

May 19, 2021

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on Wednesday, May 19, 2021 at 7:00PM in the Town Hall for the purpose of hearing the public's comments upon a proposed local law Adopt Local Law "A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE TOWN SUPERINTENDENT OF HIGHWAYS FROM TWO YEARS TO FOUR YEARS". 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 7:04PM.

Respectfully Submitted:
Julie B. Townsend, Town Clerk

.....

May 19, 2021

The Regular Meeting of the Town Board of the Town of Colchester, Delaware County, New York was convened in public session on Wednesday, May 19, 2021 immediately following the Public Hearing at 7:05 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: Hwy Supt Kenneth Eck, Dan Pinner, Rob Hafele, and Officer Cawley. ZOOM Attendees: DWD WPO Ron MacDonald, Vicky Klukkert- The Reporter and Bonnie Seegmiller.

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, May 05, 2021 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried.

VISITOR COMMENTS: none.

CORRESPONDENCE:

- Delaware County DPW- Pricing Change for Scrap Tire Disposal effective 5/1/2021 increase of \$67 for a total of \$547.00 per trailer switch.
- Downsville Fire District- In need of a letter of support for CON, Certificate of Need. Supervisor replied that we understand the definition of "Public Need" and fully believe that the DFD satisfies that requirement and the Town of Colchester supports the DFD in its application for a Permanent CON.
- Quality Tractor LLC- Phone Order of a used (600hrs) John Deere 717A/48" deck for \$3,900; Supervisor authorized purchase, mower probably would have been sold if we had not purchased over the phone, check is in tonight's vouchers; Nate Homovich will go pickup the mower on Friday in Chambersburg, PA; new JD cost between \$6,500 to \$9,500.

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

- Police- April 2021 Activity Report.

Supervisor reported that one of the new filtration pumps for the DWD was repaired; we are looking at the warranty to pay for the repair.

Supervisor Merrill reported that we have sent in a request for funds for the NYS CDBG Project #260HR301-18 \$500,000 Housing Rehabilitation Program Project.

Supervisor reported that the permit was approved for the Downsville Park Paddle Project, but now SHIPO is holding it up.

Councilman Lavorgna reported that the mileage for Fuller Hill/Horton Brook Road is 6.7miles.

Supervisor Merrill reported that the Town held a public information meeting tonight, May 19, 2021 regarding a proposed Local Law "A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE TOWN SUPERINTENDENT OF HIGHWAYS FROM TWO YEARS TO FOUR YEARS"; 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. Julie Markert made the motion, seconded by Janet Champlin 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:

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	absent

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

NO. 51-2021 05/19/21 Adopting Local Law No. 2-2021

At a regular meeting of the Town Board of the Town of Colchester, held at Colchester Town Hall, 72 Tannery Road, Downsville, New York on the 19th day of May, 2021, the following resolution was offered by Julie Markert and seconded by Janet Champlin:

WHEREAS, at its May 5, 2021 regular meeting, the Town Board introduced Proposed Local Law No. 2 of the Year 2021 entitled "A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE TOWN SUPERINTENDENT OF HIGHWAYS FROM TWO YEARS TO FOUR YEARS"; and

WHEREAS, the Town Board scheduled a public hearing for May 19th at 7:00 p.m. for said Proposed Local Law No. 2, 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 19th day of May, 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 May 19th, 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. 2 of the Year 2021 as Local Law No. 2 of the Year 2021 entitled “A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE TOWN SUPERINTENDENT OF HIGHWAYS FROM TWO YEARS TO FOUR YEARS”; 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.

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 no
Councilperson, Julie A. Markert	voting aye
Councilperson, Mark W. Mattson	absent

The resolution was declared to be duly adopted by the members of the Town Board of the Town of Colchester.

TOWN OF COLCHESTER, DELAWARE COUNTY, NEW YORK
LOCAL LAW NO. 2 OF THE YEAR 2021
A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE TOWN
SUPERINTENDENT OF HIGHWAYS FROM TWO YEARS TO FOUR YEARS

BE IT ENACTED by the Town Board of the Town of Colchester, as follows:

Section 1. Title.

This Local Law shall be referred to as “Local Law No. 2 of 2021” or “A Local Law Increasing the Term of Office of the Town Superintendent of Highways from Two Years to Four Years.”

Section 2. Purpose and Intent.

The purpose and intent of this Local Law is to permit the Town of Colchester to increase the term of office of the Town Superintendent of Highways from two (2) years to four (4) years.

Section 3. Authority.

This Local Law is enacted pursuant to New York Municipal Home Rule Law § 10 (1) (ii) (a) (1), which expressly allows municipalities to pass local laws regarding the terms of elected local officials.

Section 4. Increase in Term of Office of the Town Superintendent of Highways.

The term of office of the Town of Colchester Superintendent of Highways is hereby increased from two (2) years to four (4) years commencing with the term which begins January 1, 2022.

Section 5. Superseding Intent and Effect.

This Local Law is intended to supersede the portion of New York Town Law § 24, which states that “[a]ll elective officers other than town councilmen, town justices, receivers of taxes and assessors shall hold their respective offices for two years.” Town Law § 24 is hereby superseded to the extent that the term of office for the Town of Colchester Superintendent of Highways shall be four (4) years.

Section 6. Severability

If any section or subsection, paragraph, clause, phrase, or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this Local Law as a whole or any part or provision hereof other than the part so adjudged to be invalid and/or deleted and/or subsequently repealed. The determination by any court of competent jurisdiction that any provisions of this Local Law are unenforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way affect the enforceability or validity of any other provision contained herein.

Section 7. Effective Date

Pursuant to Municipal Home Rule Law § 23 (2) (e), this Local Law is subject to mandatory referendum, and shall be submitted for the approval of the electors at the November 2021 general election. If approved, this Local Law shall take effect upon filing in the office of the New York Secretary Of State.

Supervisor reported that we have received the parade permit for the Memorial Day Parade.

Supervisor Merrill reported that the Auditors have completed the 2020 Annual Audit.

Supervisor explained that a Walton Police Officer fired their gun in Hamden and had their personal gun taken until the investigation was over; this raises an issue; the Town of Colchester's Policy states that we should provide this; our officers use their own gun or one that was provided by another institution; we are suggesting that the Town purchase 4 Glocks 22, two for the two full-time officers and two for the part-time officers; Glocks will be signed out. Board discussed.

NO. 52-2021 05/19/21 Purchase 4 Glock 22 for Police Dept.

Janet Champlin made the following resolution:

WHEREAS, General Municipal Law 103 Subdivision 16 authorizes governments to purchase apparatus, materials, equipment and supplies through the use of contracts let by United States or any agency thereof;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts NYS OGS Contract Group 35200, PC68729 of Am Char Wholesale Inc. of 100 Air Park Dr., Rochester, NY for the purchase of Glock 22 Handguns (GLOGLAWPA225S702) for the price of \$410.32 each;

FURTHER RESOLVED that the Town Board of the Town of Colchester hereby authorizes the purchase of 4 (four) Glock 22 Handguns (GLOGLAWPA225S702) for the total price of \$1,641.28; pending verification of the State Bid.

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

Officer Cawley reported that a company will come in and set up system for expired medications; it is funded by the Government. Board discussed.

NO. 53-2021 05/19/21 MED-Project NY, LLC

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill and/or Officer in Charge Ernest Cawley to sign and file MED-Project Participation Assessment Form to be able to participate in the State of New York's Drug Take Back Program with MED-Project NY, LLC.

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

Supervisor Merrill commented that Thomas Zampolin has stated that he is retiring at the end of the year; we have had a couple of persons interested in the position, do we want to advertise this position. Board discussed. It was stated that the Deputy's salary would be \$20.00per hour. The gentleman from Cooks Falls is also interested in the Water Plant Operator position in CF.

NO. 54-2021 05/19/21 Advertise for Deputy Code Enforcement Officer

Julie Markert made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to advertise for the position of Deputy Code Enforcement Officer, must be a Certified CEO or available for training. Applications are due Tuesday, June 15th.

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

Supervisor reported that an interview was held for another part-time police officer; Tyler is from Margaretville and works for SUNY Delhi; he has also worked for the Towns of Olive and Llyod; we can always use another part-timer. Board discussed.

NO. 55-2021 05/19/21 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.;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby appoints the following certified officer, Tyler M. Croizer of Margaretville, New York, as a Town of Colchester Part-time Police Officer pending submission of all necessary forms at the pay rate of \$21.00 per hour with no benefits

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

Hwy Supt Eck reported that the new 2021 Freightliner has arrived; voucher is in tonight's bills.

Councilwoman Markert asked if there are any regulations for piling garbage on your property; there is a concern in Corbett. Officer Cawley reported that ENCON has stated that you can have a dump on your own property. Supervisor commented that he as Health Officer and Deputy Tom Zampolin will look into it as a health issue.

Officer Cawley reported that he just read the email regarding the new handguns; we need to check the holsters; we may need to purchase new ones.

Councilman Lavorgna inquired if the tax base is regulated by home or business; has gone by a new type of business and did not see a permit. Supervisor commented that CEO Zampolin is aware of the situation.

Councilman Lavorgna reported that he has started looking at stickers for the transfer station; should there be a fee for the stickers? Board discussed and will be discussed further.

Councilwoman Champlin commented that the bank is looking for coins; all banks are. She also commented that there is a Dairy Drive-thru give away tomorrow at 11am at the Firemen's Field.

Supervisor Merrill made the following announcements:

- Town Hall Offices Closed Monday, May 31st Memorial Day
- Next Regular Meeting is Wed., June 2nd - Live and ZOOM at 7PM.
- Grievance Day is Tuesday, June 8th 4-8pm.

SUBMISSION OF BILL/EXPENSES: Greg Lavorgna made the motion, seconded by Janet Champlin, that the vouchers be approved, subject to any corrections or deletions, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried. Abstract No. 11-2021 Voucher No.279-304; Totaling \$323,800.72.

With no further business, Julie Markert made the motion for adjournment, seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried. Meeting adjourned at 7:58 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk