

March 31, 2021

The rescheduled regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, March 31, 2021 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 ZOOM

Recording Secretary: Julie B. Townsend Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Alan Donner, Dan Pinner and Andrew Mattson. ZOOM attendees: Nicholas S. Cortese-Town Attorney, Bonnie Seegmiller and EK.

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, March 03, 2021 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: Town Attorney Nicholas S. Cortese reported that he has responded to the letter dated 02-19-2021 from Attorney Steven A. Weisfeld regarding Round-Up Ranch, LLC (Donald Nuckel, principal) Water Spring Rights.; they are stating that there is no proof of water rights. With the help from Town Clerk, Julie Townsend, a C&G Paralegal and himself, we have found documentation that the Downsville Water Company had these rights from 1926 to 1950; in 1950 the Village of Downsville by Proposition for Dissolution of Village was adopted and a Town Improvement District was established as the Downsville Water District including all water rights; in 1998 Nuckel went to the Planning Board to subdivide 1024.910 acres into 35 lots; Planning Board minutes of 11-12-1998 read "he would like to know more about the location of Downsville Water System as he would consider the possibility of turning property which include the system over to the Town". We have not heard back from his attorney. Board thanked Nick Cortese for all of his work. And Nick Cortese thanked Julie Townsend for all of her work locating documents.

Andrew Mattson stated that he is working on a new snowmobile trail, Park Hill, Downsville to the gas station in Horton; problem areas could be 500feet on roadway including Baxter Mt Road and the Underpass on Old Route 17. Hwy Supt Eck stated that part of Old Route 17 is Delaware County and suggested that he start talking with DPW Commissioner Sue McIntyre. Supervisor Merrill stated that anything designated in the past is still applicable, regarding Town Roads if you are within the state regulations you should be fine and he suggested that you get written releases from all land owners. Mr. Mattson stated that he wanted to get a feel from the Board before going forward. Board discussed further and wished him well in his endeavors.

VISITOR COMMENTS: Alan Donner thank Hwy Supt Eck and his crew for sanding the roads this winter; a job well done.

CORRESPONDENCE:

- NYS Homeland Security and Emergency Services- Received a direct deposit in the amount of \$36,072.47; this is the Federal Share related to the Severe Storms and Flooding declared on November 01, 2018.

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

- Town Justice DeRosia- February 2021.

- Planning Board- Minutes of January 21, 2021.

Supervisor Merrill reported that we have received the final bill from Delaware Engineering for the Downsville Water District Filtration of the Spring System Improvement Project DWSRF #17537; once we receive our reimbursement from EFC will we pay back the \$32,000 loan to the Supervisor's General Account.

Supervisor reported that we are submitting Requisition #7 for the CDBG Project #260HR301-18 Housing Rehabilitation Program Project.

Supervisor Merrill reported that he has spoken with DPW Commissioner Sue McIntyre in regards to Speed Zones; DPW Commissioner has suggested that we do a separate Speed Zone request/resolution for each River Road and Fuller Hill Road/Horton Brook Road; she also suggests that lower to 45mph is a better choice of getting the reduction. Town Board discussed and agreed that they would like to still try to lower to 40mph. Supervisor will start the paper work and bring back to the Board.

Supervisor reported that a Public Hearing was held on March 23rd by the Police Reform and Reinvention Collaborative Committee to hear comments on the NYS Police Reform Committee Report and Plan, now we need to officially adopt the plan. Board discussed. Councilman Lavorgna stated that he has not been here to review the plan, he will abstain from voting. Board thanked the Committee for all of their hard work.

NO. 31-2021 03/31/21 Adoption of the NYS Police Reform Committee Report and Plan for

The Town of Colchester

Janet Champlin made the following resolution:

WHEREAS, the Governor by Executive Order 203 requires all localities to adopt a police reform plan by April 1, 2021 in order to be eligible for future state funding; and

WHEREAS, in accordance with the guidance provided by the state, a plan was developed and a public hearing was held on March 23, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby approves the Police Reform and Reinvention Collaborative Committee Report and hereby adopts said Police Reform Plan presented.

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 L. Champlin	voting aye
Councilperson, Mark W. Mattson	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, Greg L. Lavorgna	abstain

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 a Public Facility Permit to have a Sunrise Service on Easter Morning at the Covered Bridge Park. Board discussed.

NO. 32-2021 03/31/21 Public Facility Permit No.01-2021

Julie Markert made the following resolution:

WHEREAS, Pastor Dora Odarenko on behalf of the Colchester Community United Methodist Church has applied for a Public Facility Permit to use the Covered Bridge Park located at 48 Bridge Street, on Sunday, April 4th from 7:00AM to 7:45AM for Sunrise Service for Easter Morning;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No. 01-2021 to Pastor Dora for the use of the Covered Bridge Park located at 48 Bridge Street, Downsville, NY on April 04, 2021.

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

Supervisor Merrill reported that we have received another application for a Town of Colchester Public Facility Use Permit; Janet Champlin on behalf of the Pepacton Park Committee has submitted an application to use Pepacton Park for eight Farmers' Markets on Saturdays this year. Board discussed.

NO. 33-2021 03/31/21 Public Facility Permit No.02-2021

Mark Mattson made the following resolution:

WHEREAS, Janet Champlin on behalf of the Pepacton Park Committee has applied for a Public Facility Permit to use Pepacton Park located at 15500 State Hwy 30 on eight Saturdays: May 29th, June 5th, June 19th, July 3rd, July 17th, July 31st, August 7th and August 21st, from 9:00AM to 2:00PM for vendors of agricultural producers, antiques, artisans, crafts and for parking;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.02-2021 to the Pepacton Park Committee for the use of Pepacton Park located at 15500 State Hwy 30, Downsville, NY. Resolution was seconded by Julie Markert, Mark Mattson-aye, Greg Lavorgna-aye, Julie Markert -aye, Arthur Merrill-aye, Janet Champlin-abstain, resolution declared adopted.

Supervisor Merrill made the following announcement:

- Next Regular Board Meeting Wed., April 7th at 7PM-Live and ZOOM.

Councilwoman Markert inquired about the bill for the repairs to the Police Vehicle; Supervisor replied that we are paying the full bill and we have received an insurance check less our deductible.

Councilwoman Markert also inquired about the voucher for the Senior Citizens bus trips; total voucher is for \$2,040; thought we budgeted \$2,000. Board discussed and agreed to pay only \$2,000 for their bus trips, they will have to make up the difference.

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. 06-2021 Voucher No.162-163; Totaling \$3,278.79 and Abstract No. 07-2021 Voucher No.164-206; Totaling \$59,339.43.

Councilwoman Markert asked if the Construction Group was still paying for the use of Pepacton Park. Supervisor replied that he has not billed them for 2021. Councilwoman Champlin stated that there is a lot of garbage all over and going into other properties, looks like a mess. Supervisor stated that he will send Delaney a bill through May 2021 and state that they need to clean up the area and vacate the property by the 1st of June as we will be starting the Paddle Park Project soon.

Councilwoman Markert stated that Tommy Markert would like to know when the shut off at Duke's will be dug up and repaired. Supervisor replied he is not sure of a date.

With no further business, Janet Champlin made the motion for adjournment, seconded by Mark Mattson, all in favor, motion carried. Meeting adjourned at 7:38 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk