

February 19, 2020

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, February 19, 2020 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, Vicky Klukkert-The Reporter, Bonnie Seegmiller, Alan Donner, Rob Hafele, Mary Brawley-Fuat and Officer Cawley.

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, February 05, 2020 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: none

CORRESPONDENCE:

- NYSDEC- Routine Inspection of the Downsville Dam, a High Hazard Dam, on 2-3-2020.
- MTC- Rate Adjustments effective 04/01/2020.
- NYS Office of the Attorney General- Distribution of Recovery to New York Local Governmental Entities from DRAM Antitrust Litigation; check in the amount of \$33.81.
- Dept. of Watershed Affairs- Delaware County Towns Land Acquisition with pending contracts to date.
- NYSDOH- In the Matter of Findings of Violation against: Downsville Park Pool; Docket No. 20191187 issued January 08, 2020; Modified Fine of \$100.00; entry gate did not self-close; same violation noted in 2015, 2016, 2017, and 2018.

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

- Tax Collector- As of 2/18/20 2083 Transactions -Base Tax Total \$6,693,204.47- 71% Paid.
- Town Justice DeRosia- December 2020.

Supervisor commented that we need to do a budget amendment for the DWD; we have received our payment request from the NYSEFC for the DWSRF #17537 Project. Board discussed.

NO. 17-2020 02/19/20 Budget Amendment for DWD

Greg Lavorgna made the following resolution:

WHEREAS, the Downsville Water District has made Requisition Number 1 to the New York State Environmental Facilities Corporation in the amount of \$7,797.48 for the DWD DWSRF #17537 Project; and

WHEREAS, the Town of Colchester has received said NYSEFC funds in the amount of \$7,797.48;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to amend the 2017 Budget by increasing the DWD Revenue State Aid/Water Capital Project Fund #3991.08 by \$7,797.48 and increasing the DWD Appropriations Rehabilitation Grant Fund #8668.4.08 by \$7,797.48.

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 the Cooks Falls Garage Project is moving along. Councilman Lavorgna stated that he stopped by the other day and Paul G. Ryder III Construction has almost completed the project.

Supervisor reported that he attended a meeting yesterday with NYCDEP Downsville Regional Manager Michael VanderWerff, Delaware Engineering Jeff Francisco and Town Attorney Michael DeGroat regarding the DWD Contract with NYCDEP; Mr. VanderWerff will tweak the contract drafted by our Town Attorney and then he will present to NYCDEP's Attorney to review; slow process and probably will not get hooked-up to the DWD System until next year. Supervisor Merrill reported that he also attended a meeting yesterday with Soil & Water Conservation District regarding the Downs Brook Project; Engineering is completing his documents; Phase 1 of Project should get completed this year.

Supervisor commented that we have all reviewed the Rules of Conduct and Decorum Town Board Meeting Rules that the Town Attorney drafted; we have a proposed resolution to adopt this as a Town Policy; Supervisor asked for discussion and its adoption. Board discussed.

NO. 18-2020 02/19/20      Rules of Conduct and Decorum Town Board Meeting Rules

Janet Champlin offered the following resolution:

WHEREAS, the New York State Open Meeting Law (Article 7, Public Officers Law) gives members of the public the right to attend meetings of public bodies but does not give the public the right to speak or otherwise participate at those meetings, except at public hearings and under other limited circumstances; and

WHEREAS, New York State Town Law authorizes a Town Board to enact reasonable rules and regulations regarding the conduct of public meetings and public hearings conducted by the Town Board, and the New York State Committee on Open Government has agreed that a public body can adopt reasonable rules that treat members of the public equally; and

WHEREAS, the Committee on Open Government has stated that any such rules could serve as a basis for preventing verbal interruptions, shouting or other outbursts, as well as slanderous or obscene language or signs, and that a Town Board could regulate actions of the public attending meetings so as not to interfere with meetings or prevent others in attendance from observing or hearing the deliberative process; and

WHEREAS, a Town Board has a responsibility to insure that everyone has the right to participate in a public hearing and therefore can reasonably limit the length and general nature of public comments to the subject of the public hearing so that a Town Board can consider various points of view; and

WHEREAS, a Town Board can limit other comments from the public at Town Board meetings to a specific time set in the agenda for public participation and comment.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Colchester does hereby adopt the following rules for public participation at meetings of the Town Board:

1. Except for public hearings duly designated as such by action of the Town Board, public participation at meetings of the Town Board shall be limited to the public participation segment of the agenda of Town Board meetings.

2. Public comment, whether during the public participation segment of the Town Board meeting or during a duly designated public hearing, shall be limited to three minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.

3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign in upon entering the room, when such sign-in sheet

is available, indicating his or her intention to speak, which sheet will be used by the Supervisor or the presiding officer to recognize speakers.

4. Any individual wishing to speak during the public participation segment or during a public hearing; when a sign-in sheet is not available, shall raise his or her hand, When recognized by the Supervisor or the presiding officer, the individual must stand and state his or her name and, if appropriate, group affiliation and must state the subject he or she will be addressing.

5. Comments must relate to the purpose of the public hearing or to legitimate town business.

6. The Supervisor or the presiding officer shall act as timekeeper or shall designate another Elected Official as timekeeper.

7. Members of the Town Board, speakers and audience members must observe proper decorum. Any statements made during the meeting or during a public hearing by the Supervisor, members of the Town Board, Town Officials or employees, or members of the general public shall not involve personal, impudent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an Elected Official, a Town Official or employee, or a member of the general public.

8. The Supervisor or the presiding officer shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial, gender, sexual orientation or ethnic slurs directed at the Supervisor, members of the Town Board, Town Officials or employees and members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated.

9. It is inappropriate to utilize a public meeting for the purpose of making political speeches, including threats of political action and the same will not be allowed.

10. Comments by speakers must be addressed to the Town Board. Attendees may not address the Town Board unless recognized by the Supervisor or the presiding officer.

11. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Town Board.

12. Banners, flyers or other signs are not permitted in the meeting room; distribution of flyers in the meeting room is also not permitted.

13. If the Supervisor or the presiding officer fails to enforce the rules set forth above, any member of the Town Board may move to require him or her to do so, and an affirmative vote of a majority of the Town Board shall require him or her to do so. Any decision relating to enforcement of the rules set forth above may be appealed and overturned by a vote of a majority of the Town Board members.

14. Any person who disregards the directives of the Supervisor or the presiding officer in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Town Board disturbs the peace at a meeting and will be barred from further participation and forfeit any balance of time remaining for his or her comments.

15. If a speaker who has violated these rules refuses to step down, the Supervisor or the presiding officer may ask for the individual to be removed from the meeting room and charged with disorderly conduct as per the Penal Law.

16. The above rules shall take effect at the next meeting of the Town Board after the adoption of these rules.

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 effective as of the next meeting of the Town Board.

Supervisor Merrill reported that the security cameras have been installed for the Cooks Falls Court & Hwy Building; he asked Officer Cawley about the next step. Officer Cawley reported that the company has stated that we need a better Wi-Fi hook-up. Supervisor will look into getting a stronger signal. Councilman Lavorgna commented that he is afraid that the location of the cameras on the roof, that if we get a good snow storm, the snow may take the cameras down. Board discussed.

Supervisor reported that Hwy Supt Eck has asked for authorization to order 200ton of road salt for next year's season. Board discussed.

NO. 19-2020 02/19/20 NYS OGS Procurement Services Group Road Salt Contract

Janet Champlin made the following resolution:

BE IT RESOLVED, that the Town Board of the Town of Colchester hereby authorize Highway Supt. Kenneth Eck to sign and file Requirement Letter No. 171 of the NYS Office of General Services to be able to participate in the NYS OGS Procurement Services Group Road Salt Contract for the period of September 01, 2020 to August 31, 2021 for 200ton of road salt. Resolution was seconded by Mark Mattson, all in favor, resolution declared adopted.

Hwy Supt Eck reported that the lighting system at the 6292 River Road Hwy Garage is bad; there are 22 of the 41 lights out; he suggests going to LED and change the whole system; cost about \$100-150 each plus cost of electrician; LED should last 5.7years; if we just change the bulbs it would cost about \$3,000. Board discussed and asked for further research.

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., March 4<sup>th</sup> at 7PM.

Officer Cawley reported that two AEDs were delivered to the Highway Dept., one for the Downsville Garage and one for Cooks Falls Garage; training was also done today.

Councilman Lavorgna commented that Fire Commissioner Houck called him regarding fire hydrants. Supervisor replied that he had spoken with DWD WPO Ron MacDonald and only one hydrant (near Ethel Oberg) is not working and the hydrants were flushed last spring. Councilwoman Champlin commented that Fire Commissioner Houck had recommended that we mark it "Out of Order" so the firemen do not try to use. Supervisor replied that we may try to replace this year.

Councilwoman Markert commented that there is a lot of concern from residents of Corbett with one of the individuals living in Corbett; not sure what can be done. Supervisor replied that a few residents have come and talked with him; we are trying to address the issue; nothing done wrong; he suggests that resident can make a written complaint and give to the police.

**SUBMISSION OF BILL/EXPENSES:** Mark Mattson made the motion, seconded by Janet Champlin, that the vouchers be approved, subject to any corrections or deletions, all in favor, motion carried. Abstract No.04-2020 Voucher No.107-144; Totaling \$302,524.67.

Mark Mattson made the motion to go into executive session to discuss possible litigation and personnel issues, seconded by Greg Lavorgna, all in favor, motion carried. Board entered executive session at 7:36 PM. Town Attorney and Highway Supt. were invited to stay. Board held discussion. Janet Champlin made the motion to enter back into regular session, seconded by Mark Mattson, all in favor, motion carried. Board entered regular session at 8:12 PM. Board made no decision forthcoming.

With no further business, Greg Lavorgna made the motion for adjournment, seconded by Julie Markert, all in favor, motion carried. Meeting adjourned at 8:12 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk