

November 16, 2022

The regular meeting of the Town Board of the Town of Colchester, Delaware County, New York was held on Wednesday, November 16, 2022 at 5:00 PM at the Town Hall.

Present: Arthur M. Merrill Supervisor
Janet L. Champlin Councilwoman
Gregory L. Lavorgna Councilman
Julie A. Markert Councilwoman
Absent: Daniel J. Pinner Councilman
Recording Secretary: Julie B. Townsend Town Clerk
Others present: Kenneth R. Eck, Jr.-Highway Supt., The Reporter-Elizabeth DeFalco 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 Public Hearing of November 02, 2022 and the minutes of the last regular meeting, November 02, 2022 had been distributed earlier. Janet Champlin made the motion to accept both minutes as written, seconded by Greg Lavorgna, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Daniel Pinner-absent, motion carried.

VISITOR COMMENTS: none.

CORRESPONDENCE:

- NYS DOT- Governor's 5-year Capital Program continues the Bridge NY Program at an increased funding level of \$200M per year.

REPORTS- none.

Supervisor Merrill reported that Peter Heimbuecher has installed a few more meters for the Downsville Water System Improvement Project DWSRF #17537 Meters & Installation Project; probably will be done for the winter and start backup in the spring.

Supervisor reported that Scott O'Brien has removed the floor tiles from the Mobile Office Unit; Endwell Rug & Floors is coming tomorrow to preview the building and suggest what we need to do next and then give us an estimate on flooring.

Supervisor Merrill reported that he will be attending a meeting with our Town Attorney and Mike VanderWerff to review the final agreement for NYCDEP hookup to DWD; DEP plans to bid out project in 2023 for Construction in 2024.

Supervisor reported that Town Attorney Nick Cortese has responded to the proposed UTVs, ATVs & ORVs local law: [With respect to this proposal regarding ATVs, the Town can do something about this, but not in the way that it has been proposed. The Vehicle and Traffic Law comprehensively defines what kinds of vehicles can be registered as farm vehicles and what kinds cannot. The VTL basically says that any "motor vehicle" can be registered as a farm vehicle. However \(and I realize this makes no sense\), an ATV is not included in the definition of "motor vehicle", meaning that it cannot be registered as a farm vehicle. Also, because the VTL is a comprehensive statutory framework of general laws, the Town cannot use its Municipal Home Rule power to supersede these VTL provisions. That said, you can pass a local law pursuant to VTL s. 2405 to "designate and post any \[Town\] highway or portion thereof as open for travel by ATVs when in the determination of the governmental agency concerned, it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway."](#) So, whether for farm or recreational use, any of the roads the Town controls can be posted as allowing for ATV travel. The problem with this, of course, is that you do not have the authority to post ATV access on county or state-owned roadways. If

you would like me to put a draft local law together on this subject, I am happy to do that. I would just need a list of Town roads and/or specific portions of Town roads that should be opened to ATVs. If you would like to discuss this further, that is fine too. Just give me a call.

Board discussed. Supervisor suggested that we have a conference call with the Town Attorney including Councilwoman Markert and Officer Cawley.

Supervisor Merrill reported that we received a letter requesting funds for Youth Sports Insurance; last year's insurance bill was processed in January 2022; after further review this insurance bill will cover the winter youth basketball, youth soccer and little league programs and will come due each December. Board agreed and Supervisor submitted a \$617.55 voucher to be paid tonight.

Supervisor suggested to hire Shantel Knorr again for snow shoveling the Town Hall and bridge near post office. Councilwoman Markert asked if we advertised this position. Supervisor replied no, we never have and this was the only application received. Board discussed.

NO.105-2022 11/16/22 Hire Shantel Knorr for Snow Shoveling

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorize the Town Supervisor to hire Shantel M. Knorr to shovel snow off the bridge located at 15105 State Hwy 30, Downsville and Town Hall as needed, by voucher and at the rate of \$11.00 per site per occasion.

Resolution seconded by Julie Markert, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Daniel Pinner-absent, motion carried, resolution declared adopted.

Supervisor Merrill reported that we have received an employment application from Lucas Elmore as a Part-time Police Officer. Board inquired if there was a problem with a Sheriff's Deputy working for another police agency. Supervisor replied that the Delaware County Sheriff's Office has no conflict with Lucas working part-time for the Town of Colchester. Board discussed.

NO.106-2022 11/16/22 Appoint Part-time Police Officer

Greg Lavorgna made the following resolution:

WHEREAS, the Town Board of the Town of Colchester recognizes the need of continuing its Police Dept. for the safety and welfare of its residents; and

WHEREAS, the Town Board of the Town of Colchester recognizes the need of Part-time Police Officers for the future of the Police Dept.;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Colchester hereby appoints the following certified officer, Lucas J. Elmore of 271 Knox Ave, Downsville, New York, as a Town of Colchester Part-time Police Officer pending submission of all necessary forms at the pay rate of \$21.00 per hour with no benefits

Resolution seconded by Julie Markert, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Daniel Pinner-absent, motion carried, resolution declared adopted.

Supervisor reported that Tristan Reed has sent a letter stating that he is a student of Keuka College studying criminal justice; their program requires a 100hour "Field Period" and would love to have a chance to see how the Colchester PD works. Board discussed.

NO.107-2022 11/16/22 Tristan Reed Ride-Along Program

Janet Champlin made the following resolution:

BE IT RESOLVED that the Town Board of the Town of Colchester hereby authorizes Tristan J. Reed to participate in the Town of Colchester Police Department Ride-Along Program, once all necessary paperwork has been completed.

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

Supervisor Merrill made the following announcements:

- Town Hall Offices Closed Thurs, Nov 24th and Fri, Nov 25th Thanksgiving Holiday.
- Town Clerk's Office Closing at 12:30PM on Wed., Nov. 30th.
- Next Regular Meeting is Wed., December 7th at 5PM.

Councilwoman Champlin commented that she recently visited the transfer station; she did not realize that the gates in front of the compactor were so high and that was what we agreed upon; it is very hard to throw bags of garbage over the gates; can see that sometimes the garbage would be thrown all over the place and not into the compactor. Board discussed. Supervisor reported that the 4foot gates are required for the compactor to work and we also installed them for the other compactor; plus, they protect the compactor from damage of vehicles backing into the area; jersey barriers have been on order and will be placed in front of the C&D bin once they arrive.

SUBMISSION OF BILL/EXPENSES: Janet Champlin made the motion, seconded by Greg Lavorgna, that the vouchers be approved, subject to any corrections or deletions, Janet Champlin-aye, Greg Lavorgna-aye, Julie Markert-aye, Arthur Merrill-aye, Daniel Pinner-absent, motion carried. Abstract No. 20-2022 Voucher No.617-653; Totaling \$198,444.75.

Councilwoman Markert inquired if the Supervisor has talked with an Attorney regarding the Corbett Community Corp. Supervisor replied he has not done this yet.

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, Daniel Pinner-absent, motion carried. Meeting adjourned at 5:26 PM.

Respectfully Submitted:

Julie B. Townsend, Town Clerk