

October 06, 2021

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, October 06, 2021 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
Julie A. Markert Councilwoman by ZOOM
Mark W. Mattson Councilman
Gregory L. Lavorgna Councilman

Absent: Janet L. Champlin Councilwoman

Recording Secretary: Julie B. Townsend Town Clerk

Others present: Kenneth R. Eck, Jr.-Highway Supt., Alan Donner, Dan Pinner and Officer Cawley.

ZOOM Attendees: Randy Shephard-The Reporter, Bonnie Seegmiller and Ron MacDonald.

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

The minutes of the Public Hearing, 9/15/2021 had been distributed earlier. Mark Mattson made the motion to accept the minutes as written, seconded by Greg Lavorgna, Greg Lavorgna-aye, Julie Markert-aye, Mark Mattson-aye, Arthur Merrill-aye, Janet Champlin-absent, motion carried. The minutes of the last regular meeting, 9/15/2021 had been distributed earlier. Greg Lavorgna made the motion to accept the minutes as written, seconded by Mark Mattson, Greg Lavorgna-aye, Julie Markert-aye, Mark Mattson-aye, Arthur Merrill-aye, Janet Champlin-absent, motion carried.

VISITOR COMMENTS: Andrew Mattson on behalf of the Delaware Valley Ridge Riders Snowmobile Club would like support from the Town Board to Opt Out of Holiday Deer Hunt; DEC Proposes Regulation Allowing Counties to Opt Out of Holiday Deer Hunt; Public Comments on proposed regulation accepted through Nov. 14, 2021; if adopted, it would allow counties to opt out of the recently established end-of-year deer hunt, slated to occur annually between Dec. 26 and Jan. 1; DVRR asking Town Board to discuss with County Board of Supervisors to opt out; this will need to be done each year.

CORRESPONDENCE:

- Del Co. DPW- Clean Sweep- Chemical Disposal Days- October 8th & 9th.
 - NYS Ag & Markets- Dog Control Officer Inspection Report completed on 09/22/2021 rated Satisfactory.
 - Catskill Recreation Center- Cross Mountain Crusher Gravel Ginder on October 23rd.
 - Del Co Planning Dept.- The 8-year reviews for Del Co Agricultural District #3 is beginning; notice needs to be posted.
 - Nicholas J. Tompkins- Letter of Resignation from the Colchester Highway Dept. as of 9/7/21.
 - Steven Mattson- Letter of Resignation from the Colchester Highway Dept.
 - Kenneth R. Young Jr.- Letter of Resignation from the Colchester Highway Dept. as of 10/4/21.
- NO. 97-2021 10/06/21 Letters of Resignation from Hwy Dept

Mark Mattson made the following resolution:

WHEREAS, three Letter of Resignations have been presented to Supervisor Arthur M. Merrill from Nicholas J. Tompkins, Steven Mattson and Kenneth R. Young Jr, all from the Town of Colchester Highway Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts with regret said Letter of Resignation from: Nicholas J. Tompkins as a Town of Colchester HEO effective 9/7/21; Steven Mattson as a Hwy Mechanic effective 8/31/21; and Kenneth R. Young Jr as a Hwy Mechanic/Deputy Hwy Supt effective 10/4/21.

Resolution was seconded by Greg Lavorgna, Greg Lavorgna-aye, Julie Markert-aye, Mark Mattson-aye, Arthur Merrill-aye, Janet Champlin-absent, motion carried.

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

- Cooks Falls Water District- September 2021- 14 customers balance due \$2,195.00; Receipts of \$100.00 disbursed to Supervisor.
- Downsville Water District- September 2021- 23 customers balance due \$; Receipts of \$ disbursed to Supervisor.
- Town Clerk- September 2021- Total disbursed \$ of which \$ was Town revenues.
- Police- September 2021 Activity Report.
- Town Justice DeRosia- September 2021.
- Town Justice Edel- September 2021.
- Planning Board- Minutes of August 19, 2021.

Supervisor reported that we have received the water meter/remote order from Schmidt's Wholesale, Inc. for the Downsville Water District; we need approval to submit to NYSEFC for reimbursement under the Downsville Water System Improvement Project DWSRF #17537. Supervisor added that WPO MacDonald will start installing these next month. Board discussed.

NO. 98-2021 10/06/21 DWSRF 17537 Requisition No.2

Mark Mattson made the following resolution:

WHEREAS, the Town of Colchester had applied for funding for the Downsville Water District Improvement Project, D0-17537; and

WHEREAS, the NYS Environmental Facilities Corporation has approved the aforementioned application; and

WHEREAS, the Town may now request disbursements for project costs; and

WHEREAS, such funds will be automatically deposited in the project account,

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes the Town Supervisor to sign and submit such paperwork as is necessary to receive said funds in the amount of \$49,067.62 for Requisition No.2.

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	absent
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 he is still having difficulty connecting to the NYCDEP Webpage to finalize the Downsville Water District Connection Contract.

Supervisor reported that we are ready to finalize the process for Speed Zones on River Road and Fuller Hill Road/Horton Brook Road; once we adopt resolutions, they will be forwarded to Delaware County DPW Commissioner for her endorsement; then presented to NYSDOT Region No.9 for approval. Board discussed.

NO. 99-2021 10/06/21 Speed Zone for River Road

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby requests that an appropriate speed zone of 40MPH be established on River Road, a Town Highway, between 1 River Road (intersection NYS Hwy 30 at Shinhopple) to the 30MPH speed zone in Corbett, an approximate length of 3.4miles; and

The Corbett 30MPH speed zone to remain the same (30MPH), an approximate length of 1.2miles; and

An appropriate speed zone of 40MPH be established from the end of the Corbett 30MPH (near D'Addezio 4500 River Road) to the 30MPH speed zone near the Colchester Highway Driveway (6292 River Road), an approximate length of 1.7; and

From the 30MPH speed zone near the Colchester Highway Driveway to 6970 River Road (intersection NYS Hwy 30 at Al's Sport Store) to remain the same (30MPH), an approximate length of .7miles, for a total of 7miles.

Resolution was seconded by Greg Lavorgna.

This resolution was put to a vote and resulted as follows:

Town Supervisor, Arthur M. Merrill	voting aye
Councilperson, Janet Champlin	absent
Councilperson, Gregory L. Lavorgna	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, 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. 100-2021 10/06/21 Speed Zone for Horton Brook/Fuller Hill Road

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby requests that an appropriate speed zone of 40MPH be established on Horton Brook/Fuller Hill Road, a Town Highway, between 1 Horton Brook Road (intersection County Hwy 17) to 4046 Horton Brook Road (intersection Fuller Hill Road) an approximate length of 2.4miles; and continue from 1 Fuller Hill Road (intersection Horton Brook Road) to 4141 Fuller Hill Road (intersection River Road) an approximate length of 4.2miles, for a total of 6.6miles.

Resolution was seconded by Mark Mattson.

This resolution was put to a vote and resulted as follows:

Town Supervisor, Arthur M. Merrill	voting aye
Councilperson, Janet Champlin	absent
Councilperson, Gregory L. Lavorgna	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, 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.

Supervisor reported that the electric line has been buried for the Mobile Office Unit; septic is in; deck was taken off to move unit but it could not be saved; starting pad to be poured on Saturday.

Supervisor Merrill reported on amended deadlines for ARPA Reporting: the Treasury has announced that the deadline to file the first Project Expenditure Report for Non-Entitlement Units has been extended from October 31, 2021 until April 30, 2022.

Supervisor reported that the bid opening for Bid Proposal No. 1-21 Fuel was held today at 3PM; we received the following bids from one bidder:

No.2 Heating Fuel

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.3636 per gal.

Mirabito Energy Products- Firm Bid Price of \$3.0802 per gal.

Kerosene

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.3636 per gal.

Mirabito Energy Products- Firm Bid Price of \$3.3802 per gal.

Winter Blend

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.3131 per gal.

Mirabito Energy Products- Firm Bid Price of \$3.1936 per gal.

Diesel Fuel

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.3131 per gal.

Mirabito Energy Products- Firm Bid Price of \$3.0936 per gal.

Propane

Mirabito Energy Products- Jock Albany plus a Firm Differential of \$0.5500 per gal.(Selkirk, NY)

Mirabito Energy Products- Firm Bid Price of \$2.3500 per gal.

Board discussed.

NO. 101-2021 10/06/21 Award Bid Proposal No. 1-21 Fuel

Greg Lavorgna made the following resolution:

WHEREAS, the Town of Colchester had advertised for Bid Proposal No. 1-21 Fuel; and

WHEREAS, on October 06, 2021 the Town received said fuel bid from one bidder; and

WHEREAS, on October 06, 2021 the Town opened said fuel bid from the one bidder;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the bid from Mirabito Energy Products for Bid Proposal No. 1-20 Fuel at a rate of:

No.2 Heating Fuel - Firm Bid Price of \$3.0802 per gal.

Kerosene- Firm Bid Price of \$3.3802 per gal.

Winter Blend - Firm Bid Price of \$3.1936 per gal.

Diesel Fuel- Firm Bid Price of \$3.0936 per gal.

Propane - Firm Bid Price of \$2.3500 per gal.

FURTHER RESOLVED, that the Town Board hereby gives authorization to Supervisor Arthur M. Merrill to enter into contract with Mirabito Energy Products of 49 Court Street, PO Box 5306, Binghamton, New York 13902 for fuel to be delivered at various locations within the Town of Colchester.

Resolution was seconded by Mark Mattson.

This resolution was put to a vote and resulted as follows:

Town Supervisor, Arthur M. Merrill voting aye

Councilperson, Janet Champlin absent

Councilperson, Gregory L. Lavorgna voting aye

Councilperson, Julie A. Markert voting aye

Councilperson, 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

Supervisor Merrill reported that we have more surplus inventory that we would like to go to auction: Police 2014 Ford Taurus; 40- Cooper Lighting 250watt shop lights; and 2014 Husqvarna Lawn Mower. Board discussed.

NO. 102-2021 10/06/21 Surplus Inventory to Auction

Greg Lavorgna made the following resolution:

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

2014 Ford Taurus 1FAHP2MK8EG186056

40-- Cooper Lighting 250watt shop lights

2014 Husqvarna P-ZT48 Zero Turn Lawn Mower

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

Supervisor Merrill reported that the Town Clerk has presented the past due water bills and by law we need to take a resolution to add them to the property tax bills. Town Clerk added that everyone received a notice in their October billing that if not paid by October 31st their past due account would get added to the tax bill. Board discussed.

NO. 103-2021 10/06/21 Delinquent Water Bills Added to Property Taxes

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Supervisor Arthur M. Merrill to submit a list of all delinquent water bills of the Downsville and Cooks Falls Water Districts to the County to be added to the property owners' tax bills for 2022, if these bills are not paid by October 31, 2021.

Resolution was seconded by Greg Lavorgna.

This resolution was put to a vote and resulted as follows:

Town Supervisor, Arthur M. Merrill	voting aye
Councilperson, Janet Champlin	absent
Councilperson, Gregory L. Lavorgna	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, 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.

Supervisor Merrill reported that we need to rescind Resolution NO. 96-2021 dated 09/15/21 titled Hire HEO-in-Training Employees; HEO-in-Training is not on the Civil Service List; to save time and paperwork we can hire the three as Permanent Part-time Highway Laborers and offer them benefits; we can also set our rate of pay. Board discussed.

NO. 104-2021 10/06/21 Hire Permanent Part-time Highway Laborers

Greg Lavorgna made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby rescinds Resolution NO. 96-2021 dated 09/15/21 titled Hire HEO-in-Training Employees;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes the provisional appointments of Dayton R. Frey, Zachary M. Bertholf, and Lance M. Helms as Permanent Part-time Highway Laborers at a pay rate of \$17.55 per hour, effective October 06, 2021, assignments and duties at the discretion of the Highway Superintendent;

FURTHER RESOLVED, the permanent full-time employment of each Dayton R. Frey, Zachary M. Bertholf, and Lance M. Helms is pending upon receiving their CDL license within six months of hire date.

Resolution was seconded by Mark Mattson, all in favor, motion carried.

Supervisor reported that on February 02, 2021, we appointed Ronnie MacDonald to the Board of Assessment Review to fill the vacancy that ended 09-30-2021; Ron has shown interest of staying on this board; the new five-year term is from 10-01-2021 to 09-30-2026. Board discussed.

NO. 105-2021 10/06/21 Appoint Ronnie L. MacDonald to Board of Assessment Review

Upon recommendation from the Supervisor, Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby appoints Ronnie L. MacDonald of Money Point Road, Downsville, New York to the Board of Assessment Review for the term of 10-01-2021 to 09-30-2026.

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

Supervisor Merrill reported that we have received a recommendation from Planning Board Chair Bonnie Seegmiller to appoint James Romaglia as a regular member of the Planning Board to fill the vacancy of the five-year term of late Philip Lavorgna that ends 12/31/2021; James Romaglia will stay on for another five-year term ending 12/31/2026; they do not have a recommendation at this time for the alternate member. Board discussed.

NO. 106-2021 10/06/21 Appoint James Romaglia Regular Member of Planning Board

Upon recommendation of the Planning Board Chair, Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby appoints James Romaglia as a regular member of the Planning Board with the term ending 12-31-2026; resolution is effective immediately.

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

Supervisor Merrill made the following announcements:

- Next Regular Meeting is Wed., October 20th - Live and ZOOM at 7PM.

Officer Ernest Cawley reported that we will not be getting a 2021 Chevy Tahoe, something went wrong with order; they are not making any more 2021 Chevy Tahoe. Officer Cawley submitted a quote from VanBortel for a 2022 Ford Utility Police Interceptor AWD off the State Contract Onondaga Bid#8771-2022; should have vehicle in 18-24 weeks. Board discussed.

NO. 107-2021 10/06/21 Purchase One 2022 Ford Utility Police Interceptor AWD

Greg Lavorgna made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the State Contract Onondaga Bid#8771-2022 of VanBortel Ford, 71 Marsh Road, East Rochester, New York for 1 (one) 2022 Ford Utility Police Interceptor AWD (3.3L V-6 DI Engine) black in color for the price of \$39,945.39;

FURTHER RESOLVED that the Town Board of the Town of Colchester hereby authorizes the purchase of 1 (one) 2022 Ford Utility Police Interceptor AWD (3.3L V-6 DI Engine) for the price of \$39,945.39.

Resolution was seconded by Mark Mattson.

This resolution was put to a vote and resulted as follows:

Town Supervisor, Arthur M. Merrill	voting aye
Councilperson, Janet Champlin	absent
Councilperson, Gregory L. Lavorgna	voting aye
Councilperson, Julie A. Markert	voting aye
Councilperson, 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.

Town Clerk presented the 2022 Tentative Budget to the Town Board Members. Supervisor reported that our tax cap was around \$58,000. Supervisor went over the Tentative Budget line by line and Board discussed items.

General Fund Appropriations Increase of 200,600:

- Increase of 35,900 for raises and Soc. Sec
- Increase of 10,000 for health & dental insurance
- Increase of 145,000 for equipment & new office building
- Increase of 9,700 in contractual

General Fund Estimated Revenues Adjustments equal zero:

General Fund Unexpended Balance Increase of 150,000

General Fund Total Increase of 50,600 from 2021 Budget.

Highway Fund Appropriations Increase of 79,000:

- Increase of 24,000 for raises
- Increase of 30,000 for health & dental insurance
- Increase of 65,000 Capital Improvements
- Decrease of 40,000 in contractual maintenance & repairs

Highway Fund Estimated Revenues Increase of 79,000:

- Increase of 65,000 from CHIPS
- Increase of 14,000 from other Govt

Highway Fund Total no change from 2021 Budget.

Total of 50,600 increase over 2021 Budget a 2.118% Increase over 2021 Budget.

Supervisor reported that the County DPW is working on the Corbett Bridge; they are looking and making repairs for the future use of the bridge.

SUBMISSION OF BILL/EXPENSES: Mark Mattson made the motion, seconded by Greg Lavorgna, that the vouchers be approved, subject to any corrections or deletions, Greg Lavorgna-aye, Julie Markert-aye, Mark Mattson-aye, Arthur Merrill-aye, Janet Champlin-absent, motion carried. Abstract No. 20-2021 Voucher No.533-570; Totaling \$99,027.86.

Upon recommendation of the Supervisor, Greg Lavorgna made the motion to go into executive session for an update on Teamster Negotiations, seconded by Mark Mattson, Greg Lavorgna-aye, Julie Markert-aye, Mark Mattson-aye, Arthur Merrill-aye, Janet Champlin-absent, motion carried. Councilwoman Markert left the Zoom meeting. Hwy Supt was invited to stay. Board entered executive session at 8:03 PM. Board held discussion. Mark Mattson made the motion to enter back into regular session, seconded by Greg Lavorgna, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, Janet Champlin-absent, motion carried. Board entered regular session at 8:22 PM. Board made the following resolution.

NO. 108-2021 10/06/21 Highway Appointments

Upon recommendation of the Highway Supt, Greg Lavorgna made the following resolution:

BE IT RESOLVED, that as of the pay period starting October 06, 2021, the Town Board of the Town of Colchester hereby approves the following appointments:

- Daniel L. Bennett as Deputy Highway Supt. regular pay plus stipend of \$1.00 per hour
- Jeremy T. Jenkusky as Job Foreman regular pay plus stipend of \$0.50 per hour
- George A. Wright as Highway Mechanic at a pay rate of \$20.65 per hour

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

With no further business, Greg Lavorgna made the motion for adjournment, seconded by Mark Mattson, Greg Lavorgna-aye, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, Janet Champlin-absent, motion carried. Meeting adjourned at 8:25 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk