

February 03, 2021

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on Wednesday, February 03, 2021 in the Town Hall for the purpose of hearing the public’s comments upon a proposed local law Adopt Local Law “A LOCAL LAW REPEALING AND REPLACING LOCAL LAW NO. 3 OF THE YEAR 2016 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE”. 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 proposed local law.

No one spoke against of the proposed local law.

All persons desiring to be heard, having been heard, the Public Hearing was declared closed by Supervisor Merrill at 7:07PM.

Respectfully Submitted:
Julie B. Townsend, Town Clerk



February 03, 2021

The Regular Meeting of the Town Board of the Town of Colchester, Delaware County, New York was convened in public session on Wednesday, February 03, 2021 immediately following the Public Hearing at 7:07 PM at the Town Hall.

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| 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: Hwy Supt Kenneth Eck, CEO Thomas Zampolin, DWD WPO Ron MacDonald, Alan Donner and Officer Cawley. ZOOM Attendees: Camille O’Brien-Office of Senator Mike Martucci, Bonnie Seegmiller, Roberta Dunker, Jeremy Jenkusky, Steven Mattson, Dayette Zampolin and Jeff Francisco-Delaware Engineering.

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, January 20, 2021 had been distributed earlier. Greg Lavorgna made the motion to accept the minutes as written, seconded by Janet Champlin, all in favor, motion carried. The minutes of the special meeting, January 27, 2021 had been distributed earlier. Mark Mattson made the motion to accept the minutes as written, seconded by Julie Markert, all in favor, motion carried.

VISITOR COMMENTS: none.

CORRESPONDENCE:

- NYS Dept. of Health- Cooks Falls Water District- Sample schedule for 2021; lists of samples not submitted for 2020; Annual Water Quality Report needs to be to customers by 5/31/2021.
- NYS Dept. of Health- Downsville Water District- Sample schedule for 2021; lists of samples not submitted for 2020; Annual Water Quality Report needs to be to customers by 5/31/2021.

- NYS Homes & Community Renewal- NYS CDBG Project #260HR301-18 Contract Extension Request –Approved until 8/31/2021.
- Pete Savage- Letter of Resignation from Law Enforcement effective February 12, 2021. Greg Lavorgna made the motion to accept the Letter of Resignation from Pete Savage as a Town of Colchester Police Officer effective 2/12/2021 with regret, seconded by Janet Champlin, all in favor, motion carried.

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

- Cooks Falls Water District- January 2021- 24 customers balance due \$1,365.00; Receipts of \$3,005.02 disbursed to Supervisor.
- Downsville Water District- January 21-31, 2021- 75 customers balance due \$6,193.50; Receipts of \$2,564.72 disbursed to Supervisor.
- Town Clerk- January 2021- Total disbursed \$1,196.51 of which \$1,162.51 was Town revenues.
- Police- January 2021 Activity Report.
- Town Justice Edel- January 2021.
- Planning Board- Minutes of December 17, 2020.

Supervisor commented that we need to do a budget amendment for the DWD; we have received our payment request from the NYSEFC for the DWSRF #17537 Project. Board discussed.

NO. 20-2020 02/03/21 Budget Amendment for DWD

Julie Markert made the following resolution:

WHEREAS, the Downsville Water District has made Requisition Number 6 to the New York State Environmental Facilities Corporation in the amount of \$7,191.25 for the DWD DWSRF #17537 Project; and

WHEREAS, the Town of Colchester has received said NYSEFC funds in the amount of \$7,191.25;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to amend the 2020 Budget by increasing the DWD Revenue State Aid/Water Capital Project Fund #3991.08 by \$7,191.25 and increasing the DWD Appropriations Rehabilitation Grant Fund #8668.4.08 by \$7,191.25.

Resolution was seconded by Greg Lavorgna.

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 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 reported that NYCDEP has not contacted our Town Attorney, Nick Cortese regarding the Downsville Water District Hookup Contract.

Supervisor commented that there is nothing new to report on the NYS CDBG Project #260HR301-18 \$500,000 Housing Rehabilitation Program Project.

Supervisor Merrill reported that we are at a standstill on the Downsville Park Paddle Project.

Supervisor reported that Mary Brawley-Fuat has been added to the Police Reform and Reinvention Collaborative Committee; tentative meeting dates have been set; this committee gives the community availability to address their concerns. Officer Cawley commented that the

Governor is requiring all local police departments to have this committee and make a plan; NYS is stating that local police departments have not been trained correctly.

Jeff Francisco of Delaware Engineering reported that he is waiting for the final bill from Richard W. Wakeman Inc. for Contract #TC1-G-2019: Downsville Water System Improvement Project DWSRF #17537.

Supervisor Merrill reported that the Town held a public information meeting tonight, February 03, 2021 regarding a proposed Local Law “A LOCAL LAW REPEALING AND REPLACING LOCAL LAW NO. 3 OF THE YEAR 2016 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE”; at which time no comments were received. The Town of Colchester, as lead Agency, conducted a review pursuant to Article 8 (State Environmental Quality Review Act- SEQRA) and in accordance with 6NYCRR Part 617 for this Unlisted Action, and has prepared a Short Environmental Assessment Form. Janet Champlin made the motion, seconded by Greg Lavorgna that the project scope does not appear to have any adverse environmental impacts based upon Town determination and therefore a negative declaration is hereby declared and hereby authorizes Supervisor Arthur M. Merrill to sign said documents.

This motion 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 Champlin | voting aye |
| Councilperson, Gregory L. Lavorgna | voting aye |
| Councilperson, Julie A. Markert | voting aye |
| Councilperson, Mark W. Mattson | voting aye |

Motion carried and declared to be duly adopted by the members of the Town Board of the Town of Colchester.

NO. 21-2020 02/03/21 Adopting Local Law No. 1-2021

Janet Champlin made the following resolution:

WHEREAS, at its January 20, 2021 regular meeting, the Town Board introduced Proposed Local Law No. 1 of the Year 2021 entitled “A LOCAL LAW REPEALING AND REPLACING LOCAL LAW NO. 3 OF THE YEAR 2016 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE”; and

WHEREAS, the Town Board scheduled a public hearing for February 3rd at 7:00 p.m. for said Proposed Local Law No. 1, which hearing was duly noticed and advertised in the official newspaper of the Town and posted on the Town Clerk’s signboard; and

WHEREAS, said public hearing was held at Colchester Town Hall, 72 Tannery Road, Downsville, New York on the 3rd day of February, 2021 at 7:00 p.m. and all parties in attendance and/or participating via Zoom virtual meeting software, as authorized by the Governor’s Executive Orders, were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act (“SEQRA”), on February 3rd, 2021, the Town Board determined that adoption of the Local Law constitutes an Unlisted Action as defined under said regulations, and after considering the possible environmental impacts of the Local Law, further determined that the adoption of said Local Law will not have a significant adverse impact on the environment and issued a negative declaration for purposes of SEQRA; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of public health, safety and welfare to adopt said Local Law.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby adopts said Proposed Local Law No. 1 of the Year 2021 as Local Law No. 1 of the Year 2021

entitled “A LOCAL LAW REPEALING AND REPLACING LOCAL LAW NO. 3 OF THE YEAR 2016 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE”; and be it further

RESOLVED that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of State; and be it further **RESOLVED** that this resolution will take effect immediately.

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 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 Arthur Merrill read the following resolution and asked for its adoption.

NO. 22-2020 02/03/21 In Memory of Charles W. “Bud” MacDonald

Julie Markert offered the following resolution:

WHEREAS, former Town of Colchester employee Charles W. “Bud” MacDonald passed away on February 02, 2021; and

WHEREAS, he served the Town of Colchester as a Police Officer for 30 years retiring in 1995; and

WHEREAS, he was a diligent and devoted servant to the people of his community;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester and the Citizens of Colchester extend their sympathy to Bud’s family and recognize with sincere appreciation and gratitude his many years of devoted service to this Town and his neighbors.

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.

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. 03-2021 Voucher No.73-98; Totaling \$41,439.59.

Councilman Lavorgna inquired about the new freightliner. Hwy Supt Eck replied that work has been done on this truck and is under warranty; came back to us and is still doing the same thing; truck is working, when better weather comes we will take it back for more warranty work.

Hwy Supt Eck reported that the plow got bent on the Cat Hollow Truck; we repaired the damage and have contacted Del Co DPW that Co Hwy 7 needs a sign “Raise Plow”.

CEO Thomas Zampolin reported that training for the Code Enforcement Officers is being offered online; we can sign someone up once we are ready.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., February 17th –Live and ZOOM at 7PM

Upon the recommendation of the Supervisor, Mark Mattson made the motion to go into executive session to discuss Downsville Water District issues, seconded by Janet Champlin, all in favor, motion carried. Board entered executive session at 7:37 PM. DWD WPO Ron MacDonald was invited to stay. Board held discussion. Janet Champlin made the motion to enter back into regular session, seconded by Mark Mattson, all in favor, motion carried. Board entered regular session at 8:28 PM. Board made no decision forthcoming.

With no further business, Mark Mattson made the motion for adjournment, seconded by Julie Markert, all in favor, motion carried. Meeting adjourned at 8:28 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk