

December 01, 2021

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, December 01, 2021 at 7:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
Julie A. Markert Councilwoman Entered at 7:10PM
Janet L. Champlin Councilwoman
Gregory L. Lavorgna Councilman by ZOOM
Mark W. Mattson Councilman
Recording Secretary: Julie B. Townsend Town Clerk

Others present: Dan Pinner, Steven Mattson and Officer Cawley. Hwy Supt Kenneth Eck entered at 7:12PM. ZOOM attendees: Councilman Lavorgna, Town Attorney Nicholas Cortese, Jeremy Jenkusky, Dan Bennett, George Wright and TS.

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, November 17, 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, Mark Mattson-aye, Arthur Merrill-aye, Julie Markert-absent, motion carried.

VISITOR COMMENTS: Steven Mattson stated that he has been having problems with an insurance claim since February 2021; he came in and was told by the bookkeeper she didn't have time to deal with it; this claim has since gone to collections; should not be our problem; he feels that it should be the bookkeeper's job, especially with the large increase in pay she was given; has been an annoying problem; we have sent emails that go to one person, then another and another. Supervisor replied that the Town is responsible for providing the insurance and paying for the premiums; because of HIPA we can not get involved with claims; it was probably a coding error by UHS; UHS needs to resubmit the claim; with our insurance there should be no bills.

CORRESPONDENCE:

- NYSDOT- email: Special Use Permit for the 2021 Christmas Parade has been approved; hard copy in the mail.
- NYS Public Service Commission- email: Cabel Renewal Agreement; Petition of the Heart of the Catskills Communications, Inc. dba MTC Cable for Approval of the Renewal of its Franchise with the Town of Colchester, Delaware County; Case Number 21-V-0467.

Councilwoman Julie Markert entered the meeting at 7:10PM.

- Highway Supt. Kenneth Eck has submitted an Affidavit in Support of Motion for Summary Judgement in the Spaeth case.
- NYSDOH- Nuisance Complaint: 2599 Morton Hill Rd vs. 2567 Morton Hill Rd; potable water supply well, Local Health Officer must investigate and file written report to the NYSDOH.
- Justin Mohr- Letter of Resignation as a Town of Colchester Police Officer as of 12/31/2021; appreciates the opportunity that has been given to him over the past two years.

NO.120-2021 12/01/21 Letter of Resignation from Justin Mohr

Julie Markert made the following resolution:

WHEREAS, on December 01, 2021 a Letter of Resignation was presented to Supervisor Arthur M. Merrill from Justin Mohr from the Police Department;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts with regret said Letter of Resignation from Justin Mohr as a Town of Colchester Police Officer effective December 31, 2021.

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

Supervisor Merrill reported that on May 19, 2021 we appointed Tyler M. Croizer as a Part-time Police Officer, Tyler has not reported to work, therefore Supervisor asked the Board to rescind the resolution that hired Tyler Crozier.

NO.121-2021 12/01/21 Rescind Resolution NO.55-2021

Upon recommendation of Supervisor Merrill, Janet Champlin made the following resolution:

WHEREAS, on May 19, 2021 the Town Board of the Town of Colchester adopted Resolution NO. 55-2021 titled Appoint Part-time Police Officer; and

WHEREAS, Tyler M. Croizer has not worked for the Town of Colchester;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby Rescinds Resolution NO. 55-2021 and removes Tyler M. Croizer as a Town of Colchester Police Officer.

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

- Bonnie Seegmiller- Letter of Resignation from the Planning Board and the Assessment Review Board effective December 31, 2021. Supervisor added that the Planning Board will make a recommendation for replacement for the Organizational Meeting.

NO.122-2021 12/01/21 Letter of Resignation from Bonnie Seegmiller

Greg Lavorgna made the following resolution:

WHEREAS, on November 19, 2021 a Letter of Resignation was presented to Supervisor Arthur M. Merrill from Bonnie Seegmiller from the Town of Colchester Planning Board and Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby accepts with regret said Letter of Resignation from Bonnie Seegmiller from the Town of Colchester Planning Board and Board of Assessment Review effective December 31, 2021.

FURTHER RESOLVED, that the Town Board hereby thanks Bonnie for her many years of service to the Town of Colchester.

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

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

- Cooks Falls Water District- November 2021- 6 customers balance due \$300.00; Receipts of \$155.01 disbursed to Supervisor; 13 customers relieved to 2022 County Tax Bill in the amount of \$2,990.00.
- Downsville Water District- November 2021- 17 customers balance due \$1,178.70; Receipts of \$3,811.05 disbursed to Supervisor; 17 customers relieved to 2022 County Tax Bill in the amount of \$7,182.78.
- Town Clerk- November 2021- Total disbursed \$2,950.51 of which \$2,910.51 was Town revenues. 14 delinquent dogs for 2020 and 29 delinquent dogs for Jan-Oct 2021.
- Police- November 2021 Activity Report.
- Planning Board- Minutes of October 21, 2021.

Supervisor Merrill presented a list of DWD non-working meters for the Board to review and recommend. Councilman Mattson commented that we should start with high usage homes first.

Supervisor reported that there was a leak in the CFWD water main; WPO Noma Lacey had called him stating that water was gushing out of the ground; after reviewing, it was a sink hole next to the road on Cooks Falls Road; it was fixed today by Gregg Robinson. Supervisor commented that Brian Ryder had messaged him, that he was interested in operating the CFWD; he is certified and takes care of other water systems. Board discussed. Board agreed that the Supervisor should talk further with Mr. Ryder, he could possibly be a backup for WPO Ron MacDonald.

Supervisor Merrill commented that he has not spoken with CEO Zampolin in regards to the status of moving the mobile office unit.

Supervisor reported that the Teamsters' contract is not settled yet; they would like one more meeting.

Supervisor Merrill reported that we have an issue with someone leaving logs on both sides of Ackerman Acres Road and the Town cannot plow the road properly; Supervisor asked Town Attorney Nicholas Cortese to explain and advise. Town Attorney stated that LL#01-2018 handles parking large vehicles on Town rights-of-way; there is NYS Highway Law #319 that handles obstructions and their removal: the Highway Supt can send a letter to the landowner who is obstructing the town's public highway. Letter states: *PLEASE BE ADVISED that you are hereby ORDERED to immediately remove any and all materials or items of personal property from the right of way, and to keep the right of way clear of any obstructions. PLEASE BE FURTHER ADVISED that if you fail to remove all items from the right of way within 48 hours of the service of this notice, I am authorized pursuant to Section 319 of the New York State Highway Law to remove and dispose of any remaining obstructions. If I am required to take this course of action, the cost of removing and disposing of the items obstructing the right of way will be levied on your property tax bill.*

Supervisor commented that in other areas of the Town, we have made a turn-around spot on dead-end roads; for many years we have had a gentleman's agreement to do so; now a landowner is putting up a fence; Supervisor asked Town Attorney to advise. Town Attorney stated that we may have had an easement agreement; he suggests to talk to the landowner instead of going to get a court order.

Town Attorney commented that he received a phone call, just before Thanksgiving; stating that there was a car accident and the Colchester Police has personal belongings. Supervisor replied that this has been addressed and returned.

Supervisor Merrill made the following announcements:

- Next Regular Meeting is Wed., December 15th - Live and ZOOM at 7PM
- Town Clerk's and Code Enforcement Offices will be Closed Dec. 24th and Dec. 31st.

Councilman Mattson inquired how the new employees were working out? Hwy Supt Eck replied that two new hires were getting ready to take their tests and that Zachary Bertholf passed his test.
NO.123-2021 12/01/21 Hire Zachary M. Bertholf as HEO1

Janet Champlin made the following resolution:

WHEREAS, on October 06, 2021 Zachary M. Bertholf was hired as a Permanent Part-time Highway Laborer; and

WHEREAS on November 15, 2021 Zachary M. Bertholf had received his Commercial Driver License;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby hires Zachary M. Bertholf as a HEO1 provisional for one year, at a pay rate of \$18.55 per hour with benefits, effective November 17, 2021, assignments and duties at the discretion of the Highway Superintendent.

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

Supervisor reported that Sue Bierstine called and she would like to have Harry Triebe construct one of the memorial benches in memory of her parents: John was the Milkman and Doris was a teacher at DCS; she would like to place at the school. Supervisor stated she would have to contact the school, if they did not want the bench there, he suggested by the pool or walking path.

Councilwoman Champlin reported that the Women's Club would like to know if there is anything the pool needs; they would like to make a donation; she suggested a donation of lumber, so that we could lower the sides of the pavilion to help with shade inside the pavilion. Board discussed. It was also suggested that maybe a rolldown shade or awning. Supervisor replied a great idea.

SUBMISSION OF BILL/EXPENSES: Janet Champlin made the motion, seconded by Julie Markert, that the vouchers be approved, subject to any corrections or deletions, all in favor, motion carried. Abstract No. 23-2021 Voucher No.654-678; Totaling \$185,112.82.

Upon recommendation of Supervisor Merrill, Julie Markert made the motion to go into executive session to discuss personnel negotiations, seconded by Janet Champlin, all in favor, motion carried. Hwy Supt Eck was invited to stay. Board entered executive session at 7:35 PM. 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 7:46 PM. Board made no decision forthcoming.

With no further business, Janet Champlin made the motion for adjournment, seconded by Greg Lavorgna all in favor, motion carried. Meeting adjourned at 7:47 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk