

July 07, 2021

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on Wednesday, July 7, 2021 at 7:00 p.m. at the Colchester Town Hall, 72 Tannery Road, Downsville, NY 13755, regarding the approval of a franchise agreement with Heart of the Catskills Communications, Inc. d/b/a MTC Cable.

Proof of Notice having been read by the Town Clerk, the Public Hearing was called to order by Supervisor Arthur M. Merrill.

Glen Faulkner, General Manager for MTC, Inc. explained that it was time to renew their franchise agreement with the Town of Colchester; the Town's Attorney have revised the agreement and they approve the revisions; renewal term is for ten years. Mr. Faulkner stated that he wanted to make an appearance tonight to the community and see if there were any questions. It was asked if MTC would be extending to the Cooks Falls area? Probably not, as Spectra is in that area. Supervisor commented that we are pleased to have MTC here and providing broadband to our area.

No one spoke in favor of the proposed franchise agreement.

No one spoke against of the proposed franchise agreement

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

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July 07, 2021

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, July 07, 2021 at 7:08PM 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: Kenneth R. Eck, Jr.-Highway Supt., Glen Faulkner & Matt Steen-MTC, Alan Donner, Dan Pinner, Arnold Banker, Ron DuPrey and Mary Brawley Fuat. ZOOM attendees: Nicholas Cortese-Town Attorney, Molly Oliver-FUDR, Tracy Brown-Trout Unlimited 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, June 16, 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: Molly Oliver-Friends of the Upper Delaware River and Tracy Brown-Trout Unlimited gave a presentation by Zoom titled "Town of Colchester Road Stream Crossing Management Plan"; this plan is designed to improve community and ecosystem resiliency by identifying high priority road stream crossing replacement projects (culverts) that reconnect high quality aquatic habitat and improve community flood resiliency and road infrastructure conditions with the Town.

Project Partners include the Town, Friends of the Upper Delaware River, Del. Co. Soil and Water Conservation District, NYSDEC Region 4 and Trout Unlimited. An inventory of all road stream crossings is completed; hydraulic capacity modeling is underway; evaluation of aquatic organism passage is completed; needs to be done is the prioritization of results using multiple objectives and the development of conceptual designs and costs estimates for highest priority projects. Town's timeline: started last summer; modeling now to be completed by fall; design over winter; and be completed by next summer. Over half of the projects are minor. Supervisor reported that some projects were: Horse Brook, Tiffany Hollow, Horton Brook and now Cooks Brook and Fuller Hollow in Gregorytown; Town's match is 25% and that can be in-kind services. Supervisor thanked Molly and Tracy for their presentation.

VISITOR COMMENTS: Ron DuPrey submitted a petition to the Town Board and Highway Dept with 83 signatures: *"We, the residents of Huntley Hollow are petitioning to address a dangerous situation on Huntley Hollow Road, the main access to Huntley Hollow. The southern stretch of road winds through a tight valley. Along side of Huntley Hollow Brook. Some sections are very narrow with blind curves, and receive little or no sun in winter months. In some places there is as little as 24inches of shoulder between the road and a sheer drop off to 6-10feet to the brook below. Any vehicle going over the edge would result in a serious if not fatal outcome. Meeting an oncoming construction vehicle, snow plow, or school bus on one of these blind curves is a harrowing experience, especially in inclement weather. There are currently 65 homes, (15 full time and 50 seasonal), the residents of which, depend on this road for everyday access. We have been fortunate, in that no one to date, has gone off that side of the road, but with the ever-increasing amount of traffic, it is a matter of time. The city has installed guard rails along the section of Huntley Hollow Road to the edge of city property. We need guard rails on the rest of this section of road as soon as possible"*. Hwy Supt Eck reported that we have taken out trees and there was a lot of equipment on the road last year; this fall we will shim (blacktop and level) this road and then install guide rails.

Arnold Banker inquired why his dump privileges was expended? Supervisor replied that his last load was reported to be stinky and full of rodents (rats). Councilman Lavorgna commented that when full loads come in, it fills up the dumpster and no one else can use it. Mr. Banker replied that he packs his truck and usually calls to see if there is room for his load; he inquired to what the Town has done to help with all the extra people coming. Supervisor added that we are on a schedule with the County with pickups on Wednesday and Saturday. Board discussed. Supervisor stated that Mr. Banker's privileges are given back for the time being and see how things work.

CORRESPONDENCE:

- Adirondack-Appalachian Regional Emergency Medical Services Council- Downsville Fire District is seeking to convert its municipal declaratory Certificate of Need ("Muni-CON") to a permanent operating certificate. Written comments should be postmarked by July 9th. Regional Public Hearing is July 16th at 1PM via teleconferencing technology.

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

- Cooks Falls Water District- June 2021- 14 customers balance due \$1,415.; Receipts of \$355.00 disbursed to Supervisor.
- Downsville Water District- June 2021- 33 customers balance due \$4,598.10; Receipts of \$zero disbursed to Supervisor.
- Town Clerk- June 2021- Total disbursed \$2,426.52 of which \$2,358.52 was Town revenues.
- Police- June 2021 Activity Report.
- Town Justice DeRosia- June 2021.
- Town Justice Edel- June 2021.

Supervisor Merrill asked the Board to approve the Franchise Agreement with Heart of the Catskills Communications, INC. Board discussed.

NO. 61-2021 07/07/21 Franchise Agreement with Heart of the Catskills Communications, INC.
d/b/a MTC CABLE

The following resolution was offered by Greg Lavorgna, and seconded by Janet Champlin, as follows:

WHEREAS, Heart of the Catskills Communications, Inc. d/b/a MTC Cable (hereinafter “MTC”), has submitted an application for the approval of a renewal cable television franchise by the Town Board of the Town of Colchester, pursuant to its authority under the Federal Cable Communications Policy Act of 1984, as amended; and

WHEREAS, on July 7, 2021 at 7 p.m., the Town Board of the Town of Colchester held a duly noticed public hearing on said application at the Town Hall; and

WHEREAS, all parties in attendance at said public hearing were permitted an opportunity to speak on behalf of or in opposition to said proposed franchise; and

WHEREAS, the Town Board has used due diligence to investigate and assess the financial, legal and technical ability and character of MTC, and to ascertain the operating record and reputation of the applicant; and

WHEREAS, MTC’s plans for constructing and operating the cable television system were considered and found adequate and feasible by the Town Board to reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and

WHEREAS, the Town Board has determined that, pursuant to 6 NYCRR 617.5 (c) (26), this is a Type II action for the purposes of the State Environmental Quality Review Act (“SEQRA”) and does not require an environmental review.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby approves the Franchise Renewal Agreement with MTC, a copy of which is attached hereto and is on file in the Office of the Town Clerk; and be it further

RESOLVED that the that the Town Supervisor, or his designee, is hereby authorized to execute said Franchise Renewal Agreement together with any other documents necessary to effectuate said Agreement; and be it further

RESOLVED that this resolution shall 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, 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 three projects of the NYS CDBG Project #260HR301-18 Housing Rehabilitation Program Project have been completed and seven projects need to be completed by the deadline of August 31st.

Supervisor Merrill reported that he and the Hwy Supt have been reviewing and talking with funders of the Downsville Park Paddle Project; NYSDEC has stated that we can not have a deck over the water; we may need to pour concrete; still looking at our options; we need approval and hope to start soon.

Supervisor stated that he had placed a bid for the mobile housing unit at \$23,100 (total \$25,294.50); he went over the \$10,000 limit because he felt it was a good deal. Supervisor explained estimates:

disassembling, moving and putting back together	= \$25,000
concrete slab poured by Highway Crew	= 10,000
electric	= 5,000
water & sewer	= 3,000
generator	= 15,000

for a grand total of around \$83,000.; the unit has been there for about 12years; would be good for the Police and possible move the Court there. Councilman Lavorgna stated that the building looks nice and suggests that we should move forward as we can't build for that price. Councilwoman Markert state that we agreed at a limit of \$10,000. Supervisor replied that he made a judgement call; we have ten days to remove our bid. Board discussed further and decided to have a special meeting next Wednesday. Board would like written quotes instead of estimates for this meeting.

NO. 62-2021 07/07/21 Notice of Special Board Meeting

Mark Mattson made the following resolution:

BE IT RESOLVED that NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Colchester will hold a special public meeting to discuss the purchase of a mobile housing unit for the Police Dept. Such special meeting will be held Wednesday, the 14th day of July, 2021 at 1:00PM at the Town Hall, 72 Tannery Road, Downsville, New York and any other business brought forth to the Town Board.

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

Supervisor reported that we received an application to use the Pepacton Park from the Senior Citizens for parking about 15-20 cars from Monday morning, Sept. 13th until Saturday night, Sept. 18th, while they attend a bus trip to Pigeon Forge and Smoky Mountains. Board discussed. Board approved with the stipulation that each car must have a phone number in the windshield for an emergency contact person with keys to be able to move vehicle in case of flooding.

NO. 63-2021 07/07/21 Public Facility Permit No.07-2021

Mark Mattson made the following resolution:

WHEREAS, Alfretta Doig on behalf of the Colchester Senior Citizens has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, from 7:00AM Monday, September 13th to 10:00PM Saturday, September 18th, for parking approximately 20 cars for bus trip Pigeon Forge and Smoky Mountains to see shows;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No. 07-2021 to the Colchester Senior Citizens for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY from Monday, Sept. 13th to Saturday, September 18th, with stipulation that each vehicle with have an emergency contact with keys available for their removal due to flooding.

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

Supervisor Merrill commented if our Planning Board has an issue with an application and they need to refer to Delaware County legal council and fees are involved; the CWC has an Agreement for the Reimbursement of Funds Under the Land Acquisition Local Consultation Program; the Town of Colchester has not signed up for this program. Supervisor suggested that we should sign the agreement and we may be able to get previous fees owed to us. Board discussed.

NO. 64-2021 07/07/21 CWC Agreement for the Reimbursement of Funds Under the Land Acquisition Local Consultation Program

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to sign an Agreement Between the Catskill Watershed Corporation and the Town of Colchester for the Reimbursement of Funds Under the Land Acquisition Local Consultation Program with the effective date upon all signatures and a termination date of January 1, 2026;

FURTHER RESOLVED, in the event that all work hereunder is not completed prior to the termination date, said Agreement shall be extended or renewed once upon mutual agreement of the Parties for an additional five (5) years upon the same terms and conditions.

Resolution was seconded by Greg Lavorgna.

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.

Hwy Supt Ken Eck reported that he would like to add items to the Surplus Inventory:

Truck#119 2016 Freightliner (last year's surplus)

Truck#143 2000 International Dump Truck

1991 Case 621ZF Loader

Police 2016 Ford Explorer

40 units Cooper Lighting 250watt shop lights

Hwy Supt commented that the Town of Walton is interested in the 2016 Freightliner; they are willing to pay \$110,000; this is the truck we placed on Auctions International last year and we declined the bid price of \$83,000; the truck has 52,000miles on it. Board discussed.

NO. 65-2021 07/07/21 2016 Freightliner Dump Truck to Town of Walton

Julie Markert offered the following resolution:

WHEREAS, pursuant to the provisions of Section 142(5) of the Highway Law Town Highway Supt with Board approval may sell any such machinery, tools, implements and equipment, which are no longer needed by the Town;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby approves the sale of a 2016 Freightliner Dump Truck-VIN: 3ALHG3DV5GDGZ9432, as is, to the Town of Walton for the lump sum of \$110,000.00.

Resolution was seconded by Greg Lavorgna.

This resolution was put to a vote by roll call and 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 resolution was declared to be duly adopted by the members of the Town Board of the Town of Colchester.

NO. 66-2021 07/07/21 Surplus Inventory to Auction

Janet Champlin made the following resolution:

WHEREAS, the Town Board of the Town of Colchester has accepted the following as Surplus Inventory:

2016 Ford Explorer 1FM5K8AR8GGD32194

2000 International Dump Truck 1HTGEATR2YH256771

1991 Case 621ZF Loader

40-- Cooper Lighting 250watt shop lights

THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes Supervisor, Arthur M. Merrill to advertise such equipment with Auctions International of 11167 Route20-A, East Aurora, New York, for the next online auction to be held, in the best interest of the Town.

Resolution was seconded by Julie Markert, all in favor, resolution declared adopted.

Supervisor reported that the Town Pool needs a new vacuum; a good unit for \$1,817.72 has been found and the Supervisor will order. We have two more applications for lifeguard and one correction to be made. Councilman Lavorgna asked if we were using badges this year. Supervisor replied not using badges, we have gone back to original procedures. Councilwoman Markert stated that there is a water leak outside the pool fence. Supervisor replied that WPO MacDonald is aware of this. Board discussed.

NO. 67-2021 07/07/21 Appoint Additional 2021 Pool Personnel

Upon the recommendation of Pool Director, Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby hires the following pool personnel at corresponding wages for the 2021 Pool Season contingent on opening:

Mackenzie B. Burnham	Returning Instructor/Lifeguard	\$13.20 per hour
Ava M. Guglielmo	New Lifeguard	\$12.50 per hour
Stephanie A. Foote	New Lifeguard	\$12.50 per hour

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

Supervisor Merrill made the following announcements:

- Free Rabies Clinic Thursday, July 15th 5-6:30pm at 6292 River Road
- Next Regular Meeting is Wed., July 21st - Live and ZOOM at 7PM.

Councilwoman Champlin inquired to the status of the Wedding & Reception discussed last meeting. Town Clerk stated that the person was contacted and asked for a new application. Board discussed further and have agreed that receptions should not be approved, only weddings.

Councilwoman Champlin stated that she saw a voucher in for signs and suggested that we have better signage at the park. Board discussed. Supervisor will contact Kim Reed.

Councilwoman Champlin inquired why the Chamber was closing off the parking lot for their concerts? Supervisor replied that the bands wanted to use the parking lot for their setup as the gazebo does not have enough room. We will talk with them to see if they could share the parking lot for elderly and handicap.

Councilwoman Champlin also inquired if we had a policy regarding horse ties (stone historical markers)? Board discussed. Supervisor suggested to make a list of historical projects.

Councilwoman Markert inquired if we are going to keep doing our meetings live and by Zoom? Supervisor replied that there are people who want us to continue.

SUBMISSION OF BILL/EXPENSES: Janet Champlin 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. 14-2021 Voucher No.356-381; Totaling \$26,900.82.

Upon recommendation of the Supervisor, Janet Champlin made the motion to go into executive session to discuss personnel issues, seconded by Mark Mattson, all in favor, motion carried. Board entered executive session at 8:27 PM. Hwy Supt and Pool Director were invited to stay. Board held discussion. Julie Markert made the motion to enter back into regular session, seconded by Mark Mattson, all in favor, motion carried. Board entered regular session at 9:00 PM. Board made no decision forthcoming.

With no further business, Greg Lavorgna made the motion for adjournment, seconded by Janet Champlin, all in favor, motion carried. Meeting adjourned at 9:00 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk