

October 17, 2018

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, October 17, 2018 at 7:00 PM at the Town Hall.

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

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Mike Martin-The Reporter, Bonnie Seegmiller, Joan Homovich and Ruth & Gene Wilhowsky.

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, October 03, 2018 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Greg Lavorgna, all in favor, motion carried.

**VISITOR COMMENTS:** Ruth & Gene Wilhowsky of 277 Money Point Road presented complaints and pictures of unsafe conditions of Money Point Road including weeds and lack of maintenance, pot holes, 3 ditches on shoulder, clogged culvert, ice build ups, narrow road and no guiderails; a snow storm on March 7<sup>th</sup> the road did not get plowed until after 4pm; big trucks going up to cell tower, road not wide enough; they inquired to a time line for addressing these problems. Supervisor replied that our roads are on a five-year rotation; we have had a wet year and every shoulder in the Town and County are muddy; there has been a lack of guiderails on Money Point Road for many years and probably will not get them; road cannot be widen; road will get fixed but not immediately; shim this year and oil & stone next year. Highway Supt. Added that the road is on the schedule but because of all the rain, the schedule is behind.

Joan Homovich inquired if permits were needed for outside boilers. Supervisor replied yes, they must apply with CEO Tom Zampolin.

**CORRESPONDENCE:**

- NYSDOT- Access Highway Designations, Delaware County, Town of Colchester: NY206, CR17, and CR26.
- CWC- Watershed Currents October 2018.

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

- Town Justice DeRosia- September 2018.

Supervisor reported that concrete is being poured on Monday for the Cooks Falls Garage Project.

Bonnie Seegmiller reported on the Clean Energy Communities Program/Grant: the charging station should be installed within the next couple of weeks; a Colchester Clean Energy Community page has been set up on Facebook. Supervisor added that MTC will get us and install the pole for the charging station.

Supervisor Merrill reported that Principle Design & Engineering have completed the drawings/design for the Walking Bridge over Downs Brook and have been forwarded to NYSDEC; we will do what we can and then bid out the rest.

Highway Supt. Eck reported that a meeting has been scheduled for Tuesday regarding Tiffany Hollow NFFF Grant- Gregory Hollow Road Culvert Replacement project.

Supervisor reported that the NYCDEP Downsville Water District Contract is at a standstill.

Supervisor Merrill reported that on June 6<sup>th</sup> the Town Board approved moving forward with a CDBG Housing Rehabilitation Project; we held a Public Hearing on August 1<sup>st</sup>; we have been notified that the 2018 CDBG Housing Application Round is now open and the deadline is November 16<sup>th</sup>; procedures have changed and mobile home replacement has their own application, since it would be two applications we are only doing housing rehab. Board discussed.

**NO. 94-2018 10/17/18 Small Cities CDBG Program**

Authorizing the filing of an application for single purpose Small Cities Community Development Block Grant Program this 17<sup>th</sup> day of October, 2018 at a duly called meeting of the Town Council, a quorum being present and voting:

Offered by: Julie Markert and Seconded by: Janet Champlin

**WHEREAS**, the Housing and Community Development Act of 1977, as amended authorizes making federal grant funds to eligible units of government for the purpose of carrying out programs developed so as to give maximum feasible priority to activities which will benefit low and moderate income families or prevent or eliminate slums or blights; and

**WHEREAS**, the Town of Colchester has been invited by the New York State Office of Community Renewal to submit an application for funding for an eligible project or activities which meet the community development needs of the Town; and

**WHEREAS**, the Town Council of the Town of Colchester deems it to be necessary and in the public interest to apply for a single purpose grant program under the New York State Small Cities Community Development program to pursue certain ongoing community development activities relating to housing rehabilitation; and

**WHEREAS**, the Housing and Community Development Act of 1977, as amended, and the New York State Office of Community Renewal require the municipality to give certain assurances with respect to the acceptance of community development funds.

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Colchester as follows:

**SECTION I**

The filing of an application by the Town of Colchester for Small Cities CDBG funds in the amount of \$500,000 and the same be hereby approved.

**SECTION II**

The Town Supervisor, as Chief Executive Officer, is hereby authorized and directed to:

- (a) File said application with the New York State Office of Community Renewal; and
- (b) Serve as the authorized representative of the Town of Colchester in connection with the application and to provide such additional information as may be required.

**SECTION III**

The Governor of New York, the Secretary of HUD, and all and other interested parties be and are hereby assured of full compliance by the Town of Colchester with the assurances attached hereto and made a part hereof.

**SECTION IV**

That upon approval of the Small Cities CDBG funding application, the Town Supervisor be and is hereby authorized and empowered on behalf of the Town of Colchester to execute same.

**SECTION V**

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, 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 we need to post notice before November 1<sup>st</sup> of the Seasonal Limited Use Highways and the Winter Road & Sidewalk Maintenance Public Notice. Highway Supt. Eck stated there were no changes. Board discussed.

NO. 95-2018 10/17/18 Seasonal Limited Use Highways

Janet Champlin made the following resolution:

WHEREAS, pursuant to Section 205-a of the Highway Law which authorizes the Town Highway Superintendent annually before November 1<sup>st</sup> to designate any highway without occupied residences or commercial buildings dependent upon the road access as a "Seasonal Limited Use Highway";

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby accepts the Highway Superintendent's recommendation to designate the following Town of Colchester Highways as Seasonal Limited Use Highways:

- Dry Brook Road
- Hawks Hollow Road
- Berg Brook Road
- Horse Brook Road- from the junction of Rogers Hill Road to Morton Hill Road
- Lower Russell Brook Road- from entrance of Russel Brook Campground northeasterly to said point of abandonment, being 523 feet.
- Upper Russell Brook Road- from its intersection with Morton Hill Road southwesterly to said point of abandonment, being 4,137 feet.
- Murphy Hill Road- from 1407 Murphy Hill Road to the end
- Baxter Mt. Road- from Rosencranse to the end

FURTHERMORE, these highways shall be appropriately posted that snow & ice removal and maintenance may be temporarily discontinued from December 01, 2018 until April 01, 2019. Resolution was seconded by Julie Markert, all in favor, resolution declared adopted.

NO. 96-2018 10/17/18 Winter Road & Sidewalk Maintenance Public Notice

Mark Mattson made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester has hereby approved the Winter Road & Sidewalk Maintenance Public Notice to be posted.

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

#### PUBLIC NOTICE

- It is the Town of Colchester Highway Department's goal to keep Town Highways in a passable condition during the winter months. Any obstructions located in the Town's right-of-way may hinder the ability of snow removal and storage.
- In an attempt to clear roads, drivers try to be careful not to damage any obstruction in the right-of-way; however that is not always possible. Therefore, any damage which may be done to mailboxes and fences while the Town Highway Department is trying to maintain the roads during the winter, will no longer be repaired or replaced by the Town, but will be the owner's expense.
- Vehicles parked on the Town right-of-way are also a hindrance when trying to clear roads of snow. Attempts will be made to contact the owners of such vehicles so they can be removed. However, if the Highway Dept. is unable to reach the owner, or if the vehicle is not removed, the Town will have the vehicle towed, at the owner's expense.
- It is also a violation to plow snow across or shovel snow back into Town Highways when residents clear out their own driveways and/or sidewalks. Be it noted that violators will be prosecuted.

- Reminder to all Town of Colchester Residents, the Town has a Sidewalk Ordinance which states: Snow and ice shall be removed from sidewalks within twelve hours after the snow has stopped falling and that the sidewalk shall be continuously maintained to be kept free of snow and ice.
- Local Law No. 2-1989 states no person, firm, corporation, association or other organization shall commence the construction, enlargement, alteration, improvement of an access road or driveway from private lands to a Town Highway located in the Town of Colchester, without having applied for or obtained a Highway Access Permit from the Town Code Enforcement Officer.

Supervisor reported that Cassie Gales is interested in shoveling snow this winter; Supervisor told her that an application is needed; we should put the word out that we are looking for someone to shovel snow at the Town Hall, bridge on Main Street and the old Eagle Hotel Lot and applications are at Town Hall.

Supervisor Merrill reported that the Town Board held a Health Insurance Workshop on October 4<sup>th</sup> to discuss options for next year; to save money the Town Board agreed to offer the Health Reimbursement Account (HRA) Option Excellus Blue Cross/Blue Shield SimplyBlue-Bronze 4 Health Care Plan; the HRA will be administered by Lifetime Benefit Solutions and to continue with their Health Care Broker, Kaatirondack Benefit Planning Inc. Board discussed.

NO. 97-2018 10/17/18 Excellus BC/BS Health Care Contract

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby offers the Health Reimbursement Account (HRA) Option Excellus Blue Cross/Blue Shield SimplyBlue-Bronze 4 Health Care Plan administered by Lifetime Benefit Solutions for the Year 2019;

BE IT FURTHER RESOLVED, that it is the policy of the Town of Colchester that the Town will pay the full premium cost for full-time employees, with the exception of Members of the Teamsters Local Union No. 713, who contribute 6% of premiums; that the Town will pay for a single person plan for Full-Time Elected Officials, specifically, Town Supervisor, Town Clerk, and Superintendent of Highways; and if an elected official desires to purchase a health care plan through the Town as an elected employee, he/she shall be reimbursed 50% of a single person insurance premium;

FURTHER RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to contact Kaatirondack Benefit Planning Inc. that the Town of Colchester hereby accepts the contract of Health Reimbursement Account (HRA) Option Excellus Blue Cross/Blue Shield SimplyBlue-Bronze 4 Health Care Plan for the Year 2019;

FURTHER RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to setup a new special HRA Health Spending Debit Card Account at Community Bank NA and hereby authorizes Lifetime Benefit Solutions with Electronic Withdrawals.

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, 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 he has tweeted a few numbers on the 2019 Budget; the following changes were made: increased \$10,000 to Playgrounds & Recreation Centers (pool), decreased

\$2,000 to General Hospital & Medical Insurance, decreased \$8,000 to Highway Hospital & Medical Insurance; the total numbers stay the same; we had an increase of 1.89446% which is under the tax cap. Board discussed some items of the budget. Supervisor commented that we need a resolution to set the date for the Budget Hearing. Board discussed.

NO. 98-2018 10/17/18 Budget Public Hearing

Julie Markert made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby gives notice that the preliminary budget of the Town of Colchester, Delaware County, New York for the fiscal year beginning January 01, 2019 has been filed in the office of the Town Clerk of said Town, where it is available for inspection by any interested person during regular office hours. Further notice is hereby given that the Town Board of said Town of Colchester will meet and review said preliminary budget and hold a Public Hearing thereon at 7:00 PM on Wednesday, the 7<sup>th</sup> day of November, 2018 at the Town Hall, 72 Tannery Road, Downsville, New York and that at such hearing any person may be heard in favor or against any item therein contained. And further notice is hereby given pursuant to Section 108 of the Town Law that the following are proposed yearly salaries of the Town Officers of this Town:

Supervisor	\$21,500.00	Town Clerk	\$33,750.00
Councilman (4@)	3,300.00 each	Supt. of Highways	50,000.00
Town Justice (2@)	12,500.00 each	Tax Collector	6,650.00
Assessor-Chairman	11,750.00	Assessors (2@)	5,375.00 each

And further notice is hereby given that the regular monthly meeting of the Town Board will be held immediately following the Preliminary Budget Hearing.

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

Board held discussion on the 2<sup>nd</sup> meeting in November; since it is the day before Thanksgiving and most of our business should be taken care of at the November 7<sup>th</sup> Meeting, Board agreed to cancel the November 21<sup>st</sup> meeting.

NO. 99-2018 10/17/18 Cancel November 21<sup>st</sup> Town Board Meeting

Julie Markert made the following resolution:

WHEREAS, the Town Board Meetings of the Town of Colchester have been scheduled for the first and third Wednesday of each month; and

WHEREAS, the third Wednesday in November 2018 is the day before a holiday, Thanksgiving Day and many will be preparing food or traveling to family events;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester does hereby cancels the following meeting date of Wed. November 21, 2018.

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

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., November 7<sup>th</sup> with Budget Hearing at 7PM
- Colchester Historical Society hosting a concert by Ira McIntosh, "Catskill Tales & Tunes" on Sat., Nov. 3<sup>rd</sup> from 7:00PM to approx.. 8:30PM in the Town Hall.
- 2<sup>nd</sup> Phase of Stream Corridor Management Plan Meeting has been scheduled for Wed., October 24<sup>th</sup> at 6PM at the Downsville American Legion.

Supervisor reported that he attended a Water Water Everywhere Conference; they have \$5million to spend and very pro spending in upper region; quarter million dollars being spent on Downs Brook.

Town Attorney Michael DeGroat reported that at the last meeting a discussion of fire hydrants was held; after his research he has determined that the charge should be to the water district

unless a district was formed. Supervisor commented that Joan Homovich has stated that she would donate funds toward the hydrant in front of her house. A fund raisers was suggested.

Town Attorney commented that we need to update our Sexual Harassment Policy; we need to be comparing our policy with NYS Policy.

Highway Supt reported that a meeting is scheduled for Thurs., October 25<sup>th</sup> in Delhi with FEMA to review the August 13-15, 2018 storm event; we have 17 sites that may be FEMA eligible.

Councilwoman Markert inquired if a Town employee could run to Town Council? Supervisor replied no, it would be a conflict of interest.

Councilwoman Markert commented that Don Reynolds has concerns with cemetery runoff. Supervisor replied that it has rained a lot and he believed the problem had been taken care of.

Councilwoman Markert commented that the new digital sign is so bright, especially at night; can it be turned down? Supervisor will contact Colleen Griffith, so see what can be done.

Bonnie Seegmiller commented that Delaware County DPW Commissioner Wayne Reynolds is retiring. Supervisor replied that Sue McIntyre will be appointed as of 01-01-2019.

**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.18-2018 Voucher No.536-566; Totaling \$88,871.81.

With no further business, Janet Champlin made the motion for adjournment, seconded by Mark Mattson, all in favor, motion carried. Meeting adjourned at 8:23 PM.

Respectfully Submitted:

Julie B. Townsend  
Town Clerk