

March 04, 2020

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, March 04, 2020 at 7:00 PM at the Town Hall.

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

Others present: Kenneth R. Eck, Jr.-Highway Supt., Michael DeGroat-Town Attorney, Vicky Klukkert-The Reporter, Jeff Francisco-Delaware Engineering, Bonnie Seegmiller, Alan Donner, Rob Hafele 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 19, 2020 had been distributed earlier. Janet Champlin made the motion to accept the minutes as written, seconded by Julie Markert, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, Greg Lavorgna-absent, motion carried.

**GUESTS:** Jeff Francisco of Delaware Engineering reported that the Supervisor has signed Change Order No. 1 in the amount of \$14,044.00; this was approved by Resolution No.117-2019, when we awarded the bid to Richard W. Wakeman, Inc.; the WMBE needs approval then Wakeman can start work. Supervisor inquired if we should pay the bill to NYSEG for the new set-up for the DWD Filtration Plant. Mr. Francisco stated yes we should pay. Supervisor commented that he will have it ready for next meeting.

**VISITOR COMMENTS:** none.

**CORRESPONDENCE:**

- CWC- Extended Public Comment to March 31<sup>st</sup> for the Draft Catskill Recreation Plan; can be viewed on their website.
- NYSDOT- Notification of upcoming construction projects to repair bridges beginning March 2020; Town of Colchester- BIN 1040440 NYS Route 206 over Wilson Hollow Brook.
- NYSDEC- Released Draft Beaverkill Campground Management Plan Update- March 24<sup>th</sup> Meeting for Public to comment on proposed changes to plan; 6-8PM at Rockland Town Hall.
- Assemblyman Clifford W. Crouch- Bill Number A9936 to the NYS Assembly – Memorandum in Support of Legislation to Act to amend highway law, in relation to designating a portion of the State Highway System as the “Colchester Veterans Memorial Bridge” designated bridge number 1020790; also reached out to Senator Jen Metzger’s office to carry the “same as” bill in the Senate House and she has agreed.
- Catskill Recreation Center- Fifth Annual Cross Mountain Crusher Gravel Grinder being held Sat., April 25<sup>th</sup>; beginning and ending at the CRC in Arkville, going through Margaretville, Andes, Colchester, Hardenburgh, Middletown and Rockland.
- NYS Homeland Security and Emergency Services- FEMA:4397 DR NY PW#146v0 Check-Federal Share-\$59,354.11 and FEMA:4397 DR NY PW#176v0 Check-\$4,583.09.
- Mostert, Manzanero & Scott, LLP- The 2019 AUD has been filed; Report to the Board and General Purpose Financial Statements

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

- Cooks Falls Water District- February 2020- 18 customers balance due \$955.00; Receipts of \$100.00 disbursed to Supervisor.
- Downsville Water District- February 2020- 35 customers balance due \$2,618.38; Receipts of \$2,294.81 disbursed to Supervisor.
- Town Clerk- February 2020- Total disbursed \$1,065 of which \$1,041 was Town revenues.
- Police- February 2020 Activity Report.
- Town Justice DeRosia- February 2020.
- Town Justice Edel- February 2020.

Supervisor asked if there was any questions regarding tonight's vouchers, the bookkeeper would like to come in tonight and process the vouchers. Councilwoman Markert asked if some of the Senior Citizen money could be given to Senior Meals. Supervisor replied yes, that the voucher tonight is for their annual bus trips and we have other funds budgeted in the Programs for Aging.

**SUBMISSION OF BILL/EXPENSES:** Julie Markert made the motion, seconded by Janet Champlin, that the vouchers be approved, subject to any corrections or deletions, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, Greg Lavorgna-absent, motion carried. Abstract No. 05-2020 Voucher No.145-169; Totaling \$94,410.46.

Supervisor Merrill reported that after the recent meeting with NYCDEP, Delaware Engineering, our Town Attorney and himself as DWD, the Town Attorney has drafted an Intermunicipal Agreement; we need authorization to have the Supervisor sign and then it will be forwarded to NYCDEP and their lawyers to tweak some more. Board discussed.

NO. 20-2020 03/04/20 Intermunicipal Agreement between the Town and NYCDEP  
Julie Markert made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Supervisor to sign the Intermunicipal Agreement between the Town of Colchester and New York City Department of Environmental Protection regarding the process and responsibilities of hooking up to the Downsville Water District.

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

Supervisor reported that the Downs Brook is a 4 Phase Project; Phase 1 is the mouth to the pool; get the plans completed then go after the funds to do the project.

Supervisor Merrill reported that Delaware Opportunities has stated that as part of the process for requesting a Conflict of Interest Waiver for the CDBG Program, we need to make a Public Notification; Town Attorney has previously sent a letter stating no Conflict of Interest. Supervisor Arthur M. Merrill read the following notice:

### ***Town of Colchester Public Notification***

*Determination of no conflict of interest in*

*CDBG 260HR301-18*

*The regulations governing the Community Development Block Grant Program require a municipality to request a legal opinion from the Town Attorney regarding any conflict of interest, actual or implied.*

*The Town of Colchester CDBG Housing Rehabilitation Program has received an application from a relative of a Town employee and has requested that Michael P. DeGroat, Town Counsel, provide such a determination after reviewing the facts.*

*The Town has received a letter, advising Arthur Merrill, Town Supervisor of the Town of Colchester, "that this application does not constitute a conflict of interest under the present circumstances."*

*The letter further describes the rationale that the employee's position has no influence on the decision making or awarding of grants, is purely ministerial with respect to the grants and "is not empowered to make any award or otherwise affect the consideration of the Board in approving these applications."*

*This public notification is to be recorded in the minutes of the regularly scheduled Town of Colchester public meeting. A copy of the notification and the recorded minutes will be forwarded to the NY State Homes and Community Renewal Office, Office of Community Renewal, with a request for conflict of interest waiver in accordance with the regulations and procedures outlined in the CDBG Grant Administration Manual.*

Supervisor reported that we have a request for funds and 3 requests to use the parking lot at the old highway garage from the Colchester Senior Citizens for their bus trips. Board discussed.

NO. 21-2020 03/04/20 Colchester Senior Citizens

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Supervisor to issue reimbursement of \$2,000 to the Colchester Senior Citizens to help defray the cost of their bus expenses of the three trips they have planned for 2020.

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

NO. 22-2020 03/04/20 Public Facility Permit No.02-2020

Julie Markert made the following resolution:

WHEREAS, Alfretta Doig on behalf of the Colchester Senior Citizens has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, on Wednesday, June 10<sup>th</sup>, from 8:00AM to 7:00PM for parking approximately 20 cars for bus trip for lunch and entertainment in Silver Birches in Hawley, PA;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No. 02-2020 to the Colchester Senior Citizens for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY on June 10, 2020.

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

NO. 23-2020 03/04/20 Public Facility Permit No.03-2020

Julie Markert made the following resolution:

WHEREAS, Alfretta Doig on behalf of the Colchester Senior Citizens has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, on Wednesday, July 22<sup>nd</sup>, from 8:00AM to 7:00PM for parking approximately 20 cars for bus trip to Skaneateles Lake for a boat ride and lunch;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No. 03-2020 to the Colchester Senior Citizens for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY on July 22, 2020.

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

NO. 24-2020 03/04/20 Public Facility Permit No.04-2020

Janet Champlin made the following resolution:

WHEREAS, Alfretta Doig on behalf of the Colchester Senior Citizens has applied for a Public Facility Permit to use the Pepacton Park located at 15500 State Hwy 30, from 8:00AM Monday, August 31<sup>st</sup> to 7:00PM Saturday, September 5<sup>th</sup>, for parking approximately 20 cars for bus trip Pigeon Forge and Smoky Mountains to see shows;

**THEREFORE BE IT RESOLVED** that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No. 04-2020 to the Colchester Senior Citizens for the use of the Pepacton Park located at 15500 State Hwy 30, Downsville, NY from Monday, August 31<sup>st</sup> to Saturday, September 5<sup>th</sup>.

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

Supervisor Merrill made the following announcements:

- Next Regular Board Meeting Wed., March 18<sup>th</sup> at 7PM

Councilwoman Markert inquired to the status of Dollar General. Town Attorney replied that he has been in contact with their council. Supervisor commented that they are waiting on their inspections; not moving quickly.

Councilwoman Markert commented that there is a film on top of the water; do we know what it is? Supervisor replied that it is probably residue from the chemicals we add to the well water; we have found two leaks and are waiting on delivery of parts; we have been pumping a lot and probably have brought up sediment from the bottom of the well; we test the water all the time. Councilwoman Markert asked how many meters are broken and that we should get them repaired; we also need to train a backup person for the Water Plant Operator. Supervisor replied that about half of the meters or remotes need replacing; we are looking into grant funds for this.

Highway Supt Eck submitted a truck proposal off the Piggy Back Onondaga County Contract #8996 for a 2021 Freightliner; he reported that if we order a truck now, we should get it by November; he would like to purchase another Freightliner to replace Truck #119, a 2016 Freightliner that is used on Campbell Mtn Rd & Jug Tavern Rd. Board discussed.

NO. 25-2020 03/04/20 2021 Freightliner 114SD with Plow and Wing

Janet Champlin 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 Piggy Back Onondaga County Contract #8996 of Tracey Road Equipment for a 2021 Freightliner 114SD with American/Everest Plow and Wing and Everest Stainless Steel Dump Body for the price of \$199,500.00;

**FURTHER RESOLVED** that the Town Board of the Town of Colchester hereby authorizes the purchase of one a 2021 Freightliner 114SD with American/Everest Plow and Wing and Everest Stainless Steel Dump Body for the price of \$199,500.00; pending verification of Piggy Back Onondaga County and/or State Bid.

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

Supervisor Merrill suggested looking into ordering a smaller truck to get here before this winter. Hwy Supt will look into this and will contact Gladstone Insurance Agency to see the status of the 2011 Chevrolet Truck that we have a claim on.

Julie Markert made the motion to go into executive session to possible litigation and personnel issues, seconded by Janet Champlin, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, Greg Lavorgna-absent, motion carried. Board entered executive session at 7:35 PM. Town Attorney and Hwy Supt were invited to stay. Board held discussion. Julie Markert made the motion to enter back into regular session, seconded by Janet Champlin, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, Greg Lavorgna-

absent, motion carried. Board entered regular session at 8:08 PM. Board held discussion and made the flowing resolution.

NO. 26-2020 03/04/20 Pay Increase for Police Officer Ernest Cawley  
Janet Champlin made the following resolution:

WHEREAS to be in a more competitive position with other law enforcement agencies;

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to increase the Sr. Full-time Police Officer hourly wage by \$1.00 (one dollar) per hour making Officer Ernest Cawley's hourly wage of \$25.90 plus Officer in Charge stipend of \$0.50 per hour for a grand total of \$26.40 effective the next payroll period of March 11, 2020.

FURTHER RESOLVED, it was agreed the base hourly wage will be increased by an additional \$1.00 (one dollar) in 2021 and an additional \$1.00 (one dollar) in 2022; these will be base rate increases and will not be affected by any annual hourly increases.

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

With no further business, Janet Champlin made the motion for adjournment, seconded by Julie Markert, Janet Champlin-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, Greg Lavorgna-absent, motion carried. Meeting adjourned at 8:09 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk