

January 27, 2021

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on Wednesday, January 27, 2021 in the Town Hall for the purpose of hearing the public's comments upon a proposal by said Town Board to modify the project scope and increase the estimated maximum cost for the improvement and modification of the facilities of Downsville Water District pursuant to Section 202-b of the Town Law as hereinafter described, at which time and place said Town Board will meet to consider such proposition and hear all persons interested in the subject thereof and concerning the same. Proof of Notice having been read by the Town Clerk, the Public Hearing was called to order by Supervisor Arthur M. Merrill.

No one spoke in favor of the proposal for an amendment to modify the scope and increase in the estimated maximum cost for the Downsville Water District Improvement Project.

No one spoke against of the proposal for an amendment to modify the scope and increase in the estimated maximum cost for the Downsville Water District Improvement Project.

All persons desiring to be heard, having been heard, the Public Hearing was declared closed by Supervisor Merrill at 7:08PM.

Respectfully Submitted:
Julie B. Townsend, Town Clerk



January 27, 2021

A Special Meeting of the Town Board of the Town of Colchester, Delaware County, New York was convened in public session on Wednesday, January 27, 2021 immediately following the Public Hearing at 7:08 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: Alan Donner. ZOOM Attendees: DWD WPO Ron MacDonald.

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

NO. 17-2021 01/27/21

The following resolution and order was offered by Janet Champlin, seconded by Julie Markert:

RESOLUTION REAFFIRMING SEQR NEGATIVE
DECLARATION WITH RESPECT TO THE 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

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"), 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 generally included construction of a new water filtration plant for the existing spring source, at an estimated maximum cost thereof not to exceed \$495,000, including the installation of a new 5,000 gallon raw storage tank and building with an overflow piping, new booster pumps and cartridge filters, reservoir and new tank level control, new flow metering system, relocation of existing chemical feed system and associated piping; and

WHEREAS, the Town Board of the Town of Colchester, as Lead Agency, conducted a review pursuant to Article 8 (State Environmental Quality Review Act-SEQRA) and in accordance with 6 NYCRR Part 617 for the project described below, prepared a Full Environmental Assessment Form, classified the project as an unlisted action under SEQRA, and declared its intent to serve as lead agency in a review of the such action, and further complied with the procedures for a Type I action including circulating its Full EAF to involved and interested agencies; 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

WHEREAS, the Town Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern;

NOW THEREFORE, the Town Board of the Town of Colchester hereby resolves as follows:

1. The Town Board hereby reaffirms its prior SEQRA determination of no significance, and finds that the project, as modified, will not result in any significant adverse environmental impacts and a Draft Environmental Impact Statement will not be prepared.
2. Supervisor Arthur M. Merrill is authorized and directed to sign a reaffirmation of the SEQRA Negative Declaration.
3. The Town Board authorizes and directs the Town Clerk to distribute a copy of this resolution to all interested and involved agencies, the Town Supervisor, and any person that has requested a copy and to make all other filings required by law.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Arthur M. Merrill	VOTING AYE
Janet L. Champlin	VOTING AYE
Gregory L. Lavorgna	VOTING AYE
Julie A. Markert	VOTING AYE
Mark W. Mattson	VOTING AYE

The foregoing resolution was thereupon declared duly adopted.

NO. 18-2021 01/27/21

The following resolution and order was offered by Mark Mattson, seconded by Julie Markert:

RESOLUTION AND ORDER AFTER PUBLIC HEARING, APPROVING AN 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

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 \$463,476; 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

WHEREAS, notice of such public hearing regarding an increase in the estimated maximum amount of the improvements and amendment of project scope was published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 27th day of January, 2021 at 7:00 o'clock p.m. (Prevailing Time) at the Town Hall in the Town, and discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase in maximum amount for the improvement of the facilities;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Colchester as follows:

1. On the basis of the information given at such hearing, it is hereby determined that it is in the public interest to improve the facilities of the District as hereinabove described and referred to at the increased estimated maximum cost of \$601,476;
2. It is hereby ordered that the facilities of the District shall be so improved;
3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Arthur M. Merrill	VOTING AYE
Janet L. Champlin	VOTING AYE
Gregory L. Lavorgna	VOTING AYE
Julie A. Markert	VOTING AYE
Mark W. Mattson	VOTING AYE

The foregoing resolution was thereupon declared duly adopted.

The following resolution was offered by Julie Markert, and was seconded by Greg Lavorgna, to wit;

A RESOLUTION AMENDING AND SUPPLEMENTING BOND RESOLUTION NO. 22-2017 DATED FEBRUARY 21, 2017, AS AMENDED BY SUPPLEMENTAL BOND RESOLUTION NO. 116-2019 DATED OCTOBER 16, 2019, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF COLCHESTER, DELAWARE COUNTY, NEW YORK IN AN ADDITIONAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$138,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE INCREASED COSTS OF IMPROVEMENTS OF FACILITIES OF THE DOWNSVILLE WATER DISTRICT, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

WHEREAS, the Town of Colchester, Delaware County, New York (“Town”) has previously adopted its Bond Resolution No. 22-2017 dated February 21, 2017, as amended by Bond Resolution No. 116-2019 dated October 16, 2019 (as amended, the “Prior Bond Resolution”) authorizing the issuance of serial bonds for improvements to the facilities of the Downsville Water District; and

WHEREAS, the Town has previously entered into a project finance agreement with the New York State Environmental Facilities Corporation providing for \$271,390 in short-term financial assistance through the issuance of the Town’s note entitled “E.F.C. Drinking Water Facility Note – 2019 (Bond Anticipation Note)” dated December 12, 2019, as amended and restated on September 3, 2020; and

WHEREAS, based on the final estimated costs of the project, it is necessary to increase the estimated aggregate maximum cost of such project and the authorized amount of serial bonds by \$138,000, resulting in an increased estimated aggregate principal amount of \$601,476 and to modify the plan of financing accordingly;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Colchester, Delaware County, New York (by the favorable vote of not less than two-thirds of all of the members of the Town Board) as follows:

SECTION 1. Section 1 of the Prior Bond Resolution is hereby amended and supplemented to read as follows:

SECTION 1. The improvements to the facilities of the Downsville Water District, including construction of a new water treatment facility to provide filtration for the existing spring source, together with a raw water tank, and the acquisition and installation of water meters, and including original furnishings, equipment, machinery and apparatus required therefor, is hereby authorized at an increased maximum estimated cost of \$601,476, and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. Section 4 of the Prior Bond Resolution is hereby amended and supplemented by increasing the amount of serial bonds to be issued by an additional \$138,000, said section to read as follows:

SECTION 4. Pursuant to the Bond Resolution adopted October 16, 2019, the Town has previously authorized the issuance of serial bonds of the Town in an aggregate amount not to exceed \$463,476 and has previously issued obligations in the aggregate principal amount of \$272,390. Nothing in this resolution shall be deemed to impair the obligations previously issued pursuant to said bond resolution. The Town plans to finance the additional cost of the purpose described herein by the issuance of serial bonds of the Town in an amount not to exceed \$138,000, for a total authorized amount of \$601,476, hereby authorized to

be issued therefor pursuant to the Local Finance Law. The Town plans to apply available proceeds of a drinking water grant from NYS EFC pursuant to a project financing agreement to pay or repay a portion of the project costs.

SECTION 3. It is hereby determined that the aforesaid purpose constitutes an unlisted action, evaluated as a Type I action, as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 4. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 5. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Reporter, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Arthur M. Merrill	VOTING AYE
Janet L. Champlin	VOTING AYE
Gregory L. Lavorgna	VOTING AYE
Julie A. Markert	VOTING AYE
Mark W. Mattson	VOTING AYE

The foregoing resolution was thereupon declared duly adopted.

Supervisor commented that the increase of \$138,000 with 225 accounts the total increase is around \$20.00 per account per year for 30 years; this should be recouped in having more working meters.

Councilwoman Markert asked if we could discuss the water leak at Dukes. The curb stop/shut off will not turn the water off; it has been crimped but the water is still running. When will this get fixed? Supervisor replied probably not until spring. Councilwoman Markert asked why this was not taken care of when the line for Dollar General was hooked up. Supervisor replied that there are three curb stops at this location (Dollar General, Town Pool and Dukes); when this was done many years ago the “as built” are not all accurate. Board discussed further and agreed that this needs to be addressed; water is still running into basement/crawl space and a furnace is located in this spot.

Councilwoman Champlin inquired about the “white goods” (appliances) at the transfer station; why is an individual taking these appliances for scrap metal, shouldn’t the Town be doing this. Supervisor replied that this has been happening for the last couple of years. Board discussed. Board would like to research this further; maybe get our own dumpster and haul away for scrap metal. Councilman Mattson volunteered to research vendors.

With no further business, Janet Champlin made the motion for adjournment, seconded by Greg Lavorgna, all in favor, motion carried. Meeting adjourned at 7:26 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk