need for an increase in the estimated maximum cost of the project and the proposed addition to the project scope of the acquisition and installation of approximately 125 water meters, and the Engineer has estimated the total increased maximum cost thereof not to exceed \$601,476; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A public hearing of the Town Board of the Town shall be held at the Town Hall in the Town on January 27, 2021 at 7 o'clock p.m. (Prevailing Time) to consider said increased maximum estimated cost and modified scope for the proposed improvement and modification of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.
2. The Town Clerk shall publish at least once in The Reporter, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, and post on the signboard of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a notice in substantially the form attached hereto, the first publication thereof and posting to be not less than ten (10) days or more than twenty (20) days before the date of such public hearing.
3. The Town Clerk shall forward a courtesy notice with a copy of the Engineer's 2021 Amendment to all interested and involved agencies.
4. This Resolution shall take effect immediately.

FURTHER RESOLVED, that the Town Board of the Town of Colchester will hold a Special Town Board Meeting on January 27, 2021 immediately following the Public Hearing at the Town Hall, 72 Tannery Road, Downsville for the purpose of adopting a Bond Resolution for

the increase in cost of the Downsville Water District Project and any other business brought forth to the Town Board.

Resolution was seconded by Julie Markert.

This resolution was put to a vote by roll call and resulted as follows:

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| Town Supervisor, Arthur M. Merrill | voting aye |
| Councilperson, Janet L. 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 Michael VanderWerff called today and they are moving forward with NYCDEP hooking up to the DWD System; they are going to get the project going soon.

Supervisor Merrill reported that we had requested a Budget Modification for the NYS CDBG Project #260HR301-18; Delaware Opportunities recommended that the funds left over from the mobile home be moved to housing rehabilitation; the office of NYS Homes and Community Renewal have approved this Budget Modification; we have also asked for an extension to the project until August 31, 2021.

Supervisor reported that we are still waiting for permits for the Downsville Paddle Park Project.

Supervisor Merrill reported that we tabled the discussion of speed zones on River Road and Fuller Hill/Horton Brook Road. Chris Biviano had calculated the mileage for these roads: River Road- 6970 River Road (Intersection NYS Hwy 30) to 6292 River Road (Hwy Garage) is .6 miles at 30mph; 6292 River Road to 4500 River Road (D'Addezio) is 1.6miles at 55mph; 4500 River Road to 3475 River Road (Donofrio) is 1.1miles at 30mph; 3475 River Road to the 1 River Road (Shinhopple) is 3.4miles at 55mph; a total of 6.7miles on River Road. 4141 Fuller Hill Road (Intersection River Road) to 1 Fuller Hill Road/2463 Horton Brook Road (Intersection Horton Brook Road) to 1 Horton Brook Road (Intersection County Hwy 17) is 6.5miles at 55mph. Board held discussion. Board would like to make the speed zone change to 30mph from NYS Hwy 30 to Donofrio's and change Fuller Hill Road/Horton Brook Road to 45mph. Supervisor and Highway Supt. will start the process.

Supervisor reported that there is an error in the amount for the Caterpillar 930M Wheel Loader in the amount of three hundred dollars. Highway Supt reported that we have received the new load and will look into the bill received.

Supervisor Merrill reported that we will appoint the NYS Police Reform Committee next meeting; this committee is to have general input in police policies from the community; survey to go out in February and plan must be completed by April 2021.

Supervisor reported that we need a resolution to authorize him to sign an agreement with Coughlin & Gerhart to provide legal services to the Town. Board discussed.

NO. 11-2021 01/06/21 Legal Services Agreement

Upon recommendation from the Supervisor, 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 sign the Legal Services Agreement with Coughlin & Gerhart, LLP a limited liability partnership having its offices at 99 Corporate Drive, PO Box 2039, Binghamton, New York 13902 to appoint Coughlin & Gerhart to provide legal services to the Town of Colchester at an amount of \$24,000.00 per year, payable in equal monthly installments of \$2,000.00 per month, plus disbursements.

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

Officer Cawley presented an application for employment from Morgan Seamans as a part-time police officer; she has graduated from the police academy Dec. 20, 2020, Walton PD sponsored her and she is working part-time for them; he stated that we need more part-time officers and would like a female officer for Colchester; we are down on part-time officers. Board discussed.

NO. 12-2021 01/06/21 Appoint Part-time Police Officer

Greg Lavorgna made the following resolution:

WHEREAS, the Town Board of the Town of Colchester recognizes the need of continuing its Police Dept. for the safety and welfare of its residents; and

WHEREAS, the Town Board of the Town of Colchester recognizes the need of Part-time Police Officers for the future of the Police Dept.; and

WHEREAS, the Town of Colchester has been seeking applications and has held an interview for a certified part-time police officer;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby appoints Ms. Morgan K. Seamans of 21 Wheeler Street, Deposit, New York as a Town of Colchester Part-time Police Officer effective immediately at the pay rate of \$21.00 per hour with no benefits:

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

Supervisor Merrill made the following announcements:

- Next Regular Meeting is Wed., Jan. 20th at 7PM - Live and ZOOM.
- Town Hall Offices will be Closed Monday, Jan. 18th Martin Luther King Jr. Day
- Public Hearing and Special Board Meeting on Wed., Jan. 27th at 7PM.

Supervisor commented that we must adopt the New York State Building Codes; we now are using the International Codes; Code Enforcement Officer Zampolin will present a draft local law at the next meeting; we will then have to schedule a public hearing for the local law.

Supervisor Merrill commented that the County Board of Supervisors held their Organizational Meeting today; nothing has changed for the County.

SUBMISSION OF BILL/EXPENSES: Julie Markert 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.01-2021 Voucher No.01-36; Totaling \$50,262.42.

Janet Champlin made the motion to go into executive session to discuss highway personnel issue, seconded by Julie Markert, all in favor, motion carried. Board entered executive session at 8:18 PM. Highway Supt. was 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 8:40 PM. Board made no decision forthcoming.

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

Respectfully Submitted:

Julie B. Townsend, Town Clerk