

May 06, 2020

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, May 06, 2020 at 7:00 PM via a Zoom Meeting due to the Corona Virus Pandemic; notice was posted on Facebook, on the Colchester Community page.

Supervisor did a roll call for attendance.

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

Others present: Kenneth Eck- Hwy Supt, Michael DeGroat-Town Attorney, Officer Ernest Cawley, Jeff Francisco-Delaware Engineering, Lillian Browne-The Reporter, Bonnie Seegmiller, Russ Williams, Rob Hafele, Jeremy, R Shaw, Ashley and Diane.

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 15, 2020 had been distributed earlier via email. Janet Champlin made the motion to accept the minutes as written, seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried.

GUESTS: Jeff Francisco of Delaware Engineering reported on the DWD Filtration Project: Wakeman is waiting for a raw water tank; plans to start next week; does the Town have an FCC License for radios, we need to add the water's radio to the license. Supervisor replied yes, we do, for the Hwy & Police; we'll look into the license; trees have been cut down at the site and we had to order a new pump at the well site; we are pumping 24/7; new pump working better.

CORRESPONDENCE:

- NYCDEP- Recreation Boating on the Reservoirs have been postponed.
- AJ Vessey, Colchester Tax Collector- 90% of taxes have been collected.

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

- Cooks Falls Water District- March 2020- 17 customers balance due \$905.00; Receipts of \$50.00 disbursed to Supervisor; April 2020- 66 customers balance due \$4,295.00; Receipts of \$850.00 disbursed to Supervisor.
- Downsville Water District- March 2020- 24 customers balance due \$1,782.78; Receipts of \$835.60 disbursed to Supervisor; April 2020- 191 customers balance due \$31,077.52; Receipts of \$2,535.60 disbursed to Supervisor.
- Town Clerk- March 2020- Total disbursed \$311.00 of which \$284.00 was Town revenues; April 2020- Total disbursed \$2,145.75 of which \$2,129.75 was Town revenues.
- Police- March 2020 and April 2020 Activity Report.

Supervisor Merrill reported on the following:

- Tiffany Hollow/Gregory Hollow Culvert Project- blacktop available next week; paving road next week and then open; guiderails to be installed; Shaw road issue turned over to Town Attorney.
- NYCDEP DWD Contract- under review.
- NYS CDBG Project- construction is allowed with new guidelines.
- Downsville Park Paddle Project- work to start as soon as we can.

Supervisor asked for authorization to sign an agreement with Donald Reynolds. Town Attorney explained that this agreement is for permission to store certain Town Cemetery vehicles, machinery and equipment on a portion of Reynolds' property designated by Tax Map No.358.-1-8.1; Town is responsible for liability insurance. Board discussed.

NO. 30-2020 05/06/20 Reynolds Revocable License Agreement

Greg Lavorgna made the following resolution:

WHEREAS, the Town of Colchester would like to enter into a Revocable License Agreement with Donald Reynolds for permission to store certain Town vehicles, machinery and equipment on a portion of Reynolds' property designated by Tax Map No.358.-1-8.1;

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Revocable License Agreement with Donald Reynolds;

FURTHER RESOLVED, that the Town Board of the Town of Colchester hereby authorizes Supervisor Arthur M. Merrill to sign said agreement.

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

Supervisor Merrill suggested that we adopt a resolution pursuant to General Municipal Law 92 granting additional paid sick leave to employees required to stay home as a COVID-19 containment measure. Board Discussed.

NO. 31-2020 05/06/20 COVID-19 Additional Paid Sick Leave

Janet Champlin made the following resolution:

WHEREAS, the rapid increase in suspected and confirmed cases of COVID-19 is a public health emergency facing all New Yorkers, requiring decisive action to slow and contain the spread thereof; and

WHEREAS, in order to protect the health and safety of all Town of Colchester employees and members of the public with whom they interact, the Town Board may require certain employees to stay home from work as a COVID-19 containment measure; and

WHEREAS, the Town Board desires to alleviate the financial impact to Town employees subject to said containment measures; and

WHEREAS, pursuant to Section 92 of the General Municipal Law, the Town Board of the Town of Colchester is authorized to grant, by resolution, additional paid sick time to its officers or employees and adopt rules and regulations in relation thereto; and

WHEREAS, the Town Board has determined that approval of additional paid sick leave for employees required to stay home from work as a COVID-19 containment measure is a Type II action under the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, specifically, 6NYCRR 617.5 (c) (26), (33) and (42). Thus, no determination of significance regarding its potential environmental impact is required.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Colchester as follows:

1. From the effective date of this Resolution until the expiration date of this Resolution, any Town employee who is available to work, but is directed by the Town Supervisor to stay home from work as a COVID-19 containment measure ("Affected Employee") shall be credited with one (1) additional paid sick leave day for each day the Affected Employee is directed to remain out of work for such purpose.
2. The additional sick leave days provided herein shall accrue to an Affected Employee only to the extent that (a) the Affected employee is unable to work from home; and (b) no other form of COVID-19-related paid leave time is provided by State or Federal law/regulation is available to the Affected Employee between the effective date and the expiration date of this Resolution.
3. This Resolution shall take effective March 18, 2020.
4. This Resolution shall expire once the COVID-19 Containment Measure is no longer needed.

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

Supervisor reported that Mike Frisbee, Commander of the American Legion was inquiring what the American Legion could do for Memorial Day; they would like to have a small group (10) of Veterans gather at the Veterans' Memorial at Paige Cemetery and do a live stream of a memorial service; this will take place on Monday, May 25th.

Supervisor Merrill reported that he was at the County discussing the Regional Guidelines for Re-Opening New York; County can not do on their own, nor can the towns; Delaware County is in the Southern Tier Region; the Center for Disease Control (CDC) has guidelines and has priority industries for re-opening in four phases:

Phase 1- construction; manufacturing and wholesale supply chain; select retail using curbside pickup only; hunting and fishing.

Phase 2- professional services; finance and insurance; retail; administrative support; real estate and rental leasing.

Phase 3- restaurants and food services; hotels and accommodations.

Phase 4- arts, entertainment and recreation; education (fairs, parades, swimming pools).

Supervisor commented that since swimming pools are in Phase 4, what do we do about opening the Town Pool? It takes about two weeks to get the pool ready to open; pool may not open until August or at all; do we want to take applications for lifeguards? We have not received the pool permit application yet; pool main gate needs to self-latch. Board discussed and agreed we should take applications with the understanding that it may not open.

Supervisor reported that we have received an application for summer work at the cemetery from Kailee Young; she worked last year and was a good worker. Board discussed.

NO. 32-2020 05/06/20 Hire Kailee Young as Returning Cemetery Laborer

Greg Lavoragna made the following resolution:

WHEREAS, the Town's Summer/Youth Employment Policy states that youths must be students continuing their education and must be enrolled full-time status and verification of student status is required;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Colchester hereby hires Kailee F. Young as a Returning Seasonal Cemetery Laborer at a pay rate of \$12.25 per hour with no benefits;

FURTHER RESOLVED, that verification of all necessary documents must be completed and filed with the payroll clerk before she will be allowed to start work.

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

Supervisor Merrill had asked the Board to consider giving the full-time employees who have continue to work and not given the option not to work (Cawley, Gavette and Kipp) something extra: money stipend or comp-time. Councilwoman Markert stated that she feels this will cause problems with other employees. Councilwoman Champlin commented that we should do the same as the County did. Board discussed. Supervisor reported that this payroll, the court clerks were given payment in advance, on an average of what they had work previously; hours will be monitored and subtracted from hours worked once they are allowed to return to work.

Highway Supt. Kenneth Eck asked for permission to place Truck #116, #117 and #149 on the next Auctions International online auction; also the fence that was sold last year but never picked up. Board discussed. Town Attorney will research the fence issue.

NO. 33-2020 05/06/20 Surplus Inventory to Auction International

Julie Markert made the following resolution:

WHEREAS, the Town Board of the Town of Colchester has accepted the following as Surplus Inventory:

Truck#116- 2012 Dodge Dump Truck
Truck#117- 2012 Dodge Dump Truck
Truck#149- 2009 GMC Dump Truck
326'x6' Chain Link Fence and 25" Gate

THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes Supervisor, Arthur M. Merrill to advertise such equipment with Auctions International of 11167 Route 20-A, East Aurora, New York, for the next online auction being held, in the best interest of the Town. Resolution was seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, resolution declared adopted.

Hwy Supt Eck asked for permission to use the backhoe at Downsville Central School under a Shared Service Agreement. Board discussed.

NO. 34-2020 05/06/20 DCS Shared Services

Janet Champlin made the following resolution:

WHEREAS, the Town of Colchester and Downsville Central School have a Shared Service Agreement;

THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes Hwy Supt Kenneth Eck to take the Town's backhoe to DCS to complete a project.

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

Officer Ernest Cawley reported that the Justice Department has gone to a new Central Arraignment System with Public Defenders; therefore the police computer will not support this new system. Officer Cawley presented a quote from Dell for an OptiPlex 7470 All-in-One XCTO desktop computer. Board discussed.

NO. 35-2020 05/06/20 Purchase DELL Desktop Computer

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board hereby authorizes Officer Ernest Cawley to purchase one OptiPlex 7470 All-in-One XCTO Desktop Computer from DELL for the purchase price of \$1,114.00.

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

Supervisor Merrill reported that we have received an application for a Town of Colchester Public Facility Use Permit; Janet Champlin on behalf of the Pepacton Park Committee has submitted an application to use Pepacton Park for four Farmers' Markets; they have stated that farmer markets are allowed to operate at this time. Board discussed.

NO. 36-2020 05/06/20 Public Facility Permit No.05-2020

Greg Lavorgna made the following resolution:

WHEREAS, Janet Champlin on behalf of the Pepacton Park Committee has applied for a Public Facility Permit to use Pepacton Park located at 15500 State Hwy 30 on four Saturdays: May 23rd, June 27th, July 25th and August 29th, from 9:00AM to 2:00PM for vendors of agricultural producers, antiques, artisans, crafts and for parking;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes the Town Clerk to issue Public Facility Permit No.05-2020 to the Pepacton Park Committee for the use of Pepacton Park located at 15500 State Hwy 30, Downsville, NY.

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

Councilwoman Markert inquired about leaks of the Downsville Water District. Supervisor replied that one leak has been fixed on Knox near the Doig property; one on Bellows Lanes will be fixed next week; and the one on Downs Avenue near Harley Frey will be fixed soon; years ago there were only a few homes on Downs Avenue, now there are eight or more; a ¾ inch line

was installed then should have been a two inch line. Supervisor added that the water tank is full now with the new pump working properly.

Councilwoman Markert asked about the County Bridge Project on Knox Avenue. Supervisor replied that the project may have been postponed for a year.

Councilman Lavorgna inquired if we could patch the road by the Corbett Bridge? Hwy Supt stated that the bridge is the County's but he will look into it.

Councilman Lavorgna asked about the aerator. Supervisor replied that it has been ordered but not delivered to the cemetery yet.

Councilwoman Champlin stated that Sterling Murphy asked why his water bill was so high for being flat rate. Water Clerk stated that the last water bills included an increase of \$10 for everyone, new flat rate is \$60; their bill is not flat rate, many people living there and has been prorated for many years.

Councilwoman Champlin reported that a woman has been hanging out at the Chamber's Information Booth. Board discussed. It was suggested that the Chamber put up a "No Loitering" sign and the Police should patrol the area.

SUBMISSION OF BILL/EXPENSES: Greg Lavorgna made the motion, seconded by Janet Champlin, that the vouchers be approved, subject to any corrections or deletions, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Mark Mattson-absent, motion carried. Abstract No.09-2020 Voucher No.226-253 \$51,982.38.

Councilwoman Markert stated that the Cemetery Crew like their new mower; works very well.

Town Clerk stated that her office will be closed for the month of May; she will continue to work from home and will re-evaluate things June 1st.

Supervisor Merrill made the following announcement:

- Next Regular Board Meeting Wed., May 20th at 7PM- may also be Zoom Meeting.

Planning Board Chair, Bonnie Seegmiller announced that the next Planning Board Meeting will adhere to new meeting requirements and will meet May 21st.

Town Clerk announced that the Town Assessor has posted his notice for hearing complaints; due to recent events and restrictions concerning the COVID-19 Virus, the tax roll may be reviewed on the Del Co website; Assessor will only take phone calls to discuss assessment; all complaints must be in writing and need to be submitted by June 9th; Board of Assessment Review will meet on June 9th from 4 to 8 pm at Town Hall.

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

Respectfully Submitted:

Julie B. Townsend, Town Clerk