

April 18, 2018

A Public Hearing was held by the Town Board of the Town of Colchester, Delaware County, New York on April 18, 2018 at 7 PM at the Colchester Town Hall, 72 Tannery Road, in said Town regarding the proposed Dissolution of the Downsville Lighting District.

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

No one spoke in favor of the proposed Dissolution of the Downsville Lighting District.

No one spoke against of the proposed Dissolution of the Downsville Lighting District.

All persons desiring to be heard, having been heard, Supervisor Arthur M. Merrill declared the Public Hearing closed at 7:07 PM.

Respectfully Submitted:
Julie B. Townsend, Town Clerk

April 18, 2018

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held immediately following the Public Hearing on Wednesday, April 18, 2018 at 7:08 PM at the Town Hall.

Present:	Arthur M. Merrill	Supervisor
	Janet L. Champlin	Councilwoman
	Mark W. Mattson	Councilman
	Julie A. Markert	Councilwoman
	Gregory L. Lavorgna	Councilman
Recording Secretary:	Julie B. Townsend	Town Clerk

Others present: Michael DeGroat-Town Attorney, Melissa Johns-The Reporter, Joan Homovich, Mary Brawley-Faut, Alan Donner and Larry Guglielmo.

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, April 04, 2018 had been distributed earlier. Greg Lavorgna made the motion to accept the minutes as written, seconded by Janet Champlin, all in favor, motion carried.

VISITOR COMMENTS: Joan Homovich asked questions regarding the Walking Bridge over Downs Brook. Supervisor replied that the funds for this project would come from surplus funds; it will be to FEMA standards, with handrails and two feet above flood stage level; discussion of solar lighting has been had including the fitness trail; we have entered into an Engineering Services Contract with Principle Design & Engineering PLLC (Michael O'Reilly); a study will be done if needed.

CORRESPONDENCE:

- Catskill Watershed Corporation- Annual Report for 2017.
- Catskill Watershed Corporation- Stream Cleanup Supplies available- April 13-22 is Earth Day- CWC will provide supplies to groups and individuals who clean up litter and other debris from streambanks in the Catskill-Delaware Watershed and dispose of it properly.

- Kaadirondack will be presenting different health insurance options on Monday, May 21st at 6PM at Town Hall.
- NYS Homeland Security & Emergency Services- Town received a payment in the amount of \$14,242.42 for PW2238 the Holiday Brook Permanent Bridge Project, Remnants of Tropical Storm Lee declared on Sept. 13, 2011.
- CWC- Watershed Currents April 2018 issue.

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

- Tax Collector- As of 3/31/18, 2492 Transactions -Base Tax Total \$7,157,930.98- 86% Paid.
- Police- March 2018.
- Town Justice DeRosia- March 2018.
- Town Justice Edel- March 2018.

Supervisor Merrill reported that there is a voucher in tonight for Delaware Engineering for work done on Downsville Water District Springs Project, DWSRF-17537; we paid one of their vouchers earlier this year and would like authorization to submit Requisition No. 3 in the amount of \$8,486.25. Board discussed.

NO. 37-2018 04/18/18 DWSRF 17537 Requisition No. 3

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester has applied for funding for the Downsville Water District Springs 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 \$8,486.25 for Requisition No.3.

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.

Supervisor reported that it is still not clear if there are funds available through EV Connect for the Clean Energy Communities Program.

Supervisor Merrill explained to the Town Attorney that we have 3 or more quotes coming in for the Town Hall Air Conditioning System; do we still need to bid, we do not have the funds to engineer the project. Town Attorney replied that once we have the quotes with specs then we can bid out the best system.

Town Attorney Michael DeGroat presented a Short Environmental Assessment Form that was completed for the Dissolution of the Downsville Lighting District. Town Attorney stated that the proposed action will not result in any significance adverse environmental impacts, therefore stating a negative declaration. Board discussed.

NO. 38-2018 04/18/18 SEQR Review – Negative Declaration

Mark Mattson made the following resolution:

WHEREAS, the Town Board of the Town of Colchester is proposing the Dissolution of the Downsville Lighting District; and

WHEREAS, the possible environmental impacts of the adoption of this Dissolution have been considered by the Town Board;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester has determined that the adoption of the proposed A Resolution Authorizing the Dissolution of the Downsville Lighting District will not have significant adverse impacts on the environment. 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, 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 read the proposed Resolution Authorizing the Dissolution of the Downsville Lighting District of the Town of Colchester. Board discussed.

NO. 39-2018 04/18/18 A Resolution Authorizing the Dissolution of the Downsville Lighting District of the Town of Colchester Pursuant to §202-C(2) of the Town Law Janet Champlin made the following resolution:

WHEREAS, the Downsville Lighting District of the Town of Colchester is the only Lighting District in the Town of Colchester; and

WHEREAS, the Town of Colchester provides and maintains all other lighting for all other communities in the Town of Colchester as a general town charge pursuant to Section 64(19) of the Town Law; and

WHEREAS, the Downsville Lighting District was created upon the dissolution of the former Village of Downsville and has been in existence for a period in excess of three years, and that no further improvements have been constructed in the district since the establishment thereof, and that there is no indebtedness outstanding or unpaid, incurred to accomplish any of the purposes of said district; and

WHEREAS, certain benefits would accrue to the Town of Colchester with respect to bookkeeping and budgeting with respect to the district, and residents of the district would not bear a disproportionate cost of providing lighting in the communities in the Town of Colchester; and

WHEREAS, a resolution was duly called by the Town Board on February 21st calling a public hearing pursuant to Town Law §202-C(1) for the purpose of considering the proposed dissolution of the Downsville Lighting District and stating all other matters required by Town Law to be so stated specifying Wed., the 18th day of April at 7PM at the Town Hall, 72 Tannery Road, Downsville, New York as the place where said Town Board would meet and consider said matter and to hear all persons interested in the subject thereof, concerning the same, and to take such action therein as is required by law; and

WHEREAS, due notice of the meeting was duly published and posted as required by law; and

WHEREAS, a public hearing was held by the Town Board on Wednesday, April 18, 2018 at 7PM at the Town Hall and all persons desiring to speak either on behalf or in opposition to said proposed consolidation were afforded opportunity to do so; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act), it has been determined by the Town of Colchester that the proposed dissolution of the Downsville Lighting District would not have a significant effect on the environment and could be processed by other applicable government agencies without first regard to SEQRA.

Now, after due deliberation, it is RESOLVED AND DETERMINED:

1. The Notice of Hearing was published and posted as required by law and is otherwise sufficient.
2. It is in the public interest to dissolve the Downsville Lighting District because public benefit will accrue to the Town with respect to bookkeeping and budgeting expenses, and will more fairly allocate the costs of lighting in the Town of Colchester so that the residents of the district would not disproportionately bear the cost of lighting in the communities in the Town of Colchester.
3. The Downsville Lighting District is hereby dissolved and its assets are hereby transferred to the Town of Colchester, and its further costs and expenses shall become a general Town charge.
4. Effective Date as of December 31, 2018.

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 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.

Town Attorney reported that he had spoken with Larry Underwood in regards to the DCSWCD MOU; we can use this as a guide; this is voluntary and we can dissolve agreement within 30days. Town Attorney does not see any issues with the MOU and encourages the Board to cooperate with them on flood issues of the Town and adopt the East Branch Delaware River Stream Corridor Management Plan. Board discussed.

NO. 40-2018 04/18/18 Adoption of the East Branch Delaware River Stream Corridor Management Plan

Greg Lavorgna made the following resolution:

WHEREAS, the Delaware County Soil and Water Conservation District (DCSWCD) and New York City Department of Environmental Protection (NYCDEP) have worked closely with a local Project Advisory Committee, the Town of Colchester and other watershed stakeholders to develop the East Branch Delaware River (EBDR) Stream Corridor Management Plan (SCMP) which takes a science based, long term management approach to the streams in the basin; and

WHEREAS, the Delaware County Board of Supervisors declared lead agency for the adoption of both plans and coordinated the environmental review with the other involved agencies, towns, and villages as a Type 1 action under 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Delaware County Board of Supervisors issued a negative declaration under SEQRA for the adoption of the EBDR SCMP, Resolution No. 206, on October 22nd, 2008; and

WHEREAS, the Delaware County Board of Supervisors have adopted the EBDR SCMP by Resolution No. 207, on October 22nd, 2008; and

WHEREAS, the EBDR SCMP addresses water quality and economic vitality issues as defined by local communities and regional experts; and

WHEREAS, the Town of Colchester has adopted and supports the goals of the Delaware County Action Plan for water resource protection; and

WHEREAS, the Town of Colchester has adopted and supports the goals of the Delaware County All-Hazards Mitigation Plan; and

WHEREAS, the DCSWCD and the Town of Colchester recognize that the EBDR and its tributaries are a key element of the identity of the Pepacton Reservoir watershed; and

WHEREAS, the DCSWCD and the Town of Colchester have worked cooperatively on stream management issues relevant to both public and private interests; and

WHEREAS, the DCSWCD and the Town of Colchester desire to work cooperatively to implement the EBDR SCMP for the common benefit of both parties, protection of the natural resources and the interests of the broader watershed stakeholders;

NOW, THEREFORE, BE IT RESOLVED the Town of Colchester recognizes, and adopts the East Branch Delaware River Stream Corridor Management Plan as a guidance document that can assist the Town and its landowners with addressing long term management of the East Branch watershed in a manner that is consistent with the protection of public and private property, the protection of natural resources, goals and strategies for water quality protection, and economic opportunities as defined in the plan, and in a way that will provide the Town of Colchester, its landowners and visitors with multiple benefits.

Resolution was seconded by Mark Mattson.

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 Merrill signed the MOU with the Del. Co. Soil & Water Conservation District that was adopted last meeting by Resolution NO.33-2018 pending Town Attorney review.

Supervisor commented that he has spoken with NYSDEC to come and look at our gravel deposits and hopefully obtain Maintenance Permits.

Supervisor Merrill reported that the new 2018 Ford Utility Interceptor AWD Police Vehicle was delivered on April 12th; we need to do a budget amendment taking the funds from surplus to the Police equipment line. Board discussed.

NO. 41-2018 04/18/18 Budget Amendment for Police Equipment

Janet Champlin made the following resolution:

WHEREAS, on December 06, 2017 the Town Board of the Town of Colchester adopted Resolution No.109-2017 approving the purchase of a 2018 Ford Utility Interceptor AWD Police Package for the price of \$36,029.80; and

WHEREAS, said police vehicle was delivered on April 12, 2018; and

WHEREAS, the new police vehicle will need a dash mount (\$579), computer and installation from KJBL (\$5,241.35) and police decals (\$150) for an additional estimated total of \$5,970.35; and

WHEREAS, said purchases were approved to come out of surplus funds;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to amend the 2018 Budget by increasing the General Unclassified Revenue Fund #2770.1 by \$42,000.00 and increasing the General Appropriations Police Equipment Line #3120.2 by \$42,000.00.

Resolution was seconded by Mark Mattson.

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 submitted State Bids for a Chevy and Ford one-ton four-door truck for the Cemetery Dept.; we will set up with a plow for just emergency situations; gasoline engine; coming out of surplus funds; if ordered tomorrow delivery will be in August 2018. Board discussed.

NO. 42-2018 04/18/18 2018 3500Chevrolet Dump Truck

Julie Markert 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 the Bid Reference NY Thruway CT-16017 Piggy Back Contract Trucks & Truck Equipment of Robert Green Truck Division for a 2018 3500 Chevrolet Dump Truck for the price of \$55,907.50 for the use of the Town Cemetery Crew.

Resolution was seconded by Janet Champlin.

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 Merrill reported that he received an email from Pio Deroda asking for permission to borrow four wood eagle chainsaw sculptures from April 19th to May 8th to be displayed in the windows of the Green Gallery located at 92 Partition Street, Saugerties, NY; April 28th is International Sculpture Day and the Village of Saugerties is doing a town wide display; she would like to bring attention to Catskill local art and Downsville; the eagles will be labeled on loan from the Town of Colchester. Board discussed.

NO. 43-2018 04/18/18 Artwork Loan Agreement

Julie Markert made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to enter into an Artwork Loan Agreement with Pio Deroda of the Green Gallery to borrow four wood eagle chainsaw sculptures from April 19th to May 8th to be displayed in the windows of the Green Gallery located at 92 Partition Street, Saugerties, NY for the purpose of International Sculpture Day.

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

Supervisor reported that the Town of Andes would like to purchase Truck #114, a 2012 Freightliner Dump Truck; Town Attorney will draw up an agreement.

Supervisor Merrill reported that Sue McIntyre, Del Co Solid Waste Director, was here for a visit; new regulations from NYSDEC; we already follow them, we can collect batteries and electronics; we are banned from some household waste; products that contain mercury must go to the Clean Sweep Program; price of tires is going up; another new regulation effective 11-04-2020, third party to cover the cost of closing the transfer station; a trust fund or capital reserve fund in the amount of \$20,000-25,000 must be titled for this project.

Supervisor reported that on April 17th several members from the Liberty Chapter of the Nam Knights of American Motorcycle Club presented the Town of Colchester Police Dept., along with Delhi & Deposit Depts., with 12 Self-Help Kits; these self-help kits consist of a tourniquet and a Quik Clot Combat Z Fold bandage and are designed to assist an officer in administering immediate life saving measures while waiting for advanced rescue medical teams in the event of

a traumatic injury; their mission is to honor the memory of American Veterans and Police Officers who have lost their lives in the line of duty, and among other things.

Supervisor Merrill suggested that we place an advertisement for summer help; not sure who is return for the cemetery, highway or pool; we would also like some help at Town Hall Offices. Board discussed.

NO. 44-2018 04/18/18 Seek Applications for Summer Youth Employment

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to advertise for applications for Summer Youth Employment at the Pool, Cemetery, Highway and Town Hall.

Resolution was seconded by Greg Lavorgna, all in favor, resolution declared adopted.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., May 02, 2018 at 7PM

Supervisor also reported that NYCDEP will be meeting with him and DWD Plant Operator Ron MacDonald to discuss the procedure of hooking up DEP with the DWD System.

Councilwoman Markert inquired to the status of Campbell Mountain Road. Supervisor replied that the sink hole is getting worse; Highway Supt. Eck is working on the situation.

Councilwoman Markert also inquired to the status of the electronic sign. Supervisor replied that he is working on it.

SUBMISSION OF BILL/EXPENSES: Janet Champlin made the motion, seconded by Greg Lavorgna, that the vouchers be approved, subject to any corrections or deletions, all in favor, motion carried. Abstract No.71-2018 Voucher No.178-204; Totaling \$93,631.05.

Janet Champlin made the motion to go into executive session to discuss office personnel issues, seconded by Mark Mattson, all in favor, motion carried. Board entered executive session at 8:26 PM. Board held discussion. Janet Champlin made the motion to enter back into regular session, seconded by Greg Lavorgna, all in favor, motion carried. Board entered regular session at 8:55 PM. Board made no decision forthcoming.

With no further business, Julie Markert made the motion for adjournment, seconded by Mark Mattson, all in favor, motion carried. Meeting adjourned at 8:55 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk